
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.