
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 397

HOUSING

**The Allocation of Housing and Homelessness
(Eligibility) Regulations (Northern Ireland) 2006**

Made - - - - 28th September 2006

To be laid before Parliament

Coming into operation 1st November 2006

The Secretary of State makes the following regulations in exercise of the powers conferred on him by Article 22A(3) of the Housing (Northern Ireland) Order 1981(1) and Article 7A(2) of the Housing (Northern Ireland) Order 1988(2):

Citation and commencement

1. These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006 and shall come into operation on 1st November 2006.

Commencement Information

II [Reg. 1](#) in operation at 1.11.2006, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

^{F1}[^{F2}...

“the Accession Regulations 2006” means the Accession (Immigration and Worker Authorisation) Regulations 2006;]

[^{F3}“the Accession Regulations 2013” means the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(3);”]

“the EEA Regulations” means the [^{F4}Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the

(1) [S.I. 1981/156 \(N.I. 3\)](#); Article 22A was inserted by Article 124 of [S.I. 2003/412 \(N.I. 2\)](#)

(2) [S.I. 1988/1990 \(N.I. 23\)](#); Article 7A was inserted by Article 137 of [S.I. 2003/412 \(N.I. 2\)](#)

(3) [S.I. 2006/1003](#)

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

(2) For the purposes of these Regulations—

(a) “jobseeker”, “self-employed person” and “worker” have the same meaning as for the purposes of the definition of a “qualified person” in regulation 6(1) of the EEA Regulations(4); and

[^{F5}(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;]

(b) subject to paragraph (3), references to the family member of a jobseeker, self-employed person[^{F6}, worker or frontier worker] shall be construed in accordance with regulation 7 of [^{F7}the EEA Regulations] .

(3) For the purposes of regulations 3(2)(d) [^{F8}and (j)] and 4(2)(d) [^{F8}and (j)] “family member” does not include a person who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations.

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| F1 | Words in reg. 2(1) omitted (31.8.2013) by virtue of Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/189) , regs. 1, 2(2)(a) (with reg. 3) |
| F2 | Words in reg. 2(1) substituted (1.3.2007) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/34) , regs. 1, 2(2) (with reg. 3) |
| F3 | Words in reg. 2(1) inserted (31.8.2013) by Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/189) , regs. 1, 2(2)(b) (with reg. 3) |
| F4 | Words in reg. 2(1) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309) , regs. 1(2), 72(2)(a) |
| F5 | Reg. 2(2)(ab) inserted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309) , regs. 1(2), 72(2)(b) |
| F6 | Words in reg. 2(2)(b) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309) , regs. 1(2), 72(2)(c)(i) |
| F7 | Words in reg. 2(2)(b) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309) , regs. 1(2), 72(2)(c)(ii) |
| F8 | Words in reg. 2(3) inserted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309) , regs. 1(2), 72(2)(d) |

Modifications etc. (not altering text)

- C1** [Reg. 2](#) applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(3)**, 4(4), 11(1)

Commencement Information

- I2** [Reg. 2](#) in operation at 1.11.2006, see [reg. 1](#)

(4) See regulation 4 and regulation 6(2) to (4) of the Immigration (European Economic Area) Regulations 2006

Persons from abroad who are ineligible for an allocation of housing accommodation

3.—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under the Housing (Northern Ireland) Order 1981 if—

- (a) subject to paragraph (2), he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;
- (b) his only right to reside in the United Kingdom—
 - (i) is derived from his status as a jobseeker or the family member of a jobseeker; or
 - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or
 - ^{F9}(iii) is a derivative right to reside to which he is entitled under ^{F10}regulation 16(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in ^{F11}regulation 16(5) of those Regulations; or

^{F12}(iv)]

^{F13}(c) 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) would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

^{F14}(1A) For the purposes of determining whether the only right to reside that a person has is of the kind mentioned in paragraph (1)(b) or (c), 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
- ^{F15}(a) by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act; or
- (b) leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act

is to be disregarded.]]

