
STATUTORY INSTRUMENTS

2018 No. 1056

HOUSING, ENGLAND

**The Allocation of Housing and Homelessness (Eligibility)
(England) (Amendment) (No. 2) Regulations 2018**

| | | |
|-------------------------------|---------|--------------------------|
| <i>Made</i> | - - - - | <i>10th October 2018</i> |
| <i>Laid before Parliament</i> | | <i>11th October 2018</i> |
| <i>Coming into force</i> | - - | <i>1st November 2018</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) (No. 2) Regulations 2018 and come into force on 1st November 2018.

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

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

Amendments to regulation 3

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

- (a) in paragraph (f) at the end omit “and”;
- (b) in paragraph (g) at the end for the full stop substitute “; and”; and
- (c) after paragraph (g) insert—

“(h) Class H – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais leave to remain under paragraph 352J of the Immigration Rules.”.

(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. 213/630. Section 185 was amended by paragraph 7(1) of Schedule 1 to the Homelessness Act 2002 (c. 7), paragraph 4(2) and (3) of Schedule 15 to the Housing and Regeneration Act 2008 (c. 17) and S.I. 2013/630.

(2) S.I. 2006/1294; relevant amending instruments are S.I. 2006/2527, 2014/435, 2016/965 and 2018/730.

Amendments to regulation 5

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

- (a) in sub-paragraph (g) at the end omit “and”;
- (b) in sub-paragraph (h) at the end for the full stop substitute “; and”; and
- (c) after sub-paragraph (h) insert—

- “(i) Class I – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais leave to remain under paragraph 352J of the Immigration Rules.”.

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

Heather Wheeler
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local
Government

10th October 2018

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 or for housing assistance 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 which make such provision.

The effect of the amendments made by regulations 3 and 4 is to prescribe an additional class of persons who are eligible for an allocation of housing or homelessness assistance under the 1996 Act. These persons are those who are habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who have Calais leave to remain under paragraph 352J of the Immigration Rules. The expression ‘Calais leave’ is defined in the Immigration Rules at rule 352J.

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