



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 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.
- (5) The provisions of this Part do not apply to the allocation of housing accommodation by a local housing authority to a person who is already—
 - (a) a secure or introductory tenant,

Status: This is the original version (as it was originally enacted).

- (b) an assured tenant (otherwise than under an assured shorthold tenancy) of housing accommodation held by a registered social landlord, or
 - (c) an assured tenant of housing accommodation allocated to him by a local housing authority.
- (6) The provisions of this Part do not apply to the allocation of housing accommodation by a local housing authority to two or more persons jointly if—
- (a) one or more of them is a person within subsection (5)(a), (b) or (c), and
 - (b) none of the others is excluded from being a qualifying person by section 161(2) or regulations under section 161(3).
- (7) Subject to the provisions of this Part, a local housing authority may allocate housing accommodation in such manner as they consider appropriate.

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—
- (a) vests under section 89 of the 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, or
 - (e) vests or is otherwise disposed of in pursuance of an order made under—
 - (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
 - (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
 - (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).
- (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 Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
 - (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
 - (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).

- (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.