(2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph 1(a)—

- (a) a worker;
- (b) a self-employed person;
- ^{F16}(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to either—
 - (i) regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation); or
 - (ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);]
- (d) a person who is the family member of a person specified in sub-paragraphs (a)–(c);
- (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation ^{F17}15(1)(c) , (d) or (e) of the EEA Regulations;
- (f) a person who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption; ^{F18} ...
- (g) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom ^{F19}and]

- [^{F20}(h) a person who—
- (i) arrived in the United Kingdom on or after 28th February 2009 but before 18th March 2011;
 - (ii) immediately before arriving in the United Kingdom had been resident in Zimbabwe; and
 - (iii) before leaving Zimbabwe, had accepted an offer, made by Her Majesty's Government, to assist that person to settle in the United Kingdom.]
- [^{F21}(i) a frontier worker; ^{F22} ...
- (j) a person who—
- (i) is a family member of a person specified in sub-paragraph (i); 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.]
- [^{F23}(k) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.]
- [^{F24}(l) a person who was residing in Ukraine immediately before 1st January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24th February 2022.]
- [^{F25}(m) a person who was residing in Sudan before 15th April 2023 and who left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan.]
- [^{F26}(n) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023 and who left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack.]

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| F9 | Reg. 3(1)(b)(iii)(iv) inserted (14.1.2013) by Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/429), regs. 1, 2(2) (with reg. 3) |
| F10 | Words in reg. 3(1)(b)(iii) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), 72(3)(a) |
| F11 | Words in reg. 3(1)(b)(iii) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), 72(3)(b) |
| F12 | Reg. 3(1)(b)(iv) omitted (31.12.2020) by virtue of The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), 72(3)(c) |
| F13 | Reg. 3(1)(c) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), 72(3)(d) |
| F14 | Reg. 3(1A) inserted (7.5.2019) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.R. 2019/86), regs. 1, 3(a) (with reg. 5) |
| F15 | Words in reg. 3(1A) substituted (31.12.2020 immediately after IP completion day) by The Immigration (Citizens' Rights etc.) (EU Exit) Regulations 2020 (S.I. 2020/1372), regs. 1(2)(a)(3)(d), 21(2) |
| F16 | Reg. 3(2)(c) substituted (31.8.2013) by Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/189), regs. 1, 2(3) (with reg. 3) |

- F17** Word in reg. 3(2)(e) substituted (7.5.2019) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.R. 2019/86), regs. 1, **3(b)** (with reg. 5)
- F18** Word in reg. 3(2)(f) omitted (18.5.2009) by virtue of The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/161), regs. 1, **2(2)**
- F19** Word in reg. 3(2)(g) inserted (18.5.2009) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/161), regs. 1, **2(3)**
- F20** Reg. 3(2)(h) inserted (18.5.2009) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/161), regs. 1, **2(4)**
- F21** Reg. 3(2)(i)(j) inserted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **72(3)(e)**
- F22** Word in reg. 3(2)(i) omitted (7.10.2021) by virtue of The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/254), regs. 1, **2(2)(a)**
- F23** Reg. 3(2)(k) inserted (7.10.2021) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/254), regs. 1, **2(2)(b)**
- F24** Reg. 3(2)(l) inserted (22.3.2022) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2022 (S.R. 2022/128), regs. 1, **2(2)**
- F25** Reg. 3(2)(m) inserted (15.5.2023) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/79), regs. 1(1), **2(2)**
- F26** Reg. 3(2)(n) inserted (27.10.2023) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) (No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/182), regs. 1(1), **2(2)**

Modifications etc. (not altering text)

- C2** Reg. 3 applied (with modifications) (31.12.2020) by The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (S.I. 2020/1209), regs. 1(1), **3(3)**, 4(4), 11(1)

Commencement Information

- I3** Reg. 3 in operation at 1.11.2006, see **reg. 1**

Persons from abroad who are ineligible for housing assistance

4.—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for housing assistance under Part II of the Housing (Northern Ireland) Order 1988 if—

- (a) subject to paragraph (2), he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;
- (b) his only right to reside in the United Kingdom—
 - (i) is derived from his status as a jobseeker or the family member of a jobseeker; or
 - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or
 - [^{F27}(iii) is a derivative right to reside to which he is entitled under [^{F28}regulation 16(1)] of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in [^{F29}regulation 16(5)] of those Regulations; or
 - ^{F30}(iv)]
- [^{F31}(c) 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)]

would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

[^{F32}(1A) For the purposes of determining whether the only right to reside that a person has is of the kind mentioned in paragraph (1)(b) or (c), 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 ^{F33}(a) by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act; or (b) leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act is to be disregarded.]]

