
STATUTORY INSTRUMENTS

2008 No. 3015

HOUSING, ENGLAND

**The Allocation of Housing (England)(Amendment)
(Family Intervention Tenancies) Regulations 2008**

Made - - - - *19th November 2008*
Laid before Parliament *26th November 2008*
Coming into force - - *1st January 2009*

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 160(4) 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 (England)(Amendment) (Family Intervention Tenancies) Regulations 2008 and shall come into force on 1st January 2009.

(2) These Regulations apply in England only.

Amendment of the Allocation of Housing (England) Regulations 2002

2.—(1) The Allocation of Housing (England) Regulations 2002(2) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation), after the definition of “the Common Travel Area”, insert the following definition—

““family intervention tenancy”—

(a) in relation to a tenancy granted by a local housing authority, has the meaning given by paragraph 4ZA(3) of Schedule 1 to the Housing Act 1985(3);

(1) 1996 c.52. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously 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); see the entry in Schedule 1 of the Housing Act 1996, and paragraphs 30 to 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) S.I. 2002/3264.

(3) 1985 c.68. Paragraph 4ZA of Schedule 1 was inserted by section 297(1) of the Housing and Regeneration Act 2008 (c.17). See also sub-paragraph (12) of paragraph 4ZA.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in relation to a tenancy granted by a registered social landlord, has the meaning given by paragraph 12ZA(3) of Part 1 of Schedule 1 to the Housing Act 1988(4).”.
- (3) In regulation 3 (cases where the provisions of Part 6 of the Act do not apply), after paragraph (3) insert—
- “(4) They do not apply in relation to the allocation of housing accommodation by a local housing authority to a person who lawfully occupies accommodation let on a family intervention tenancy.”.

Signed by authority of the Secretary of State for Communities and Local Government

Kay Andrews
Parliamentary Under Secretary of State
Department for Communities and Local
Government

19th November 2008

(4) 1988 c. 50. Paragraph 12ZA of Part 1 of Schedule 1 was inserted by section 297(2) of the Housing and Regeneration Act 2008 (c.17). See also sub-paragraph (12) of paragraph 12ZA.

EXPLANATORY NOTE

(This note is not part of the Regulations)

By virtue of section 159 of the Housing Act 1996 (“the Act”), a local housing authority must, when allocating housing accommodation, comply with the provisions of Part 6 of the Act which relate to the process by which people apply and are considered for an allocation of housing accommodation.

The Allocation of Housing (England) Regulations 2002 (S.I. 2002/3264) (“the principal Regulations”) make provision for certain cases where the provisions of Part 6 of the Act do not apply when a local authority allocates housing accommodation.

Regulation 2 of these Regulations amends the principal Regulations so that they specify an additional case where Part 6 of the Act will not apply. That is where a local housing authority makes an allocation of housing accommodation to a person who lawfully occupies accommodation let on a family intervention tenancy (whether that tenancy was granted by a local housing authority or by a registered social landlord).

A definition of “family intervention tenancy” is inserted in regulation 2 of the principal Regulations. (A family intervention tenancy is a tenancy granted in the circumstances mentioned in paragraph 4ZA of Schedule 1 to the Housing Act 1985 or paragraph 12ZA of Part 1 of Schedule 1 to the Housing Act 1988, where the landlord has served a notice under sub-paragraph (5) of whichever of those paragraphs is relevant).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.