



Housing Act 1996

1996 CHAPTER 52

PART VI

ALLOCATION OF HOUSING ACCOMMODATION

[^{F1}The allocation scheme][^{F1}Allocation schemes]

Textual Amendments

- F1** S. 167 cross-heading substituted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss. **147(3)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

[^{F2}166A Allocation in accordance with allocation scheme: England

- (1) Every local housing authority in England must 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 taken.

- (2) The scheme must include a statement of the authority's policy on offering people who are to be allocated housing accommodation—
- a choice of housing accommodation; or
 - the opportunity to express preferences about the housing accommodation to be allocated to them.
- (3) As regards priorities, the scheme shall, subject to subsection (4), be framed so as to secure that reasonable preference is given to—
- people who are homeless (within the meaning of Part 7);
 - 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

Status: Point in time view as at 30/11/2012.

Changes to legislation: Housing Act 1996, Cross Heading: The allocation scheme. Allocation schemes is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 (including any grounds relating to a disability); and
- (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 [^{F3}people within one or more of paragraphs (a) to (e)] (being descriptions of people with urgent housing needs).

[^{F4} The scheme must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more of paragraphs (a) to (e) and who –

- (i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service,
- (ii) formerly served in the regular forces,
- (iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- (iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service.

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006.]

- (4) People are to be disregarded for the purposes of subsection (3) if they would not have 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).
- (5) The scheme may contain provision for determining priorities in allocating housing accommodation to people within subsection (3); 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.
- (6) Subject to subsection (3), 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 (3)).
- (7) The Secretary of State may by regulations—
 - (a) specify further descriptions of people to whom preference is to be given as mentioned in subsection (3), or
 - (b) amend or repeal any part of subsection (3).

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- (8) The Secretary of State may by regulations specify factors which a local housing authority in England must not take into account in allocating housing accommodation.
- (9) The scheme must 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 a group of people who are to be given preference by virtue of subsection (3)); 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) 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
 - (c) has the right to request a review of a decision mentioned in paragraph (b), or in section 160ZA(9), and to be informed of the decision on the review and the grounds for it.
- (10) As regards the procedure to be followed, the scheme must be framed in accordance with such principles as the Secretary of State may prescribe by regulations.
- (11) 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.
- (12) A local housing authority in England must, in preparing or modifying their allocation scheme, have regard to—
- (a) their current homelessness strategy under section 1 of the Homelessness Act 2002,
 - (b) their current tenancy strategy under section 150 of the Localism Act 2011, and
 - (c) in the case of an authority that is a London borough council, the London housing strategy.
- (13) Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority in England must—
- (a) send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and 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.
- (14) A local housing authority in England shall not allocate housing accommodation except in accordance with their allocation scheme.]

Textual Amendments

- F2** S. 166A 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. 147\(4\), 240\(2\)](#); [S.I. 2012/57, art. 4\(1\)\(k\)](#) (with arts. 6, 7, 9-11); [S.I. 2012/1463, art. 3](#)
- F3** Words in s. 166A(3) substituted (30.11.2012) by [The Housing Act 1996 \(Additional Preference for Armed Forces\) \(England\) Regulations 2012 \(S.I. 2012/2989\), regs. 1, 2\(a\)](#)

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F4 Words in s. 166A(3) inserted (30.11.2012) by [The Housing Act 1996 \(Additional Preference for Armed Forces\) \(England\) Regulations 2012 \(S.I. 2012/2989\)](#), regs. 1, 2**(b)**

167 ^{F5F1} **Allocation in accordance with allocation scheme^{F5}: Wales]**

(1) Every local housing authority [^{F6}in Wales] 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.

[^{F7}(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.]

[^{F8}(2) As regards priorities, the scheme shall [^{F9}, 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 [^{F10} (including grounds relating to a disability)] ; and
- (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 ^{F11}(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.

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- (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 [^{F12}in Wales] shall not take into account in allocating housing accommodation.
- [^{F13}(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 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 [^{F14}in Wales] shall—

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- (a) send a copy of the draft scheme, or proposed alteration, to every [^{F15}private registered provider of social housing and] 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 [^{F16}in Wales] shall not allocate housing accommodation except in accordance with their allocation scheme.

Textual Amendments

- F5** Words in s. 167 heading 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. 147\(5\)\(a\)](#), 240(2); S.I. 2012/57, [art. 4\(1\)\(k\)](#) (with [arts. 6, 7, 9-11](#)); S.I. 2012/1463, [art. 3](#)
- F6** Words in s. 167(1) 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. 147\(5\)\(b\)](#), 240(2); S.I. 2012/57, [art. 4\(1\)\(k\)](#) (with [arts. 6, 7, 9-11](#)); S.I. 2012/1463, [art. 3](#)
- F7** 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](#)
- F8** 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](#)
- F9** 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](#)
- F10** 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](#)
- F11** 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](#)
- F12** Words in s. 167(4) 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. 147\(5\)\(c\)](#), 240(2); S.I. 2012/57, [art. 4\(1\)\(k\)](#) (with [arts. 6, 7, 9-11](#)); S.I. 2012/1463, [art. 3](#)
- F13** 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](#)
- F14** Words in s. 167(7) 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. 147\(5\)\(d\)](#), 240(2); S.I. 2012/57, [art. 4\(1\)\(k\)](#) (with [arts. 6, 7, 9-11](#)); S.I. 2012/1463, [art. 3](#)
- F15** Words in s. 167(7)(a) 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. 101](#) (with [art. 6](#), [Sch. 3](#))
- F16** Words in s. 167(8) 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. 147\(5\)\(e\)](#), 240(2); S.I. 2012/57, [art. 4\(1\)\(k\)](#) (with [arts. 6, 7, 9-11](#)); S.I. 2012/1463, [art. 3](#)

Commencement Information

- I1** 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](#)

168 ^{F5F1} 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.

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- (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 [^{F17}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

- F5** Words in s. 167 heading 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. 147\(5\)\(a\), 240\(2\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(k\)](#) (with [arts. 6, 7, 9-11](#)); [S.I. 2012/1463](#), [art. 3](#)
- F17** 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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Housing Act 1996, Cross Heading: The allocation schemeAllocation schemes is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.