
STATUTORY INSTRUMENTS

2006 No. 1294

HOUSING, ENGLAND

The Allocation of Housing and Homelessness
(Eligibility) (England) Regulations 2006

<i>Made</i>	- - - -	<i>11th May 2006</i>
<i>Laid before Parliament</i>		<i>11th May 2006</i>
<i>Coming into force</i>	- -	<i>1st June 2006</i>

The Secretary of State, in exercise of the powers conferred by sections 160A(3) and (5), 172(4), 185(2) and (3) and 215(2) of the Housing Act 1996(1) makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 and shall come into force on 1st June 2006.

(2) These Regulations apply to England only.

Commencement Information

II Reg. 1 in force at 1.6.2006, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Housing Act 1996;

F1 ...

F2 ...

[^{F3}“the Accession Regulations 2013” means the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013;]

(1) 1996, c. 52; section 160A was added by section 14(2) of the Homelessness Act 2002 (c. 7). The functions of the Secretary of State under Parts 6 and 7 of this Act (except sections 186 and 187) are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672, to which there are amendments not relevant to these Regulations) and section 17(1) of the Homelessness Act 2002.

Status: Point in time view as at 07/05/2019.

Changes to legislation: *The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 is up to date with all changes known to be in force on or before 30 May 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)*

“the EEA Regulations” means the Immigration (European Economic Area) Regulations 2006(2);

[^{F4}“the Human Rights Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom;]

“the Immigration Rules” means the rules laid down as mentioned in section 3(2) of the Immigration Act 1971(3) (general provisions for regulation and control);

“the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951(5), as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967(6); and

“sponsor” means a person who has given an undertaking in writing for the purposes of the Immigration Rules to be responsible for the maintenance and accommodation of another person.

(2) For the purposes of these Regulations—

(a) “jobseeker”, “self-employed person”, and “worker” have the same meaning as for the purposes of the definition of a “qualified person” in regulation 6(1) of the EEA Regulations(4); and

(b) subject to paragraph (3), references to the family member of a jobseeker, self-employed person or worker shall be construed in accordance with regulation 7 of those Regulations.

(3) For the purposes of regulations 4(2)(d) and 6(2)(d) “family member” does not include a person who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations.

^{F5}(4)

Textual Amendments

- F1** Words in reg. 2(1) omitted (1.7.2013) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/1467\)](#), regs. 1(1), **2(2)(a)** (with reg. 3)
- F2** Words in reg. 2 omitted (31.3.2014) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/435\)](#), regs. 1(1), **2(2)(a)**
- F3** Words in reg. 2(1) inserted (1.7.2013) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/1467\)](#), regs. 1(1), **2(2)(b)** (with reg. 3)
- F4** Words in reg. 2(1) inserted (30.10.2016) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/965\)](#), regs. 1(1), **2(2)**
- F5** Reg. 2(4) omitted (31.3.2014) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/435\)](#), regs. 1(1), **2(2)(b)**

Commencement Information

- I2** Reg. 2 in force at 1.6.2006, see [reg. 1\(1\)](#)

(2) [S.I. 2006/1003](#).
 (3) [1971, c. 77](#).
 (5) [Cmd. 9171](#).
 (6) [Cmnd. 3906](#).
 (4) *See regulation 4 and regulation 6(2) to (4) of the Immigration (European Economic Area) Regulations 2006.*

Changes to legislation: The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 is up to date with all changes known to be in force on or before 30 May 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)

Persons subject to immigration control who are eligible for an allocation of housing accommodation

3. The following classes of persons subject to immigration control are persons who are eligible for an allocation of housing accommodation under Part 6 of the 1996 Act—

- (a) Class A – a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;
- (b) Class B – a person—
 - (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
 - (ii) who is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds;
- (c) Class C – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person—
 - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by his sponsor;
 - (ii) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which his sponsor gave the undertaking in respect of him, whichever date is the later; and
 - (iii) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive; ^{F6} ...
- ^{F7}(d) Class D— a person who has humanitarian protection granted under the Immigration Rules^{F8; F9} ...]]
- ^{F10}(e) ^{F11}[Class E -] a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules ^{F12; F13} ...]]
- ^{F14}(f) Class F – a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted—
 - (i) under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and
 - (ii) who is not subject to a condition requiring that person to maintain and accommodate himself, and any person dependent upon him, without recourse to public funds ^{F15; F16} ...]]
- ^{F17}(g) Class G – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules ^{F18}; and]]
- ^{F19}(h) Class H – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais leave to remain under paragraph 352J of the Immigration Rules.]