(2) The following are not to be treated as persons from abroad who are ineligible for housing assistance pursuant to paragraph 1(a)—

- (a) a worker;
- (b) a self-employed person;
- [^{F34}(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to either—
 - (i) regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation); or
 - (ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);]
- (d) a person who is the family member of a person specified in sub-paragraphs (a)–(c);
- (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation [^{F35}15(1)(c)] , (d) or (e) of the EEA Regulations;
- (f) a person who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption; ^{F36} ...
- (g) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom [^{F37}and]
- [^{F38}(h) a person who—
 - (i) arrived in the United Kingdom on or after 28th February 2009 but before 18th March 2011;
 - (ii) immediately before arriving in the United Kingdom had been resident in Zimbabwe; and
 - (iii) before leaving Zimbabwe had accepted an offer made by Her Majesty’s Government to assist that person to settle in the United Kingdom.]
- [^{F39}(i) a frontier worker; ^{F40} ...
- (j) a person who—
 - (i) is a family member of a person specified in sub-paragraph (i); 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.]
- [^{F41}(k) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.]
- [^{F42}(l) a person who was residing in Ukraine immediately before 1st January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24th February 2022.]

- [^{F43}(m) a person who was residing in Sudan before 15th April 2023 and who left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan.]
- [^{F44}(n) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023 and who left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack.]

- F27** Reg. 4(1)(b)(iii)(iv) inserted (14.1.2013) by Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/429), regs. 1, **2(4)** (with reg. 3)
- F28** Words in reg. 4(1)(b)(iii) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **72(4)(a)**
- F29** Words in reg. 4(1)(b)(iii) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **72(4)(b)**
- F30** Reg. 4(1)(b)(iv) omitted (31.12.2020) by virtue of The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **72(4)(c)**
- F31** Reg. 4(1)(c) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **72(4)(d)**
- F32** Reg. 4(1A) inserted (7.5.2019) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.R. 2019/86), regs. 1, **4(a)** (with reg. 5)
- F33** Words in reg. 4(1A) substituted (31.12.2020 immediately after IP completion day) by The Immigration (Citizens' Rights etc.) (EU Exit) Regulations 2020 (S.I. 2020/1372), regs. 1(2)(a)(3)(d), **21(2)**
- F34** Reg. 4(2)(c) substituted (31.8.2013) by Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/189), regs. 1, **2(4)** (with reg. 3)
- F35** Word in reg. 4(2)(e) substituted (7.5.2019) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.R. 2019/86), regs. 1, **4(b)** (with reg. 5)
- F36** Word in reg. 4(2)(f) omitted (18.5.2009) by virtue of The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/161), regs. 1, **2(5)**
- F37** Word in reg. 4(2)(g) inserted (18.5.2009) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/161), regs. 1, **2(6)**
- F38** Reg. 4(2)(h) inserted (18.5.2009) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/161), regs. 1, **2(7)**
- F39** Reg. 4(2)(i)(j) inserted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **72(4)(e)**
- F40** Word in reg. 4(2)(i) omitted (7.10.2021) by virtue of The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/254), regs. 1, **2(3)(a)**
- F41** Reg. 4(2)(k) inserted (7.10.2021) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/254), regs. 1, **2(3)(b)**
- F42** Reg. 4(2)(l) inserted (22.3.2022) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2022 (S.R. 2022/128), regs. 1, **2(3)**
- F43** Reg. 4(2)(m) inserted (15.5.2023) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/79), regs. 1(1), **2(3)**
- F44** Reg. 4(2)(n) inserted (27.10.2023) by The Allocation of Housing and Homelessness (Eligibility) (Amendment) (No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/182), regs. 1(1), **2(3)**

Changes to legislation: There are currently no known outstanding effects for the The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006. (See end of Document for details)

Modifications etc. (not altering text)

C3 Reg. 4 applied (with modifications) (31.12.2020) by The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (S.I. 2020/1209), regs. 1(1), **3(3)**, 4(4), 11(1)

Commencement Information

I4 Reg. 4 in operation at 1.11.2006, see **reg. 1**

Revocation

5. Subject to regulation 6, the Regulations specified in column (1) of the Schedule are revoked.

Commencement Information

I5 Reg. 5 in operation at 1.11.2006, see **reg. 1**

Transitional provisions

6. The revocations made by these Regulations shall not have effect in relation to an applicant whose application for—

- (a) an allocation of housing accommodation under the Housing (Northern Ireland) Order 1981; or
- (b) housing assistance under Part II of the Housing (Northern Ireland) Order 1988,

was made before 1st November 2006.

