
STATUTORY INSTRUMENTS

1997 No. 45

HOUSING, ENGLAND AND WALES

WALES

**The Local Housing Authorities (Prescribed Principles
for Allocation Schemes) (Wales) Regulations 1997**

<i>Made</i>	- - - -	<i>13th January 1997</i>
<i>Laid before Parliament</i>		<i>16th January 1997</i>
<i>Coming into force</i>	- -	<i>7th February 1997</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 167(5) and 172(4) of the Housing Act 1996⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Local Housing Authorities (Prescribed Principles for Allocation Schemes) (Wales) Regulations 1997 and shall come into force on 7th February 1997. They apply to Wales only.

Interpretation

2. In these Regulations—

“the Act” means the Housing Act 1996;

“allocation decision” means a decision to allocate housing accommodation;

“allocation scheme” means an allocation scheme within the meaning of section 167(1) of the Act;

“authority” means a Welsh local housing authority;

“delegation arrangements” means arrangements made under section 101(1) or (2) of the Local Government Act 1972⁽²⁾ for the discharge of an authority’s function of making allocation decisions;

(1) 1996 c. 52.
(2) 1972 c. 70.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“officer delegation arrangements” means delegation arrangements which arrange for the discharge (in whole or in part) of an authority’s function of making allocation decisions, by an officer or a description of officers of the authority; and

“qualifying person”, in relation to an authority, means a person who is qualified to be allocated housing accommodation by that authority.

Allocation scheme principles

3. As regards the procedure to be followed in allocating housing accommodation, the principles set out in the Schedule are prescribed as principles in accordance with which an authority’s allocation scheme shall be framed.

Signed by authority of the Secretary of State for Wales

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

13th January 1997

SCHEDULE

Regulation 3

ALLOCATION SCHEME PRINCIPLES

1. In relation to an allocation decision where either—
 - (a) the housing accommodation in question is situated in the electoral division for which a member is elected, or
 - (b) the qualifying person in question has his sole or main residence in the electoral division for which a member is elected,

that member shall not be included in the persons or descriptions of persons by whom the allocation decision is to be taken.

2. An officer or a description of officers of the authority shall be included in the persons or descriptions of persons by whom allocation decisions, or descriptions of allocation decisions, may be taken, except where the authority or a committee or sub-committee of the authority, as the case may be, has determined that no officer delegation arrangements shall be made.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to local housing authorities in Wales.

Section 167 of the Housing Act 1996 requires each local housing authority to have a scheme (an “allocation scheme”) for determining priorities, and as to the procedure to be followed, in allocating housing accommodation.

Section 167(5) of that Act empowers the Secretary of State to make regulations to prescribe principles of procedure to be followed in framing an allocation scheme. Section 167(1) of the Act provides that 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.

These Regulations prescribe two principles. The first is the principle that no member shall be included in the persons taking an allocation decision on housing accommodation in his electoral division, or involving a resident in his electoral division. The second principle is that local housing authority officers shall be included in the persons by whom allocation decisions can be taken, except where the local housing authority has determined otherwise.