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**1999 No. 3126**

**IMMIGRATION, ENGLAND**

**The Homelessness (Asylum-Seekers) (Interim Period)  
(England) Order 1999**

*Made - - - - - 22nd November 1999*

*Laid before Parliament 22nd November 1999*

*Coming into force - - 6th December 1999*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by section 166(3) of, and paragraph 13 of Schedule 15 to, the Immigration and Asylum Act 1999(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Homelessness (Asylum-Seekers) (Interim Period) (England) Order 1999 and shall come into force on 6th December 1999.

(2) This Order extends to England only.

**Modification of Part VII of the Housing Act 1996 for certain asylum-seekers**

2. Part VII of the Housing Act 1996(b) (homelessness) shall have effect in relation to asylum-seekers who are section 185(2) persons(c) with the modifications specified in the following provisions of this Order.

**Referrals to other local authorities**

3. In section 198 (referral of case to another local housing authority)—

(a) in subsection (3), after “this purpose”, there shall be inserted “, and for the purpose of subsection (4A)(c),”; and

(b) after subsection (4), there shall be inserted—

“(4A) The conditions for referral of the case to another authority are also met if—

(a) the local housing authority to whom the application has been made and another housing authority have agreed that the case should be referred to that other authority;

(b) that other authority has provided written confirmation of the agreement to the local housing authority; and

(c) neither the applicant nor any person who might reasonably be expected to reside with him will run the risk of domestic violence in the district of that other authority.

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(a) 1999 c. 33.

(b) 1996 c. 52.

(c) See paragraph 13(5) of Schedule 15 to the Immigration and Asylum Act 1999 for the definition of “section 185(2) person”.

(4B) When reaching the agreement referred to in subsection (4A)(a), the local housing authority to whom the application was made and the other authority need not have regard to—

- (a) any preference that the applicant, or any person who might reasonably be expected to reside with him, may have as to the locality in which the accommodation is to be secured; or
- (b) whether the applicant, or any person who might reasonably be expected to reside with him, has a local connection with the district of any local housing authority.”.

#### **Discharge of functions by local housing authorities**

4. In section 206 (discharge of functions by local housing authorities), after subsection (1), there shall be inserted—

“(1A) In discharging their housing functions under this Part, a local housing authority shall have regard to the desirability, in general, of securing accommodation in areas in which there is a ready supply of accommodation.”.

#### **Out-of-area placements**

5. In section 208 (discharge of functions: out-of-area placements), after subsection (1), there shall be inserted—

“(1A) Subsection (1) shall not apply where—

- (a) the local housing authority and another housing authority have agreed that the local housing authority may secure that accommodation is available for the occupation of all or an agreed number of asylum-seekers who are section 185(2) persons in that other authority’s district; and
- (b) that other authority has provided written confirmation of the agreement to the local housing authority.”.

#### **Suitability of accommodation**

6. In section 210 (suitability of accommodation), after subsection (1), there shall be inserted—

“(1A) In determining for the purposes of this Part whether accommodation is suitable for an applicant, or any person who might reasonably be expected to reside with him, the local housing authority—

- (a) shall also have regard to the fact that the accommodation is to be temporary pending the determination of the applicant’s claim for asylum; and
- (b) shall not have regard to any preference that the applicant, or any person who might reasonably be expected to reside with him, may have as to the locality in which the accommodation is to be secured.”.

#### **The interim period**

7. This Order shall cease to have effect on the date on which section 186 of the Housing Act 1996 (asylum-seekers and their dependants) is repealed by the Immigration and Asylum Act 1999 (as to which see section 117(5) of that Act).

Signed by authority of the Secretary of State for the Environment,  
Transport and the Regions

*Nick Raynsford*  
Minister of State,  
Department of the Environment,  
Transport and the Regions

22nd November 1999

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes modifications to Part VII (homelessness) of the Housing Act 1996 (“the 1996 Act”) which apply only in relation to asylum-seekers who are eligible for housing assistance under that Part as a result of regulations made under section 185(2) of that Act and who are not made ineligible by section 186 (or any other provision) of that Act (article 2).

Article 3 modifies section 198 of the 1996 Act to enable a local housing authority to refer a case to another authority where they have agreed that the case should be referred and there is no risk of domestic violence in the other authority’s district to the asylum-seeker or any person who might reasonably be expected to reside with him. The authorities need not take into account any preference as to the location of accommodation, or any local connection, of the asylum-seeker or any person who might reasonably be expected to reside with him.

Article 4 modifies section 206 of the 1996 Act to require a local housing authority, when discharging their housing functions, to have regard to the desirability, in general, of securing accommodation in areas in which there is a ready supply of accommodation.

Article 5 modifies section 208 of the 1996 Act so that a local housing authority need not secure that accommodation is available for the occupation of an asylum-seeker in their own district where another housing authority has agreed that the local housing authority can secure that accommodation is available in the other authority’s district.

Article 6 modifies section 210 of the 1996 Act so that the local housing authority, in determining whether accommodation is suitable for an asylum-seeker, must have regard to the fact that the accommodation is to be temporary pending determination of the asylum-seeker’s claim for asylum. The authority must not have regard to any preference of the asylum-seeker or any person who might reasonably be expected to reside with him as to the location of the accommodation.

This Order will cease to have effect at the end of the interim period, that is on the date on which the repeal of section 186 of the 1996 Act by the Immigration and Asylum Act 1999 comes into force (article 7).

This Order extends to England only.

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**STATUTORY INSTRUMENTS**

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**1999 No. 3126****IMMIGRATION, ENGLAND****The Homelessness (Asylum-Seekers) (Interim Period)  
(England) Order 1999**

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