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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Allocation of Housing (England) Regulations 2002 (“the Allocation Regulations”) and the Homelessness (England) Regulations 2000 (“the Homelessness Regulations”). The Regulations apply to England only.

By virtue of section 160A(1) and (3) of the Housing Act 1996 (“the Act”), a local housing authority must not allocate housing accommodation under Part 6 of the Act to persons from abroad who are subject to immigration control (within the meaning of the Asylum and Immigration Act 1996 (c. 49)) unless they are of a class prescribed by the Secretary of State. Similarly, section 185(2) of the Act provides that such persons are not eligible for housing assistance under Part 7 of the Act unless they are of a class which is so prescribed.

Regulation 4 of the Allocation Regulations prescribes the classes of person from abroad subject to immigration control who are eligible for an allocation of housing accommodation, and regulation 3 of the Homelessness Regulations prescribes the classes of person who are eligible for assistance under Part 7 of the Act.

Regulation 2(1)(a) of these Regulations revokes Class D in regulation 4 of the Allocation Regulations (which makes provision in respect of nationals of states which have ratified the European Convention on Social and Medical Assistance or the European Social Charter).

Regulation 2(1)(b) of these Regulations revokes two Classes in regulation 3 of the Homelessness Regulations:

Class E, which is similar to Class D in regulation 4 of the Allocation Regulations; and

Class I, which makes provision in respect of persons on income-based jobseeker’s allowance or in receipt of income support.

Regulation 2(2) and (3) make transitional provision in respect of the revocations made by these Regulations.