Status: Point in time view as at 07/05/2019.

Changes to legislation: The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 is up to date with all changes known to be in force on or before 30 May 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)

Textual Amendments

- F6** Word in reg. 3(c)(iii) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(3)(a)**
- F7** Reg. 3(d) substituted (9.10.2006) by The Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006 (S.I. 2006/2527), regs. 1(1), **2(2)** (with reg. 4(a)(b))
- F8** Reg. 3(d): semi-colon and word substituted for full stop (31.3.2014) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(3)(b)**
- F9** Word in reg. 3(d) omitted (30.10.2016) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 (S.I. 2016/965), regs. 1(1), **2(3)(a)**
- F10** Reg. 3(e) inserted (31.3.2014) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(3)(c)**
- F11** Words in reg. 3(e) inserted (30.10.2016) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 (S.I. 2016/965), regs. 1(1), **2(3)(b)(i)**
- F12** Word in reg. 3(e) substituted for full stop (30.10.2016) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 (S.I. 2016/965), regs. 1(1), **2(3)(b)(ii)**
- F13** Word in reg. 3(e) omitted (9.7.2018) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018 (S.I. 2018/730), regs. 1, **2(2)(a)**
- F14** Reg. 3(f) inserted (30.10.2016) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 (S.I. 2016/965), regs. 1(1), **2(3)(c)**
- F15** Word in reg. 3(f) substituted for full stop (9.7.2018) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018 (S.I. 2018/730), regs. 1, **2(2)(b)**
- F16** Word in reg. 3(f) omitted (1.11.2018) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/1056), regs. 1, **3(a)**
- F17** Reg. 3(g) inserted (9.7.2018) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018 (S.I. 2018/730), regs. 1, **2(2)(c)**
- F18** Word in reg. 3(g) substituted for full stop (1.11.2018) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/1056), regs. 1, **3(b)**
- F19** Reg. 3(h) inserted (1.11.2018) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/1056), regs. 1, **3(c)**

Commencement Information

- I3** Reg. 3 in force at 1.6.2006, see **reg. 1(1)**

Other persons from abroad who are ineligible for an allocation of housing accommodation

4.—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under Part 6 of the 1996 Act if—

- (a) subject to paragraph (2), he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;
- (b) his only right to reside in the United Kingdom—
 - (i) is derived from his status as a jobseeker or the family member of a jobseeker; or
 - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or

[^{F20}(iii)] is a derivative right to reside to which he is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 15A(4A) of those Regulations; or

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(iv) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen; or]

[^{F21}(c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland—

(i) is a right equivalent to one of those mentioned in sub-paragraphs (b)(i),(ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or

(ii) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside —

(a) in the Republic of Ireland arises because an Irish citizen, or

(b) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there

would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.]

[^{F22}(1A) For the purposes of determining whether the only right to reside that a person has is of the kind mentioned in paragraph (1)(b) or (c), a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act is to be disregarded.]

(2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a)—

(a) a worker;

(b) a self-employed person;

[^{F23}(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to ^{F24}...—

^{F25}(i)

(ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);]

(d) a person who is the family member of a person specified in sub-paragraphs (a)-(c);

(e) a person with a right to reside permanently in the United Kingdom by virtue of regulation [^{F26}15(1)(c)], (d) or (e) of the EEA Regulations; [^{F27}and]

^{F28}(f)

(g) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom [^{F29}.]^{F30}...

^{F31}(h)

^{F32}(i)

Textual Amendments

F20 Reg. 4(1)(b)(iii)(iv) inserted (8.11.2012) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2012 (S.I. 2012/2588), regs. 1(1), **2(2)** (with reg. 3)

F21 Reg. 4(1)(c) substituted (8.11.2012) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2012 (S.I. 2012/2588), regs. 1(1), **2(3)** (with reg. 3)

F22 Reg. 4(1A) inserted (7.5.2019) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/861), regs. 1, **3(a)** (with reg. 5)

Status: Point in time view as at 07/05/2019.

