



# Housing Act 1996

## 1996 CHAPTER 52

### PART VI

#### ALLOCATION OF HOUSING ACCOMMODATION

##### *Introductory*

#### **159 Allocation of housing accommodation.**

- (1) A local housing authority shall comply with the provisions of this Part in allocating housing accommodation.
- (2) For the purposes of this Part a local housing authority allocate housing accommodation when they—
  - (a) select a person to be a secure or introductory tenant of housing accommodation held by them,
  - (b) nominate a person to be a secure or introductory tenant of housing accommodation held by another person, or
  - (c) nominate a person to be an assured tenant of housing accommodation held by [<sup>F1</sup>a private registered provider of social housing or] a registered social landlord.
- (3) The reference in subsection (2)(a) to selecting a person to be a secure tenant includes deciding to exercise any power to notify an existing tenant or licensee that his tenancy or licence is to be a secure tenancy.
- (4) The references in subsection (2)(b) and (c) to nominating a person include nominating a person in pursuance of any arrangements (whether legally enforceable or not) to require that housing accommodation, or a specified amount of housing accommodation, is made available to a person or one of a number of persons nominated by the authority.

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- [<sup>F2</sup>(4A) Subject to subsection (4B), the provisions of this Part do not apply to an allocation of housing accommodation by a local housing authority in England to a person who is already—
- (a) a secure or introductory tenant, or
  - (b) an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord.
- (4B) The provisions of this Part apply to an allocation of housing accommodation by a local housing authority in England to a person who falls within subsection (4A)(a) or (b) if—
- (a) the allocation involves a transfer of housing accommodation for that person,
  - (b) the application for the transfer is made by that person, and
  - (c) the authority is satisfied that the person is to be given reasonable preference under section 166A(3).]

[<sup>F3</sup>(5) The provisions of this Part do not apply to an allocation of housing accommodation [<sup>F4</sup>by a local housing authority in Wales] to a person who is already a secure or introductory tenant unless the allocation involves a transfer of housing accommodation for that person and is made on his application.]

(7) Subject to the provisions of this Part, a local housing authority may allocate housing accommodation in such manner as they consider appropriate.

#### Textual Amendments

- F1** Words in s. 159(2)(c) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 100** (with art. 6, Sch. 3)
- F2** S. 159(4A)(4B) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), **ss. 145(2)**, 240(2); S.I. 2012/57, art. 4(1)(j) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F3** S. 159(5) substituted (27.1.2003 for W. and 31.1.2003 for E.) for s. 159(5)(6) by [2002 c. 7, s. 13](#) (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**
- F4** Words in s. 159(5) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), **ss. 145(3)**, 240(2); S.I. 2012/57, art. 4(1)(j) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

#### Modifications etc. (not altering text)

- C1** Pt. VI modified (1.12.2014 for specified purposes, 1.2.2016 for E. in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 3 para. 2(2)**; S.I. 2014/2771, art. 6(1)(m); S.I. 2016/11, art. 2(m)
- C2** S. 159(4A) excluded (1.12.2014 for specified purposes, 1.2.2016 for E. in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 3 para. 2(2)**; S.I. 2014/2771, art. 6(1)(m); S.I. 2016/11, art. 2(m)

## 160 Cases where provisions about allocation do not apply.

- (1) The provisions of this Part about the allocation of housing accommodation do not apply in the following cases.
- (2) They do not apply where a secure tenancy—

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- (a) vests under section 89 of the <sup>M1</sup>Housing Act 1985 (succession to periodic secure tenancy on death of tenant),
  - (b) remains a secure tenancy by virtue of section 90 of that Act (devolution of term certain of secure tenancy on death of tenant),
  - (c) is assigned under section 92 of that Act (assignment of secure tenancy by way of exchange),
  - (d) is assigned to a person who would be qualified to succeed the secure tenant if the secure tenant died immediately before the assignment,
  - [<sup>F5</sup>(da) is granted in response to a request under section 158 of the Localism Act 2011 (transfer of tenancy), or]
  - (e) vests or is otherwise disposed of in pursuance of an order made under—
    - (i) section 24 of the <sup>M2</sup>Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
    - (ii) section 17(1) of the <sup>M3</sup>Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), <sup>F6</sup>...
    - (iii) paragraph 1 of Schedule 1 to the <sup>M4</sup>Children Act 1989 (orders for financial relief against parents). [<sup>F7</sup>, or
    - (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).]
- (3) They do not apply where an introductory tenancy—
- (a) becomes a secure tenancy on ceasing to be an introductory tenancy,
  - (b) vests under section 133(2) (succession to introductory tenancy on death of tenant),
  - (c) is assigned to a person who would be qualified to succeed the introductory tenant if the introductory tenant died immediately before the assignment, or
  - (d) vests or is otherwise disposed of in pursuance of an order made under—
    - (i) section 24 of the <sup>M5</sup>Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
    - (ii) section 17(1) of the <sup>M6</sup>Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), <sup>F8</sup>...
    - (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents). [<sup>F9</sup>, or
    - (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).]
- (4) They do not apply in such other cases as the Secretary of State may prescribe by regulations.
- (5) The regulations may be framed so as to make the exclusion of the provisions of this Part about the allocation of housing accommodation subject to such restrictions or conditions as may be specified.
- In particular, those provisions may be excluded—
- (a) in relation to specified descriptions of persons, or
  - (b) in relation to housing accommodation of a specified description or a specified proportion of housing accommodation of any specified description.

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### Textual Amendments

- F5** S. 160(2)(da) substituted (1.4.2012) for word by [Localism Act 2011 \(c. 20\)](#), **ss. 159(7)**, 240(2); S.I. 2012/628, **art. 6(a)** (with **arts. 9, 11, 14, 15, 17**)
- F6** Word in s. 160(2)(e)(ii) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, **art. 2(6)**
- F7** S. 160(2)(e)(iv) and preceding word inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 60**; S.I. 2005/3175, **art. 2(1)**, **Sch. 1**
- F8** Word in s. 160(3)(d)(ii) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, **art. 2(6)**
- F9** S. 160(3)(d)(iv) and preceding word inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 60**; S.I. 2005/3175, **art. 2(1)**, **Sch. 1**

### Modifications etc. (not altering text)

- C3** S. 160 modified (1.12.2014 for specified purposes, 1.2.2016 for E. in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 3 para. 2(3)**; S.I. 2014/2771, **art. 6(1)(m)**; S.I. 2016/11, **art. 2(m)**

### Commencement Information

- I1** S. 160 wholly in force 1.4.1997: s. 160 not in force at Royal Assent, see s. 232(1)-(3); s. 160(4)(5) in force at 1.10.1996 by [S.I. 1996/2402](#), **art. 3** (with transitional provisions and savings in the [Sch.](#)); s. 160 in force at 1.4.1997 to the extent it is not already in force by [S.I. 1996/2959](#), **art. 3**

### Marginal Citations

- M1** 1985 c. 68.  
**M2** 1973 c. 18.  
**M3** 1984 c. 42.  
**M4** 1989 c. 41.  
**M5** 1973 c. 18.  
**M6** 1984 c. 42.

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