

2012 No. 1869

HOUSING, ENGLAND

The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

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| <i>Made</i> | - - - - | <i>16th July 2012</i> |
| <i>Laid before Parliament</i> | | <i>19th July 2012</i> |
| <i>Coming into force</i> | - - | <i>24th August 2012</i> |

The Secretary of State, in exercise of the powers conferred by section 160ZA(8)(b) of the Housing Act 1996(a), makes the following Regulations:

Citation and commencement

- 1.—(1) These Regulations may be cited as the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.
- (2) These Regulations come into force on 24th August 2012.

Interpretation

2. In these Regulations—
- “the 1996 Act” means the Housing Act 1996;
- “local connection” has the meaning given by section 199 of the 1996 Act; and
- “regular forces” and “reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(b).

Criterion that may not be used in deciding what classes of persons are not qualifying persons

- 3.—(1) In deciding what classes of persons are not qualifying persons under section 160ZA(7) of the 1996 Act, a local housing authority in England may not use the criterion set out in paragraph (2).
- (2) The criterion is that a relevant person must have a local connection to the district of a local housing authority.
- (3) A relevant person is a person who—
- (a) is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;

(a) 1996 c. 52. Section 160ZA was inserted by s146 of the Localism Act 2011 (2011 c. 20).
(b) 2006 c. 52.

- (b) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where—
 - (i) the spouse or civil partner has served in the regular forces; and
 - (ii) their death was attributable (wholly or partly) to that service; or
- (c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

Grant Shapps
Minister of State

16th July 2012

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Localism Act 2011 amends the Housing Act 1996 to give local housing authorities in England the power to decide what classes of persons are or are not qualifying persons under section 160ZA(7) of the Housing Act 1996, for an allocation of housing accommodation. The Secretary of State has the power to prescribe in Regulations criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons (section 160ZA(8)(b)). These Regulations require that local housing authorities do not use local connection (within the meaning of section 199 of the Housing Act 1996) as a criterion in deciding whether the following are not qualifying persons:

- (a) persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation;
- (b) bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases;
- (c) seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

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