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- F23** Reg. 4(2)(c) substituted (1.7.2013) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2013 (S.I. 2013/1467), regs. 1(1), **2(3)** (with reg. 3)
- F24** Word in reg. 4(2)(c) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(4)(a)(i)**
- F25** Reg. 4(2)(c)(i) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(4)(a)(ii)**
- F26** Word in reg. 4(2)(e) substituted (7.5.2019) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/861), regs. 1, **3(b)** (with reg. 5)
- F27** Word in reg. 4(2)(e) inserted (31.3.2014) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(4)(b)**
- F28** Reg. 4(2)(f) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(4)(c)**
- F29** Reg. 4(2)(g): full stop substituted for semi-colon (31.3.2014) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(4)(d)**
- F30** Word in reg. 4(2)(g) omitted (18.3.2009) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2009 (S.I. 2009/358), regs. 1(1), **2(2)**
- F31** Reg. 4(2)(h) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(4)(c)**
- F32** Reg. 4(2)(i) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(4)(c)**

Commencement Information

- I4** Reg. 4 in force at 1.6.2006, see **reg. 1(1)**

Persons subject to immigration control who are eligible for housing assistance

5.—(1) The following classes of persons subject to immigration control are persons who are eligible for housing assistance under Part 7 of the 1996 Act—

- (a) Class A – a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;
- (b) Class B – a person—
- (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
 - (ii) whose leave to enter or remain is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds;
- (c) Class C – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person—
- (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by his sponsor;
 - (ii) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which his sponsor gave the undertaking in respect of him, whichever date is the later; and
 - (iii) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive;

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- [^{F33}(d) Class D— a person who has humanitarian protection granted under the Immigration Rules;
^{F34} ...]
- ^{F35}(e)
- [^{F36}(f) Class F – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules
[^{F37}, ^{F38} ...]]
- [^{F39}(g) Class G – a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted—
 - (i) under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and
 - (ii) who is not subject to a condition requiring that person to maintain and accommodate himself, and any person dependent upon him, without recourse to public funds [^{F40}, ^{F41} ...]]
- [^{F42}(h) Class H – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules [^{F43}; and]]
- [^{F44}(i) Class I – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais leave to remain under paragraph 352J of the Immigration Rules.]
- ^{F45}(2)
- ^{F46}(3)

Textual Amendments

- F33** Reg. 5(1)(d) substituted (9.10.2006) by [The Allocation of Housing and Homelessness \(Miscellaneous Provisions\) \(England\) Regulations 2006 \(S.I. 2006/2527\)](#), regs. 1(1), **2(3)** (with reg. 4(a)(b))
- F34** Word in reg. 5(1)(d) omitted (31.3.2014) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/435\)](#), regs. 1(1), **2(5)(a)**
- F35** Reg. 5(1)(e) omitted (30.10.2016) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/965\)](#), regs. 1(1), **2(4)(a)**
- F36** Reg. 5(1)(f) inserted (31.3.2014) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/435\)](#), regs. 1(1), **2(5)(c)**
- F37** Word in reg. 5(1)(f) substituted for full stop (30.10.2016) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/965\)](#), regs. 1(1), **2(4)(b)**
- F38** Word in reg. 5(f) omitted (9.7.2018) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/730\)](#), regs. 1, **2(3)(a)**
- F39** Reg. 5(1)(g) inserted (30.10.2016) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/965\)](#), regs. 1(1), **2(4)(c)**
- F40** Word in reg. 5(g) substituted for full stop (9.7.2018) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/730\)](#), regs. 1, **2(3)(b)**
- F41** Word in reg. 5(1)(g) omitted (1.11.2018) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1056\)](#), regs. 1, **4(a)**
- F42** Reg. 5(h) inserted (9.7.2018) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/730\)](#), regs. 1, **2(3)(c)**

Status: Point in time view as at 07/05/2019.

