
STATUTORY INSTRUMENTS

2020 No. 1309

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

PART 3

Access to benefits and services

Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

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

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), in the definition of “the EEA Regulations” for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”;

(b) after paragraph (2)(a) insert—

“(ab) frontier worker” means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”

(c) in paragraph (2)(b)—

(i) for “or worker” substitute “, worker or frontier worker”;

(ii) for “those Regulations” substitute “the EEA Regulations”;

(d) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “and (k)”.

(3) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation)—

(a) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1)”;

(b) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;

(c) omit paragraph (1)(b)(iv);

(d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in subparagraph (b)(i), (ii) or (iii)”;

(e) after paragraph (2)(g), insert—

⁽¹⁾ [S.I. 2006/1294](#), relevant amending instruments are [S.I. 2012/2588](#), [2014/435](#), [2019/861](#) and [2020/667](#).

- “(j) a frontier worker; and”
 - “(k) a person who—
 - (i) is a family member of a person specified in sub-paragraph (j); and
 - (ii) has 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.”.
- (4) In regulation 6 (other persons from abroad who are ineligible for housing assistance)—
- (a) in paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1)”;
 - (b) in paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;
 - (c) omit paragraph (1)(b)(iv);
 - (d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;
 - (e) after paragraph (2)(g), insert—
 - “(j) a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020; and
 - (k) a person who—
 - (i) is a family member of a person specified in sub-paragraph (j); and
 - (ii) has 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.”.