
STATUTORY INSTRUMENTS

1997 No. 631

HOUSING, ENGLAND AND WALES

**The Allocation of Housing and Homelessness
(Amendment) Regulations 1997**

<i>Made</i> - - - -	<i>5th March 1997</i>
<i>Laid before Parliament</i>	<i>7th March 1997</i>
<i>Coming into force</i>	
<i>Regulation 1</i>	<i>28th March 1997</i>
<i>Regulations 2 and 3</i>	<i>1st April 1997</i>
<i>Regulations 4 and 5</i>	<i>28th March 1997</i>
<i>Regulation 6(a)</i>	<i>1st April 1997</i>
<i>Regulation 6(b) and (c)</i>	<i>28th March 1997</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 161(2) and (3), 165(1), 185(2) and (3) and 203(1) of the Housing Act 1996⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Allocation of Housing and Homelessness (Amendment) Regulations 1997.

(2) These Regulations shall come into force as follows—

- (a) regulation 1 on 28th March 1997;
- (b) regulations 2 and 3 on 1st April 1997;
- (c) regulations 4 and 5 on 28th March 1997;
- (d) regulation 6(a) on 1st April 1997; and
- (e) regulation 6(b) and (c) 28th March 1997.

(3) In these Regulations—

(1) 1996 c. 52.

“the Allocation Regulations” means the Allocation of Housing Regulations 1996(2);
 “the Homelessness Regulations” means the Homelessness Regulations 1996(3); and
 “the Review Regulations” means the Allocation of Housing and Homelessness (Review Procedures and Amendment) Regulations 1996(4).

Classes of persons subject to immigration control who are qualifying persons

2.—(1) In regulation 4 of the Allocation Regulations, in the description of Class C, after “condition”, insert “and who is habitually resident in the Common Travel Area”.

(2) In regulation 4 of the Allocation Regulations, at the end, insert—

“Class CA—a person who is—

- (i) a national of a state which is a signatory to the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953)(5) or a state which is a signatory to the Council of Europe Social Charter (signed in Turin on 18th October 1961); and
- (ii) habitually resident in the Common Travel Area.”.

Classes prescribed under section 161(3) who are not qualifying persons

3. In regulation 6 of the Allocation Regulations, in the description of Class F, omit paragraph (i).

Classes of persons subject to immigration control who are eligible for housing assistance

4.—(1) Regulation 3 of the Homelessness Regulations is amended as follows.

(2) At the beginning, insert “(1)”.

(3) For the description of Class D, substitute—

— “a person (other than a person falling within Class B)—

- (i) who on or before 4th February 1996 made a claim for asylum;
- (ii) who was on that date entitled to benefit under the Housing Benefit (General) Regulations 1987(6); and
- (iii) either—
 - (a) whose claim has not been recorded by the Secretary of State as having been determined or abandoned; or
 - (b) whose claim has been recorded as determined on or before 4th February 1996; and
 - (aa) whose appeal in respect of that claim was pending on 5th February 1996 or was made within the time limits specified in the rules of procedure made under section 22 of the 1971 Act; and
 - (bb) whose appeal in respect of that claim has not been determined or abandoned.”.

(4) In the description of Class F, after “condition”, insert “and who is habitually resident in the Common Travel Area”.

(5) At the end, insert—

“Class G—a person who is—

(2) S.I.1996/2753.

(3) S.I. 1996/2754.

(4) S.I. 1996/3122/1996/3122.

(5) Cmd. 9512.

(6) S.I. 1987/1971 relevant amending instruments are S.I. 1994/1807, 1996/32, 1510 and 2432.

- (i) a national of a state which is a signatory to the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which is a signatory to the Council of Europe Social Charter (signed in Turin on 18th October 1961); and
- (ii) habitually resident in the Common Travel Area.

Class H—a person who is on an income-based jobseeker’s allowance or in receipt of income support.

(2) For the purposes of the description of Class H—

- (a) “an income-based jobseeker’s allowance” has the meaning given in section 1(4) of the Jobseekers Act 1995(7);
- (b) “income support” has the same meaning as in the Social Security Contributions and Benefits Act 1992(8); and
- (c) a person is on an income-based jobseeker’s allowance—
 - (i) on any day in respect of which an income-based jobseeker’s allowance is payable to him; and
 - (ii) on any day—
 - (aa) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with section 19 of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable); or
 - (bb) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for section 19 of that Act.”.

Descriptions of persons from abroad who are to be treated as persons from abroad ineligible for housing assistance

5. In regulation 4 of the Homelessness Regulations, omit paragraph (a)(i).

Procedure on a review

6. In the Review Regulations—
- (a) in regulation 6(a), insert, after “made”, “under regulation 5”;
 - (b) in regulation 8(1)(a), insert, after “made”, “under regulation 7”;
 - (c) in regulation 8(2)(b), omit “oral” and add, at the end, “orally or in writing or both orally and in writing”.

Signed by authority of the Secretary of State for the Environment

5th March 1997

David Curry
Minister of State,
Department of the Environment

(7) 1995 c. 18.
(8) 1992 c. 4.

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

Signed by authority of the Secretary of State for Wales

5th March 1997

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the classes of persons subject to immigration control prescribed in the Allocation of Housing Regulations 1996 who are qualified to be allocated housing accommodation under Part VI of the Housing Act 1996 and the classes of persons subject to immigration control prescribed in the Homelessness Regulations 1996 who are eligible for housing assistance under Part VII of the 1996 Act.

Regulations 2(2) and 4(5) respectively prescribe as an additional class of qualified persons under Part VI and an additional class of eligible persons under Part VII those who are nationals of states which are signatories to the European Convention on Social and Medical Assistance or the Council of Europe Social Charter and habitually resident in the Common Travel Area.

Regulation 4(3) introduces a requirement into the Homelessness Regulations that for an asylum seeker who has an appeal outstanding to fall within Class D in regulation 3 his original claim must have been determined on or before 4th February 1996.

Regulation 4(5) prescribes as an additional class of eligible persons under Part VII those on income support or income-based jobseekers' allowance.

Regulations 2(1) and 3 make drafting amendments to the Allocation Regulations and regulations 4(4) and 5 make drafting amendments to the Homelessness Regulations.

These Regulations also amend the Allocation of Housing and Homelessness (Review Procedures and Amendment) Regulations 1996.

Regulation 6(c) introduces a right for an applicant for homelessness assistance to make written representations on a review of the decision on his application where the authority consider that there is an irregularity in the original decision but are minded nonetheless to make a decision on the review which is contrary to his interests.

Regulation 6(a) and (b) makes drafting amendments to the Review Regulations.