



Housing Act 1996

1996 CHAPTER 52

PART VI

ALLOCATION OF HOUSING ACCOMMODATION

Introductory

159 Allocation of housing accommodation.

- (1) A local housing authority shall comply with the provisions of this Part in allocating housing accommodation.
- (2) For the purposes of this Part a local housing authority allocate housing accommodation when they—
 - (a) select a person to be a secure or introductory tenant of housing accommodation held by them,
 - (b) nominate a person to be a secure or introductory tenant of housing accommodation held by another person,^{F1}...
 - (c) nominate a person to be an assured tenant of housing accommodation held by [^{F2}a private registered provider of social housing or] a registered social landlord.
 - [^{F3}(d) select a person to be a tenant under a secure contract or an introductory standard contract of housing accommodation held by them, or
 - (e) nominate a person to be a tenant under a secure contract or an introductory standard contract of housing accommodation held by another person.]
- (3) The reference in subsection (2)(a) to selecting a person to be a secure tenant [^{F4}, and the reference in subsection (2)(d) to selecting a person to be a tenant under a secure contract or an introductory standard contract,] includes deciding to exercise any power to notify an existing tenant or licensee that his tenancy or licence is to be a secure tenancy [^{F5}, a secure contract or an introductory standard contract].
- (4) The references in subsection (2)(b) [^{F6}, (c) and (e)] to nominating a person include nominating a person in pursuance of any arrangements (whether legally enforceable

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or not) to require that housing accommodation, or a specified amount of housing accommodation, is made available to a person or one of a number of persons nominated by the authority.

[^{F7}(4A) Subject to subsection (4B), the provisions of this Part do not apply to an allocation of housing accommodation by a local housing authority in England to a person who is already—

- (a) a secure or introductory tenant, or
- (b) an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord.

(4B) The provisions of this Part apply to an allocation of housing accommodation by a local housing authority in England to a person who falls within subsection (4A)(a) or (b) if—

- (a) the allocation involves a transfer of housing accommodation for that person,
- (b) the application for the transfer is made by that person, and
- (c) the authority is satisfied that the person is to be given reasonable preference under section 166A(3).]

[^{F8}(5) The provisions of this Part do not apply to an allocation of housing accommodation [^{F9}by a local housing authority in Wales] to a person who is already a [^{F10}tenant under a] secure [^{F11}contract] or [^{F12}an introductory standard contract] unless the allocation involves a transfer of housing accommodation for that person and is made on his application.]

(7) Subject to the provisions of this Part, a local housing authority may allocate housing accommodation in such manner as they consider appropriate.

Textual Amendments

- F1** Word in s. 159(2)(b) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **25(12)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 4-7, 19)
- F2** Words in s. 159(2)(c) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 100** (with art. 6, Sch. 3)
- F3** S. 159(2)(d)(e) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **25(12)(b)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 4-7, 19)
- F4** Words in s. 159(3) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **25(12)(c)(i)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 4-7, 19)
- F5** Words in s. 159(3) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **25(12)(c)(ii)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 4-7, 19)
- F6** Words in s. 159(4) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **25(12)(d)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 4-7, 19)
- F7** S. 159(4A)(4B) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), **ss. 145(2)**, 240(2); [S.I. 2012/57](#), art. 4(1)(j) (with arts. 6, 7, 9-11); [S.I. 2012/1463](#), art. 3
- F8** S. 159(5) substituted (27.1.2003 for W. and 31.1.2003 for E.) for s. 159(5)(6) by [2002 c. 7](#), **s. 13** (with s. 20(4)); [S.I. 2002/1736](#), art. 2(2), **Sch. Pt. 2**; [S.I. 2002/3114](#), **art. 3**

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- F9** Words in s. 159(5) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 145(3)**, 240(2); S.I. 2012/57, art. 4(1)(j) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F10** Words in s. 159(5) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **25(12)(e)(i)** (with savings and transitional provisions in S.I. 2022/1172, regs. 4-7, 19)
- F11** Word in s. 159(5) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **25(12)(e)(ii)** (with savings and transitional provisions in S.I. 2022/1172, regs. 4-7, 19)
- F12** Words in s. 159(5) substituted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **25(12)(e)(iii)** (with savings and transitional provisions in S.I. 2022/1172, regs. 4-7, 19)

Modifications etc. (not altering text)

- C1** Pt. VI modified (1.12.2014 for specified purposes, 1.2.2016 for E. in so far as not already in force) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 3 para. 2(2)**; S.I. 2014/2771, art. 6(1)(m); S.I. 2016/11, art. 2(m)
- C2** S. 159(4A) excluded (1.12.2014 for specified purposes, 1.2.2016 for E. in so far as not already in force) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 3 para. 2(2)**; S.I. 2014/2771, art. 6(1)(m); S.I. 2016/11, art. 2(m)

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143J(7)(a) words omitted by [S.I. 2022/1166 reg. 25\(11\)\(b\)](#) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)