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STATUTORY INSTRUMENTS

2021 No. 665

HOUSING, ENGLAND

The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2021

<i>Made</i>	- - - -	<i>4th June 2021</i>
<i>Laid before Parliament</i>		<i>8th June 2021</i>
<i>Coming into force</i>	- -	<i>29th June 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 160ZA(2) and 185(2) of the Housing Act 1996(1).

Citation and commencement

1. These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2021 and come into force on 29th June 2021.

Extent and application

- 2.—(1) These Regulations extend to England and Wales.
- (2) These Regulations apply to England only.

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

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

Amendments to regulation 3

4. In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation)—

(1) 1996 c. 52. Section 160ZA was inserted by section 146(1) of the Localism Act 2011 (c. 20) and was amended by S.I. 2013/630.
(2) S.I. 2006/1294; relevant amending instruments are S.I. 2006/2527, 2014/435, 2016/965, 2018/730, 2018/1056 and 2020/667; there are other amending instruments but none are relevant.

- (a) at the end of paragraph (i), omit “and”;
- (b) at the end of paragraph (j), insert—
 - “and
- (k) Class K – a person (P)—
 - (i) who has limited leave to enter or remain in the United Kingdom by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules⁽³⁾;
 - (ii) whose leave to enter or remain is not subject to a condition requiring P to maintain and accommodate P, and any person dependent upon P, without recourse to public funds; and
 - (iii) who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.”.

Amendments to regulation 5

5. In regulation 5(1) (persons subject to immigration control who are eligible for housing assistance)—

- (a) in sub-paragraph (g)—
 - (i) after “a person”, omit “who”;
 - (ii) at the beginning of paragraph (i), insert “who”;
- (b) at the end of sub-paragraph (j), omit “and”;
- (c) at the end of sub-paragraph (k), insert—
 - “and
- (l) Class L – a person (P)—
 - (i) who has limited leave to enter or remain in the United Kingdom by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules;
 - (ii) whose leave to enter or remain is not subject to a condition requiring P to maintain and accommodate P, and any person dependent upon P, without recourse to public funds; and
 - (iii) who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.”.

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

Eddie Hughes
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local
Government

4th June 2021

(3) Laid before Parliament on 23rd May 1994 (HC 395), as amended. Appendix Hong Kong British National (Overseas) was laid before Parliament on 22nd October 2020 (HC 813) and was subsequently amended by the statement of changes to the Immigration Rules: HC 1248 which was laid before Parliament on 4th March 2021.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under sections 160ZA(2) and 185(2) of the Housing Act 1996 (c. 52) (“the 1996 Act”), a person who is subject to immigration control is ineligible for an allocation of housing accommodation by a local authority under Part VI of that Act, or for housing assistance under Part VII of that Act, unless they come within a class of persons prescribed in regulations by the Secretary of State.

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (“the Eligibility Regulations”) which make such provision.

Regulation 4 amends regulation 3 of the Eligibility Regulations which relates to the eligibility of persons subject to immigration control for an allocation of housing accommodation under Part VI of the 1996 Act. It prescribes an additional class of persons (“Class K”) who are eligible for such assistance. This new Class K applies to certain persons with limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British National (Overseas) of the Immigration Rules where the person does not have a “no recourse to public funds” condition attached to their form of leave and where the person is habitually resident in the ‘Common Travel Area’ (the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland).

Regulation 5 amends regulation 5(1) of the Eligibility Regulations which relates to the eligibility of persons subject to immigration control for homelessness assistance under Part VII of the 1996 Act. It prescribes an additional class of persons (“Class L”) who are eligible for such assistance. This class is equivalent to Class K inserted by regulation 4.

Regulation 5 also corrects a drafting error in regulation 5(1)(g) of the Eligibility Regulations by amending the provision containing Class G.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.