Changes to legislation: *Housing and Regeneration Act 2008, Cross Heading: Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23)) is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 15

INELIGIBLE PERSONS FROM ABROAD: STATUTORY DISREGARDS

PART 2

SCOTLAND AND NORTHERN IRELAND

Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23))

17 Part 2 of the Housing (Northern Ireland) Order 1988 is amended as follows.

Commencement Information
I1 Sch. 15 para. 17 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

18 (1) Article 7A (persons not eligible for housing assistance) is amended as follows.

(2) In paragraph (4) for "another person" substitute " a person falling within paragraph (4A) ".

(3) After paragraph (4) insert—

"(4A) A person falls within this paragraph if the person—

(a) falls within a class specified in an order under section 119(1) of the Immigration and Asylum Act 1999; but

(b) is not a national of an EEA State or Switzerland."

Commencement Information
I2 Sch. 15 para. 18 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

19 (1) Article 9 (notification of decision and reasons) is amended as follows.

(2) After paragraph (3) insert—

"(3A) If the Executive decides that the applicant is homeless, threatened with homelessness or has a priority need but would not have done so without having had regard to a restricted person, it shall also notify him of—

(a) the fact that its decision was reached on that basis,

(b) the name of the restricted person,

(c) the reason why the person is a restricted person, and

(d) the effect of Article 10(2E) and (2F) or (as the case may be) 11(2A) and (2B)."

Changes to legislation: *Housing and Regeneration Act 2008, Cross Heading: Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23)) is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) After paragraph (5) insert—

"(6) In this Article "a restricted person" means a person—

(a) who is not eligible for assistance under this Part,

(b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and

(c) either—

(i) who does not have leave to enter or remain in the United Kingdom, or

(ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds."

Commencement Information

I3 Sch. 15 para. 19 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

20 (1) Article 10 (duties to persons found to be homeless) is amended as follows.

(2) After paragraph (2) insert—

"(2A) In a restricted case the Executive shall cease to be subject to the duty under paragraph (2) if the applicant, having been informed of the possible consequence of refusal—

(a) accepts a private accommodation offer, or

(b) refuses such an offer.

(2B) For the purposes of this Article an offer is a private accommodation offer if—

(a) it is an offer of a private tenancy made by a landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,

(b) it is made, with the approval of the Executive, in pursuance of arrangements made by the Executive with the landlord with a view to bringing its duty under paragraph (2) to an end, and

(c) the tenancy being offered is for a term certain of at least 12 months.

(2C) The Executive shall not approve a private accommodation offer unless it is satisfied that the accommodation is suitable for the applicant and that it is reasonable for him to accept the offer.

(2D) For the purposes of paragraph (2C) an applicant may reasonably be expected to accept an offer even though he is under contractual or other obligations in respect of his existing accommodation, provided he is able to bring those obligations to an end before he is required to take up the offer.

(2E) In a restricted case the Executive shall, so far as reasonably practicable, bring its duty under paragraph (2) to an end as mentioned in paragraph (2A).

(2F) In a restricted case the Executive shall also cease to be subject to the duty under paragraph (2) if the applicant, having been informed of the possible consequence of refusal, refuses a reasonable offer of accommodation under the Housing Selection Scheme.

Changes to legislation: *Housing and Regeneration Act 2008, Cross Heading: Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23)) is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2G) For the purposes of paragraph (2F)—

(a) "the Housing Selection Scheme" means the scheme for the allocation of housing accommodation held by the Executive approved from time to time under Article 22 of the Order of 1981, and

(b) an offer of accommodation is reasonable if it is a reasonable offer within the meaning of that Scheme.

(2H) Paragraphs (2A) to (2G) are without prejudice to any other way in which the Executive can cease to be subject to the duty under paragraph (2)."

(3) After paragraph (4) insert—

"(5) In this Article—

"a private tenancy" has the same meaning as in the Private Tenancies (Northern Ireland) Order 2006,

"a restricted case" means a case falling within paragraph (2) where the Executive would not be satisfied as mentioned in paragraphs (1) and (2) without having had regard to a restricted person,

"a restricted person" has the same meaning as in Article 9."

Commencement Information

I4 Sch. 15 para. 20 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

21 (1) Article 11 (duties to persons found to be threatened with homelessness) is amended as follows.

(2) After paragraph (2) insert—

"(2A) Paragraph (2B) applies in a restricted threatened homelessness case where, in pursuance of the duty under paragraph (2), the Executive secures that accommodation other than that occupied by the applicant when he made his application is available for occupation by him.

(2B) The provisions of Article 10(2A) to (2H) (circumstances in which duty in restricted case ceases) apply, with any necessary modifications, in relation to the duty under paragraph (2) as they apply in relation to the duty under Article 10(2) in a restricted case (within the meaning of that Article)."

(3) After paragraph (4) insert—

"(4A) In this Article—

"a restricted person" has the same meaning as in Article 9,

"a restricted threatened homelessness case" means a case falling within paragraph (2) where the Executive would not be satisfied as mentioned in paragraphs (1) and (2) without having had regard to a restricted person."

Changes to legislation: *Housing and Regeneration Act 2008, Cross Heading: Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23)) is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I5 Sch. 15 para. 21 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

Changes to legislation:
Housing and Regeneration Act 2008, Cross Heading: Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23)) is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)