

2006 No. 2527

HOUSING, ENGLAND

The Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006

Made - - - - *14th September 2006*
Laid before Parliament *18th September 2006*
Coming into force - - *9th October 2006*

The Secretary of State, in exercise of the powers conferred by sections 160A(3), 172(4), 185(2), 198(4)(a) and 215(4) of the Housing Act 1996(b), makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006 and shall come into force on 9th October 2006.

(2) In these Regulations, “the 1996 Act” means the Housing Act 1996.

(3) These Regulations apply to England only.

Amendment of the classes of person from abroad who are eligible for an allocation of accommodation and for housing assistance

2.—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006(c) are amended as follows.

(2) For regulation 3(d), substitute—

“(d) Class D— a person who has humanitarian protection granted under the Immigration Rules.”.

(3) For regulation 5(1)(d), substitute—

“(d) Class D— a person who has humanitarian protection granted under the Immigration Rules; and”.

(a) See the definition of “prescribed” in section 215(1) of the Housing Act 1996.

(b) 1996, c.52; section 160A was added by section 14(2) of the Homelessness Act 2002 (c.7). The functions of the Secretary of State under sections 160A(3), 172(4), 198(4) and 215(4) of the Act are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672, to which there are amendments not relevant to these Regulations) and section 17(1) of the Homelessness Act 2002. That article and Schedule also provide that the functions of the Secretary of State under section 185 of the Act are exercisable by the National Assembly for Wales concurrently with the Secretary of State.

(c) S.I. 2006/1294.

Prescribed period for referral of case to another local housing authority

3. For the purposes of section 198(4)(b) of the 1996 Act (referral of case to another local housing authority), the prescribed period is the aggregate of—

- (a) five years; and
- (b) the period beginning on the date of the previous application and ending on the date on which the applicant was first placed in pursuance of that application in accommodation in the district of the authority to whom the application is now made.

Transitional provisions

4. The amendments made by these Regulations shall not have effect in relation to an applicant whose application for—

- (a) an allocation of housing accommodation under Part 6 of the 1996 Act; or
- (b) housing assistance under Part 7 of the 1996 Act,

was made before 9th October 2006.

Signed by authority of the Secretary of State for Communities and Local Government

Yvette Cooper
Minister of State

14th September 2006

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the allocation of housing accommodation under Part 6 of the Housing Act 1996 (“the 1996 Act”) and to housing assistance under Part 7 of the 1996 Act. These provisions apply in England only.

Regulation 2 amends the provisions of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (“the Eligibility Regulations”) which prescribe the classes of persons from abroad who are subject to immigration control who are eligible for an allocation or for housing assistance. The Regulations substitute for old Class D of the Eligibility Regulations a new class of persons who are eligible for an allocation and for housing assistance. The effect of this is two-fold. Firstly, the amendments remove from the Eligibility Regulations the class of eligibility relating to persons who left Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption. Secondly, they substitute a new class of eligible persons who have humanitarian protection. Humanitarian protection is a form of leave granted to persons who do not qualify for refugee status but who would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395)).

Regulation 3 makes provision in relation to the conditions which must be met under section 198(4) of the 1996 Act in order for a local housing authority to refer an application for housing assistance to another authority. Under section 198(4), one of the conditions for referral of a homelessness case to another authority is that the applicant was placed in accommodation in the district of the authority to which his application is now made, following a previous application made within a prescribed period to that other authority. