
STATUTORY INSTRUMENTS

2009 No. 358

HOUSING, ENGLAND

The Allocation of Housing and Homelessness
(Eligibility) (England) (Amendment) Regulations 2009

<i>Made</i>	- - - -	<i>23rd February 2009</i>
<i>Laid before Parliament</i>		<i>24th February 2009</i>
<i>Coming into force</i>	- -	<i>18th March 2009</i>

The Secretary of State, in exercise of the powers conferred by sections 160A(5), 172(4), 185(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) (Amendment) Regulations 2009 and shall come into force on 18th March 2009.

(2) These Regulations apply in relation to England only.

Persons who left Zimbabwe

2.—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006(2) are amended as follows

(2) In regulation 4(2)(g) omit “and”

(3) At the end of regulations 4(2)(h) add

“and

(i) a person who—

(i) arrived in Great Britain on or after 28th February 2009 but before 18th March 2011;

(ii) immediately before arriving in Great Britain had been resident in Zimbabwe; and

(1) 1996 c.52 Section 160A was inserted by section 149(2) of the Homelessness Act 2002 (c.7). The functions under Parts VI and VII 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.

(2) SI 2006/1294, amended by S.I.2006/2007 and 2006/3340; there are other amending instruments not relevant to these Regulations.

(iii) before leaving Zimbabwe, had accepted an offer, made by Her Majesty's Government, to assist that person to settle in the United Kingdom.”.

(4) In regulation 6(2)(g), omit “and”

(5) At the end of regulation 6(2)(h) add

“and

(i) a person who—

(i) arrived in Great Britain on or after 28th February 2009 but before 18th March 2011;

(ii) immediately before arriving in Great Britain had been resident in Zimbabwe; and

(iii) before leaving Zimbabwe, had accepted an offer, made by Her Majesty's Government, to assist that person to settle in the United Kingdom.”.

Signed by authority of the Secretary of State

John Healey
Minister of State
Department for Communities and Local
Government

23rd February 2009

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the provisions of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (“the Eligibility Regulations”) which determine which persons from abroad, other than persons subject to immigration control, are ineligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996 or for housing assistance under Part 7 of that Act.

The Eligibility Regulations provide that a person who is not subject to immigration control is ineligible for an allocation of housing accommodation or for housing assistance if they are not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, unless specifically exempted from that requirement. Regulation 2 amends the Eligibility Regulations to create such an exemption. The effect of the provision is that a person not subject to immigration control who is not habitually resident, and who left Zimbabwe and arrived in Great Britain on or after 28th February 2009 having accepted an offer from Her Majesty’s Government of assistance for settlement in the United Kingdom, will be eligible for an allocation of housing accommodation or for housing assistance. However, the exemption only has effect until the 17th March 2011.

An impact assessment has not been produced for these Regulations as they have no impact on the costs of business, charities or voluntary bodies.