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- F43** Word in [reg. 5\(1\)\(h\)](#) substituted for full stop (1.11.2018) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1056\)](#), regs. 1, [4\(b\)](#)
- F44** [Reg. 5\(1\)\(i\)](#) inserted (1.11.2018) by [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1056\)](#), regs. 1, [4\(c\)](#)
- F45** [Reg. 5\(2\)](#) omitted (30.10.2016) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/965\)](#), regs. 1(1), [2\(4\)\(d\)](#)
- F46** [Reg. 5\(3\)](#) omitted (30.10.2016) by virtue of [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/965\)](#), regs. 1(1), [2\(4\)\(d\)](#)

Commencement Information

- I5** [Reg. 5](#) in force at 1.6.2006, see [reg. 1\(1\)](#)

Other persons from abroad who are ineligible for housing assistance

6.—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for housing assistance under Part 7 of the 1996 Act if—

- (a) subject to paragraph (2), he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;
- (b) his only right to reside in the United Kingdom—
- (i) is derived from his status as a jobseeker or the family member of a jobseeker; or
 - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or
 - ^[F47](iii) is a derivative right to reside to which he is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 15A(4A) of those Regulations; or
 - (iv) is derived from Article 20 of the Treaty on the Functioning of the European Union in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of the rights attaching to the status of European Union citizen; or]
- ^[F48](c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland—
- (i) is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or
 - (ii) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside —
 - (a) in the Republic of Ireland arises because an Irish citizen, or
 - (b) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there
 would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.]

^[F49](1A) For the purposes of determining whether the only right to reside that a person has is of the kind mentioned in paragraph (1)(b) or (c), a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act is to be disregarded.]

(2) The following are not to be treated as persons from abroad who are ineligible for housing assistance pursuant to paragraph (1)(a)—

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- (a) a worker;
- (b) a self-employed person;
- ^{F50}(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to ^{F51}...—
 - (i) regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation), or
 - (ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);]
- (d) a person who is the family member of a person specified in sub-paragraphs (a)-(c);
- (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation ^{F52}15(1)(c), (d) or (e) of the EEA Regulations; ^{F53}and]
- ^{F54}(f)
- (g) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom ^{F55}.^{F56}...
- ^{F57}(h)
- ^{F58}(i)

Textual Amendments

- F47** Reg. 6(1)(b)(iii)(iv) inserted (8.11.2012) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2012 (S.I. 2012/2588), regs. 1(1), **2(4)** (with reg. 3)
- F48** Reg. 6(1)(c) substituted (8.11.2012) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2012 (S.I. 2012/2588), regs. 1(1), **2(5)** (with reg. 3)
- F49** Reg. 6(1A) inserted (7.5.2019) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/861), regs. 1, **4(a)** (with reg. 5)
- F50** Reg. 6(2)(c) substituted (1.7.2013) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2013 (S.I. 2013/1467), regs. 1(1), **2(4)** (with reg. 3)
- F51** Word in reg. 6(2)(c) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(6)(a)(i)**
- F52** Word in reg. 6(2)(e) substituted (7.5.2019) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/861), regs. 1, **4(b)** (with reg. 5)
- F53** Word in reg. 6(2)(e) inserted (31.3.2014) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(6)(b)**
- F54** Reg. 6(2)(f) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(6)(c)**
- F55** Reg. 6(2)(g): full stop substituted for semi-colon (31.3.2014) by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(6)(d)**
- F56** Word in reg. 6(2)(g) omitted (18.3.2009) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2009 (S.I. 2009/358), regs. 1(1), **2(4)**
- F57** Reg. 6(2)(h) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(6)(c)**
- F58** Reg. 6(2)(i) omitted (31.3.2014) by virtue of The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (S.I. 2014/435), regs. 1(1), **2(6)(c)**

Commencement Information

- I6** Reg. 6 in force at 1.6.2006, see **reg. 1(1)**

Status: Point in time view as at 07/05/2019.

Changes to legislation: The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 is up to date with all changes known to be in force on or before 30 May 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)

Revocation

7. Subject to regulation 8, the Regulations specified in column (1) of the Schedule are revoked to the extent mentioned in column (3) of the Schedule.

Commencement Information

I7 Reg. 7 in force at 1.6.2006, see [reg. 1\(1\)](#)

Transitional provisions

8. The revocations made by these Regulations shall not have effect in relation to an applicant whose application for—

- (a) an allocation of housing accommodation under Part 6 of the 1996 Act; or
- (b) housing assistance under Part 7 of the 1996 Act,

was made before 1st June 2006.

