



Housing Act 1996

1996 CHAPTER 52

PART VI

ALLOCATION OF HOUSING ACCOMMODATION

The allocation scheme

167 Allocation in accordance with allocation scheme.

- (1) Every local housing authority shall have a scheme (their “allocation scheme”) for determining priorities, and as to the procedure to be followed, in allocating housing accommodation.

For this purpose “procedure” includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are to be taken.

[^{F1}(1A) The scheme shall include a statement of the authority’s policy on offering people who are to be allocated housing accommodation—

- (a) a choice of housing accommodation; or
- (b) the opportunity to express preferences about the housing accommodation to be allocated to them.]

[^{F2}(2) As regards priorities, the scheme shall [^{F3}, subject to subsection (2ZA),] be framed so as to secure that reasonable preference is given to—

- (a) people who are homeless (within the meaning of Part 7);
- (b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) people who need to move on medical or welfare grounds [^{F4} (including grounds relating to a disability)] ; and

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- (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The scheme may also be framed so as to give additional preference to particular descriptions of people within this subsection (being descriptions of people with urgent housing needs).

[People are to be disregarded for the purposes of subsection (2) if they would not have^{F5}(2ZA) fallen within paragraph (a) or (b) of that subsection without the local housing authority having had regard to a restricted person (within the meaning of Part 7).]

(2A) The scheme may contain provision for determining priorities in allocating housing accommodation to people within subsection (2); and the factors which the scheme may allow to be taken into account include—

- (a) the financial resources available to a person to meet his housing costs;
- (b) any behaviour of a person (or of a member of his household) which affects his suitability to be a tenant;
- (c) any local connection (within the meaning of section 199) which exists between a person and the authority's district.

(2B) Nothing in subsection (2) requires the scheme to provide for any preference to be given to people the authority have decided are people to whom subsection (2C) applies.

(2C) This subsection applies to a person if the authority are satisfied that—

- (a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority; and
- (b) in the circumstances at the time his case is considered, he deserves by reason of that behaviour not to be treated as a member of a group of people who are to be given preference by virtue of subsection (2).

(2D) Subsection (8) of section 160A applies for the purposes of subsection (2C)(a) above as it applies for the purposes of subsection (7)(a) of that section.

(2E) Subject to subsection (2), the scheme may contain provision about the allocation of particular housing accommodation—

- (a) to a person who makes a specific application for that accommodation;
- (b) to persons of a particular description (whether or not they are within subsection (2)).]

(3) The Secretary of State may by regulations—

- (a) specify further descriptions of people to whom preference is to be given as mentioned in subsection (2), or
- (b) amend or repeal any part of subsection (2).

(4) The Secretary of State may by regulations specify factors which a local housing authority shall not take into account in allocating housing accommodation.

[^{F6}(4A) The scheme shall be framed so as to secure that an applicant for an allocation of housing accommodation—

- (a) has the right to request such general information as will enable him to assess—
 - (i) how his application is likely to be treated under the scheme (including in particular whether he is likely to be regarded as a member of

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- a group of people who are to be given preference by virtue of subsection (2)); and
- (ii) whether housing accommodation appropriate to his needs is likely to be made available to him and, if so, how long it is likely to be before such accommodation becomes available for allocation to him;
- (b) is notified in writing of any decision that he is a person to whom subsection (2C) applies and the grounds for it;
- (c) has the right to request the authority to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him; and
- (d) has the right to request a review of a decision mentioned in paragraph (b) or (c), or in section 160A(9), and to be informed of the decision on the review and the grounds for it.]
- (5) As regards the procedure to be followed, the scheme shall be framed in accordance with such principles as the Secretary of State may prescribe by regulations.
- (6) Subject to the above provisions, and to any regulations made under them, the authority may decide on what principles the scheme is to be framed.
- (7) Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority shall—
- (a) send a copy of the draft scheme, or proposed alteration, to every registered social landlord with which they have nomination arrangements (see section 159(4)), and
- (b) afford those persons a reasonable opportunity to comment on the proposals.
- (8) A local housing authority shall not allocate housing accommodation except in accordance with their allocation scheme.

Textual Amendments

- F1** S. 167(1A) inserted (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, s. 16(1)(2) (with s. 20(4)); S.I. 2002/1736, art. 2(2), Sch. Pt. 2; S.I. 2002/3114, art. 3
- F2** S. 167(2)-(2E) substituted (27.1.2003 for W. and 31.1.2003 for E.) for s. 167(2) by 2002 c. 7, s. 16(1)(3) (with s. 20(4)); S.I. 2002/1736, art. 2(2), Sch. Pt. 2; S.I. 2002/3114, art. 3
- F3** Words in s. 167(2) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 15 para. 2(2); S.I. 2009/415, art. 2
- F4** Words in s. 167(2)(d) inserted (27.4.2005 for E.) by Housing Act 2004 (c. 34), ss. 223, 270(4), (5)(c); S.I. 2005/1120, art. 2
- F5** S. 167(2ZA) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 15 para. 2(3); S.I. 2009/415, art. 2
- F6** S. 167(4A) inserted (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, s. 16(1)(4) (with s. 20(4)); S.I. 2002/1736, art. 2(2), Sch. Pt. 2; S.I. 2002/3114, art. 3

Commencement Information

- II** S. 167 wholly in force 1.4.1997: s. 167 not in force at Royal Assent, see s. 232(1)-(3); s. 167(3)-(5) in force at 1.10.1996 by S.I. 1996/2402, art. 3 (with transitional provisions and savings in the Sch.); s. 167 in force for certain purposes at 23.10.1996 by S.I. 1996/2658, art. 2 and in force at 1.4.1997 to the extent it is not already in force by S.I. 1996/2959, art. 3

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168 Information about allocation scheme.

- (1) A local housing authority shall publish a summary of their allocation scheme and provide a copy of the summary free of charge to any member of the public who asks for one.
- (2) The authority shall make the scheme available for inspection at their principal office and shall provide a copy of the scheme, on payment of a reasonable fee, to any member of the public who asks for one.
- (3) When the authority make an alteration to their scheme reflecting a major change of policy, they shall within a reasonable period of time [^{F7}take such steps as they consider reasonable to bring the effect of the alteration to the attention of those likely to be affected by it].

Textual Amendments

F7 Words in s. 168(3) substituted (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 4** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, art. 3

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