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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 161**

**HOUSING**

**The Allocation of Housing and Homelessness (Eligibility)  
(Amendment) Regulations (Northern Ireland) 2009**

*Made - - - - 7th April 2009*

*To be laid before Parliament*

*Coming into operation 18th May 2009*

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<sup>(1)</sup> and Article 7A(2) of the Housing (Northern Ireland) Order 1988<sup>(2)</sup>:

**Citation and commencement**

1. These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 18th May 2009.

**Persons who left Zimbabwe**

2.—(1) The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006<sup>(3)</sup> are amended as follows:

(2) In regulation 3(2)(f) omit “and”.

(3) At the end of regulation 3(2)(g) insert “and”.

(4) At the end of regulation 3(2)(g) insert—

“(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.”

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(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.R. 2006 No. 397](#)

- (5) In regulation 4(2)(f), omit “and”.
- (6) At the end of regulation 4(2)(g) insert “and”.
- (7) After regulation 4(2)(g) insert—
  - “(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.”

7th April 2009

*Paul Goggins*  
Minister of State  
Northern Ireland Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the provisions of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006 (“the Eligibility Regulations”) which determine which persons from abroad, other than persons subject to immigration control<sup>(4)</sup>, are 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”).

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, Channel Islands, Isle of Man or Republic of Ireland, unless specifically exempted from that requirement (see regulations 3(1)(a) and (2), and 4(1)(a) and (2) of the Eligibility Regulations). Regulation 2 amends the Eligibility Regulations to create such an exemption. The effect of the provision is that a person not subject to immigration control who is not habitually resident, and who arrived in the United Kingdom from Zimbabwe on or after 28th February 2009 but before 18th March 2011, having accepted a resettlement offer from Her Majesty’s Government, will be eligible for an allocation of housing accommodation or for housing assistance in Northern Ireland.

An impact assessment has not been produced for these Regulations as they have no impact on the cost of business, charities or voluntary bodies.

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(4) For these purposes, ‘persons subject to immigration control’ has the meaning given by section 13(2) of the Asylum and Immigration Act 1996 (c.49) (see Article 22A(1)(a) of the Housing (Northern Ireland) Order 1981 and Article 7A(1)(a) of the Housing (Northern Ireland) Order 1988). That provision defines ‘person subject to immigration control’ as a person who, under the Immigration Act 1971 (c.77), requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).