
STATUTORY INSTRUMENTS

2016 No. 965

HOUSING, ENGLAND

**The Allocation of Housing and Homelessness
(Eligibility) (England) (Amendment) Regulations 2016**

Made - - - - *29th September 2016*
Laid before Parliament *3rd October 2016*
Coming into force - - *30th October 2016*

The Secretary of State, in exercise of the powers conferred by sections 160ZA(2), 172(4), 185(2) and 215(2) of the Housing Act 1996(1), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 and come into force on 30th October 2016.

(2) These Regulations apply to England only.

Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

2.—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006(2) are amended as follows.

(2) In regulation 2(1) (interpretation) at the appropriate place insert—

““the Human Rights Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom;”.

(3) In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation)—

(a) in paragraph (d) at the end omit “and”;

(b) in paragraph (e)—

(1) 1996 c. 52. Section 160ZA was inserted by section 146 of the Localism Act 2011 (c.20). The functions of the Secretary of State under Parts 6 and 7 of this Act (except sections 186 and 187) are so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), to which there are amendments not relevant to these Regulations and section 17(1) of the Homelessness Act 2002.

(2) S.I. 2006/1294, amended by S.I. 2006/2007, 2006/2527, 2006/3340, 2013/1467 and 2014/435.

- (i) at the beginning insert “Class E -”;
 - (ii) at the end for “.” substitute “; and”; and
- (c) after paragraph (e) insert—
- “(f) Class F – a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted—
 - (i) under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules(3), and
 - (ii) who is not subject to a condition requiring that person to maintain and accommodate himself, and any person dependent upon him, without recourse to public funds.”.
- (4) In regulation 5 (persons subject to immigration control who are eligible for housing assistance)

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- (a) omit paragraph (1)(e);
 - (b) in paragraph (1)(f) at the end for “.” substitute “; and”;
 - (c) after paragraph (1)(f) insert—
 - “(g) Class G – a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted—
 - (i) under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and
 - (ii) who is not subject to a condition requiring that person to maintain and accommodate himself, and any person dependent upon him, without recourse to public funds.”; and
 - (d) omit paragraphs (2) and (3).

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State
Department for Communities and Local
Government

29th September 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument amends the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 ([S.I.2006/1294](#)) (“the 2006 Regulations”) to reflect changes to Appendix FM of the Immigration Rules, being the rules defined in those Regulations as the rules laid down as mentioned in section 3(2) of the Immigration Act 1971. The changes to Appendix FM rendered the application of provisions of the 2006 Regulations at regulations 3(b) and 5(1)(b) out of date. This instrument revokes regulation 5(1)(e) of the 2006 Regulations (and the supporting definitional paragraphs (2) and (3)), to remove provisions that are no longer required relating to certain categories of asylum seekers whose claims for asylum were made before 3 April 2000. It also makes clearer that the class of person described in regulation 3(e) of the 2006 Regulations may be referred to as “Class E”. Regulations 3 and 5 of the 2006 Regulations prescribe the classes of person subject to immigration control who are eligible for an allocation of housing accommodation and for housing assistance respectively.

An impact assessment has not been provided for this instrument as no impact on the private or voluntary sector is foreseen.