

Changes to legislation: Immigration Act 2014, Cross Heading: Social housing is up to date with all changes known to be in force on or before 22 March 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 3

EXCLUDED RESIDENTIAL TENANCY AGREEMENTS

Social housing

- 1 (1) An agreement that grants a right of occupation in social housing.
- (2) “Social housing” means accommodation provided to a person by virtue of a relevant provision.
- (3) “Relevant provision” means a provision of—
 - (a) in relation to England and Wales—
 - (i) Part 2 of the Housing Act 1985, or
 - (ii) Part 6 or 7 of the Housing Act 1996;
 - (b) in relation to Scotland, Part 1 or 2 of the Housing (Scotland) Act 1987;
 - (c) in relation to Northern Ireland—
 - (i) Chapter 4 of Part 2 of the Housing (Northern Ireland) Order 1981 (S.I. 1981/156 (N.I. 3)), or
 - (ii) Part 2 of the Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23)).
- (4) Accommodation provided to a person by virtue of a relevant provision includes accommodation provided in pursuance of arrangements made under any such provision.

Commencement Information

- I1** Sch. 3 para. 1 in force at 1.12.2014 for specified purposes by S.I. 2014/2771, art. 6(1)(m)
- I2** Sch. 3 para. 1 in force at 1.2.2016 for E. in so far as not already in force by S.I. 2016/11, art. 2(m)

- 2 (1) This paragraph applies for the purposes of paragraph 1.
- (2) 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,is to be treated as an allocation of housing accommodation by virtue of Part 6 of the Housing Act 1996 (and accordingly section 159(4A) of that Act is to be ignored).
- (3) An allocation of housing accommodation that falls within a case specified in, or prescribed under, section 160 of the Housing Act 1996 (cases where provisions about allocation under Part 6 of that Act do not apply) is to be treated as an allocation of

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housing accommodation by virtue of Part 6 of that Act (and accordingly that section is to be ignored).

- (4) An allocation of housing accommodation by virtue of Part 1 of the Housing (Scotland) Act 1987 is to be treated as provided by virtue of a relevant provision only if it is provided by a local authority within the meaning of that Act (or in pursuance of arrangements made under or for the purposes of that Part with a local authority).
- (5) Accommodation provided to a person in Northern Ireland by a registered housing association is to be treated as provided to the person by virtue of a relevant provision.
- (6) Terms used in sub-paragraphs (2) and (3) have the same meanings as in Part 6 of the Housing Act 1996.
- (7) In sub-paragraph (5) “registered housing association” means a housing association, within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992 (S.I. 1992/1725 (N.I. 15)), that is registered in the register of housing associations maintained under Article 14 of that Order.

Commencement Information

- I3** Sch. 3 para. 2 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), **art. 6(1)(m)**
- I4** Sch. 3 para. 2 in force at 1.2.2016 for E. in so far as not already in force by [S.I. 2016/11](#), **art. 2(m)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

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. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)