Commencement Information

I6 Reg. 6 in operation at 1.11.2006, see **reg. 1**

Peter Hain
One of Her Majesty's Principal Secretaries of
State
Northern Ireland Office

28th September 2006

SCHEDULE

Regulation 5

Commencement Information

17 Sch. in operation at 1.11.2006, see [reg. 1](#)

Revocation schedule

<i>(1)</i>	<i>(2)</i>
<i>Regulations Revoked</i>	<i>References</i>
The Allocation of Housing Regulations (Northern Ireland) 2004	S.R. 2004 No. 198
The Homelessness Regulations (Northern Ireland) 2004	S.R. 2004 No. 199

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for persons, not subject to immigration control, to be treated as persons from abroad and ineligible for an allocation of housing accommodation under the Housing (Northern Ireland) Order 1981 (“the 1981 Order”) and for housing assistance under Part II of the Housing (Northern Ireland) Order 1988 (“the 1988 Order”).

Article 22 of the 1981 Order provides that the Northern Ireland Housing Executive (“the Executive”) shall comply with a scheme, approved by the Department for Social Development, for the allocation of housing accommodation. Article 22A of the 1981 Order provides that the Executive shall not allocate housing accommodation to a person from abroad who is ineligible for such an allocation (paragraph (1), sub-paragraph (b)) and that the Secretary of State has power to specify, by regulations, classes of persons who are ineligible (paragraph (3)).

Part II of the 1988 Order imposes on the Executive duties in relation to persons who are found to be homeless or threatened with homelessness. Article 7A of the 1988 Order provides that a person is not eligible for assistance under Part II if he is a person from abroad who is ineligible for that assistance (paragraph (1)) and that the Secretary of State has power to make provision, by regulations, as to other descriptions of persons who are to be treated as persons from abroad who are ineligible for that assistance (paragraph (2)).

These Regulations, which come into operation on, contain provisions similar to those of the Allocation of Housing Regulations (Northern Ireland) 2004 and the Homelessness Regulations (Northern Ireland) 2004 which are revoked by these Regulations. The main changes take account of the implementation of Directive [2004/38/EC](#) of the European Parliament and Council of 29th April 2004 by the Immigration (European Economic Area) Regulations 2006. Directive 2004/38 makes some changes to the rights of free movement of citizens of the European Union (EU) and their family members, in particular by:

Changes to legislation: *There are currently no known outstanding effects for the The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006. (See end of Document for details)*

- the introduction of an initial right of residence of 3 months in a host member State for EU citizens and their family members provided they do not become an unreasonable burden on the social assistance system of the host member State— this right of residence is not conditional on the EU citizen being, for example, a worker or self-employed, as was previously the case under EU law; and
- the introduction of a permanent right of residence in a host member State for some EU citizens.

Regulations 3 and 4 of these Regulations prescribe those classes of persons who are not subject to immigration control but are to be treated as persons from abroad who are ineligible for an allocation of housing accommodation and for housing assistance respectively. These classes relate principally to British nationals and to those EU citizens and nationals of Norway, Iceland, Liechtenstein and Switzerland who are not subject to immigration control. Under regulations 3(1) and 4(1), such persons will be ineligible for an allocation of social housing or for homelessness assistance if:

- they are not habitually resident in the United Kingdom, Channel Islands, Isle of Man or Republic of Ireland (unless exempted from the requirement to be habitually resident by regulations 3(2) and 4(2)); or
- their only right to reside in the United Kingdom, Channel Islands, Isle of Man or Republic of Ireland is a right derived from the Treaty establishing the European Community to reside in another member State for an initial period of up to 3 months after arrival or as a jobseeker.

Regulation 5 revokes the provisions which are replaced by these Regulations and regulation 6 makes transitional provisions in relation to applications for an allocation of housing accommodation or housing assistance before 1st November 2006.

Changes to legislation:

There are currently no known outstanding effects for the The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006.