

*Draft Regulations laid before Parliament under section 172(2) of the Housing Act 1996, for approval
by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2012 No.

HOUSING, ENGLAND

**The Housing Act 1996 (Additional Preference
for Armed Forces) (England) Regulations 2012**

*Made - - - - - xxxx
Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 166A(7) of the Housing Act 1996⁽¹⁾.

In accordance with section 172(2)⁽²⁾ of the Housing Act 1996 a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 and come into force on the day after the day on which they are made.

Amendment of section 166A(3) of the Housing Act 1996

2. Section 166A(3)⁽³⁾ of the Housing Act 1996 (Allocation in accordance with allocation scheme: England) is amended as follows—

- (a) in the sentence following the end of paragraph (e) (beginning with “The scheme may also be framed”) for “people within this subsection” substitute “people within one or more of paragraphs (a) to (e)”;
- (b) at the end of that sentence, insert—

“The scheme must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more of paragraphs (a) to (e) and who –

(1) 1996 c.52
(2) As amended by the Localism Act s147(1), (6)
(3) As inserted by the Localism Act s147 (1), (4)

- (i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- (ii) formerly served in the regular forces,
- (iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- (iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006(4).".

Signed by authority of the Secretary of State

Minister of State
Department for Communities and Local
Government

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 166A(3) of the Housing Act 1996.

Section 166A of the Housing Act 1996 provides that local housing authorities must have an allocation scheme for determining priorities and the procedure to be followed in allocating housing accommodation. The scheme must be framed so as to give reasonable preference to any applicant who falls within the statutory reasonable preference categories in section 166A(3). Local housing authorities may frame their scheme so as to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs. Under section 166A(7) the Secretary of State has the power to specify further descriptions of people to whom preference is to be given as mentioned in subsection (3) or to amend or repeal any part of subsection (3).

Regulation 2 amends section 166A(3) so that local housing authorities in England must frame their allocation scheme to give additional preference to persons who fall within the reasonable preference categories, have urgent housing needs and who meet one or more of the following criteria: the person is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service; the person formerly served in the regular forces; the person has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service; or the person is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.