Commencement Information

I8 Reg. 8 in force at 1.6.2006, see [reg. 1\(1\)](#)

Signed by authority of the Secretary of State

11th May 2006

Yvette Cooper
Minister of State
Department for Communities and Local
Government

Status: Point in time view as at 07/05/2019.

Changes to legislation: The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 is up to date with all changes known to be in force on or before 30 May 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)

SCHEDULE

Regulation 7

Commencement Information

19 Sch. in force at 1.6.2006, see [reg. 1\(1\)](#)

Revocation schedule

<i>(1)</i> <i>Regulations Revoked</i>	<i>(2)</i> <i>References</i>	<i>(3)</i> <i>Extent of revocation</i>
The Homelessness (England) Regulations 2000	SI 2000/701	The whole Regulations
The Allocation of Housing (England) Regulations 2002	SI 2002/3264	Regulations 4 and 5
The Allocation of Housing and Homelessness (Amendment) (England) Regulations 2004	SI 2004/1235	The whole Regulations
The Allocation of Housing and Homelessness (Amendment) (England) Regulations 2006	SI 2006/1093	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for which persons from abroad will be ineligible or eligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996 (“the Act”) and for housing assistance under Part 7 of the Act. These Regulations apply in England only.

By virtue of section 160A(1) and (3) of the Act, a local housing authority must not allocate housing accommodation under Part 6 of the Act to persons from abroad who are subject to immigration control (within the meaning of the Asylum and Immigration Act 1996 (c. 49)) unless they are of a class prescribed by the Secretary of State. Similarly, section 185(2) of the Act provides that such persons are not eligible for housing assistance under Part 7 of the Act unless they are of a class which is so prescribed.

By virtue of section 160A(1) and (5) of the Act, a local housing authority must not allocate housing accommodation under Part 6 of the Act to other persons who, although they are not subject to immigration control, are of a class prescribed by the Secretary of State as persons from abroad. Similarly, section 185(3) of the Act provides that the Secretary of State may make provision by regulations as to the descriptions of person who, although not subject to immigration control, are to be treated as persons from abroad who are ineligible for housing assistance.

These Regulations contain similar provisions to those in regulations 4 and 5 of the Allocation of Housing (England) Regulations 2002 and the Homelessness (England) Regulations 2000, as

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amended (which are revoked by these Regulations). The main changes are to take account of the implementation of Directive 2004/38/EC of the European Parliament and of the Council of 29th April 2004 by the Immigration (European Economic Area) Regulations 2006. Directive 2004/38 makes some changes to the rights of free movement of citizens of the European Union (EU) and their family members, in particular by:

- (a) the introduction of an initial right of residence of 3 months in a host member State for EU citizens and their family members provided they do not become an unreasonable burden on the social assistance system of the host member State – this right of residence is not conditional on the EU citizen being, for example, a worker or self-employed, as was previously the case under EU law;
- (b) the introduction of a permanent right of residence in a host member State for some EU citizens.

Regulations 3 and 5 of these Regulations prescribe the classes of person subject to immigration control who are eligible for an allocation of housing accommodation and for housing assistance respectively.

Regulations 4 and 6 of these Regulations prescribe those classes of person who are not subject to immigration control but who are to be treated as persons from abroad who are ineligible for an allocation of housing accommodation and for housing assistance respectively. These classes relate principally to: British nationals; and to those EU citizens and nationals of Norway, Iceland, Liechtenstein and Switzerland who are not subject to immigration control. Under regulations 4(1) and 6(1), such persons will be ineligible for an allocation of social housing or for homelessness assistance if:

- (a) they are not habitually resident in the United Kingdom, Channel Islands, Isle of Man or Republic of Ireland (unless exempted from the requirement to be habitually resident by regulations 4(2) or 6(2)); or
- (b) if their only right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is a right derived from the Treaty establishing the European Community to reside in another member State either for an initial period of up to 3 months after arrival or as a jobseeker.

Regulation 7 revokes the provisions which are replaced by these Regulations, and regulation 8 makes transitional provisions in relation to applications for an allocation of housing accommodation or housing assistance before 1st June 2006.

Status:

Point in time view as at 07/05/2019.

Changes to legislation:

The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 is up to date with all changes known to be in force on or before 30 May 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.