



# Housing Act 1996

## 1996 CHAPTER 52

### PART VI

#### ALLOCATION OF HOUSING ACCOMMODATION

##### *The housing register*

#### **161 Allocation only to qualifying persons.**

- (1) A local housing authority shall allocate housing accommodation only to persons (“qualifying persons”) who are qualified to be allocated housing accommodation by that authority.
- (2) A person subject to immigration control within the meaning of the <sup>M1</sup>Asylum and Immigration Act 1996 is not qualified to be allocated housing accommodation by any authority in England and Wales unless he is of a class prescribed by regulations made by the Secretary of State.
- [<sup>F1</sup>(2A) No person who is excluded from entitlement to housing benefit by section 115 of the Immigration and Asylum Act 1999 (c. 33) (exclusion from benefits) shall be included in any class prescribed under subsection (2).]
- (3) The Secretary of State may by regulations prescribe other classes of persons who are, or are not, qualifying persons in relation to local housing authorities generally or any particular local housing authority.
- (4) Subject to subsection (2) and any regulations under subsection (3) a local housing authority may decide what classes of persons are, or are not, qualifying persons.
- (5) The prohibition in subsection (1) extends to the allocation of housing accommodation to two or more persons jointly if any of them is excluded from being a qualifying person by subsection (2) or regulations under subsection (3).
- (6) The prohibition does not otherwise extend to the allocation of housing accommodation to two or more persons jointly if one or more of them are qualifying persons.

*Status: Point in time view as at 31/07/2002.*

*Changes to legislation: Housing Act 1996, Cross Heading: The housing register is up to date with all changes known to be in force on or before 29 May 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)*

#### Textual Amendments

**F1** S. 161(2A) substituted (26.2.2002) by 2002 c. 7, s. 18(1), **Sch. 1 para. 3(1)**

#### Commencement Information

**I1** S. 161 wholly in force 1.4.1997: s. 161 not in force at Royal Assent, see s. 232(1)-(3); s. 161(2)(3) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 161 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** 1996 c. 49.

### 162 The housing register.

- (1) Every local housing authority shall establish and maintain a register of qualifying persons (their “housing register”).
- (2) An authority’s housing register may be kept in such form as the authority think fit.
- (3) It may, in particular, be kept as part of a register maintained for other housing purposes or maintained in common by the authority and one or more other landlords, provided the entries constituting the authority’s housing register can be distinguished.
- (4) An authority’s housing register shall contain such information about the persons on it and other relevant matters as the Secretary of State may prescribe by regulations.
- (5) Subject to any such regulations, the authority may decide what information is to be contained in the register.

#### Commencement Information

**I2** S. 162 wholly in force 1.4.1997: s. 162 not in force at Royal Assent, see s. 232(1)-(3); s. 162(4) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 162 in force at 1.4.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 3**

### 163 Operation of housing register.

- (1) A person shall be put on a local housing authority’s housing register if he applies to be put on and it appears to the authority that he is a qualifying person.
- (2) A local housing authority may put a person on their housing register without any application, if it appears to them that he is a qualifying person.
- (3) When a local housing authority put a person on their housing register (on his application or otherwise), they shall notify him that they have done so.
- (4) A local housing authority may amend an entry on their housing register in such circumstances as they think fit.  
 If they do so, they shall notify the person concerned of the amendment.
- (5) A local housing authority may remove a person from their housing register in such circumstances as they think fit.

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- (6) They shall do so—
- (a) if it appears to them that he has never been a qualifying person or is no longer such a person, or
  - (b) if he requests them to do so and he is not owed any duty under section 193 or 195(2) (main housing duties owed to persons who are homeless or threatened with homelessness).
- (7) Before removing a person from the register, a local housing authority shall comply with such requirements, as to notification or otherwise, as the Secretary of State may prescribe by regulations.

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

- C1** S. 163(5) restricted (20.1.1997) by S.I. 1996/2753, **reg. 8**  
S. 163(5) amended (E.) (3.4.2000) by S.I. 2000/702, **art. 8(1)**

**Commencement Information**

- I3** S. 163 wholly in force 1.4.1997: s. 163 not in force at Royal Assent, see s. 232(1)-(3); s. 163(7) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 163 in force at 1.4.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 3**

**164 Notification of adverse decision and right to review.**

- (1) If a local housing authority decide—
- (a) not to put a person on their housing register who has applied to be put on, or
  - (b) to remove a person from their housing register otherwise than at his request,
- they shall notify him of their decision and of the reasons for it.
- (2) The notice shall also inform him of his right to request a review of the decision and of the time within which such a request must be made.
- (3) A request for review must be made before the end of the period of 21 days beginning with the day on which he is notified of the authority's decision and reasons, or such longer period as the authority may in writing allow.
- (4) There is no right to request a review of the decision reached on an earlier review.
- (5) On a request being duly made to them, the authority shall review their decision.
- (6) Notice required to be given to a person under this section shall be given in writing and, if not received by him, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him.

**165 Procedure on a review.**

- (1) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under section 164.

Nothing in the following provisions affects the generality of this power.

- (2) Provision may be made by regulations—

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- (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and
  - (b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.
- (3) The authority shall notify the person concerned of the decision on the review.
- (4) If the decision is to confirm the original decision, they shall also notify him of the reasons for the decision.
- (5) Provision may be made by regulations as to the period within which the review must be carried out and notice given of the decision.
- (6) Notice required to be given to a person under this section shall be given in writing and, if not received by him, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him.

#### Commencement Information

- I4** S. 165 wholly in force 1.4.1997: s. 165 not in force at Royal Assent, see s. 232(1)-(3); s. 165(1)(2)(5) in force at 1.10.1996 by S.I. 1996/2402, art. 3 (with transitional provisions and savings in the Sch.); s. 165 in force at 1.4.1997 to the extent it is not already in force by S.I. 1996/2959, art. 3

## 166 Information about housing register.

- (1) A person on the housing register of a local housing authority is entitled—
- (a) to see the entry relating to himself and to receive a copy of it free of charge, and
  - (b) to be given such general information as will enable him to assess how long it is likely to be before housing accommodation appropriate to his needs becomes available for allocation to him.
- (2) The fact that a person is on an authority's housing register, and the information about him included in the register, shall not be divulged to any other member of the public.

**Status:**

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