
STATUTORY INSTRUMENTS

2014 No. 435

HOUSING, ENGLAND

The Allocation of Housing and Homelessness
(Eligibility) (England) (Amendment) Regulations 2014

<i>Made</i>	- - - -	<i>27th February 2014</i>
<i>Laid before Parliament</i>		<i>5th March 2014</i>
<i>Coming into force</i>	- -	<i>31st March 2014</i>

The Secretary of State, in exercise of the powers conferred by sections 160ZA(2) and (4), 172(4), 185(2) and (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 2014 and shall come into force on 31st March 2014.

(2) These Regulations apply to England only.

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

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

(2) In regulation 2, omit—

- (a) the definition of the “Accession Regulations 2006”; and
- (b) paragraph (4).

(3) In regulation 3—

- (a) in paragraph (c)(iii), omit “and”;
- (b) in paragraph (d), substitute “.” with “; and”; and
- (c) after paragraph (d), insert —

(1) 1996 c.52; Section 160ZA was added by section 146 of the Localism Act 2011 (c.20). The functions of the Secretary of State under Parts 6 and 7 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) S.I. 2006/1294, amended by S.I. 2006/2007, 2006/2527, 2006/3340, 2009/358, 2012/2588, 2013/1467.

- “(e) a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules.”.
- (4) In regulation 4(2)—
- (a) in paragraph (c), omit—
 - (i) “either”; and
 - (ii) sub-paragraph (i);
 - (b) at the end of paragraph (e), insert “and”;
 - (c) omit paragraphs (f), (h) and (i); and
 - (d) at the end of paragraph (g), for “;” substitute “.”
- (5) In regulation 5(1)—
- (a) in paragraph (d), omit “and”;
 - (b) in paragraph (e), for “.” substitute “; and”; and
 - (c) after paragraph (e), insert —
 - “(f) Class F – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules.”.
- (6) In regulation 6(2)—
- (a) in paragraph (c), omit —
 - (i) “either”; and
 - (ii) sub-paragraph (i);
 - (b) at the end of paragraph (e), insert “and”;
 - (c) omit sub-paragraphs (f), (h) and (i); and
 - (d) in paragraph (g), for “;” substitute “.”

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

Kris Hopkins
Parliamentary Under Secretary of State
Department for Communities and Local
Government

27th February 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

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 are eligible or ineligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996 or for homelessness assistance under Part 7 of that Act.

A person who is subject to immigration control is ineligible for an allocation of housing or for housing assistance unless they come within a class of persons prescribed in regulations by the Secretary of State (sections 160ZA(2) and 185(2) of the Housing Act 1996). The effect of the amendments made by regulations 2(3)(c) and 2(5)(c) is to insert a new category of persons who are eligible for an allocation of housing or homelessness assistance. These are certain Afghan citizens who were locally employed by the UK government in Afghanistan and have since been granted limited leave to remain in the UK.

A person who is not subject to immigration control is ineligible for an allocation or for housing assistance if he is 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. The effect of the amendments at 2(4)(a) and 2(6)(a) is to remove the exemption from the habitual residence test for nationals of Bulgaria and Romania subject to the worker authorisation scheme established by the Accession (Immigration and Worker Authorisation) Regulations 2006. That scheme came to an end on 1 January 2014 so there is no longer a need for the exemption.

The amendments at 2(4)(c) and 2(6)(c) are made to remove the exemption from the habitual residence test for persons fleeing the volcanic eruption in Montserrat, as sufficient time has elapsed since then for the exemption no longer to be needed, and to remove time limited exemptions in relation to persons leaving the Lebanon and Zimbabwe which are now spent.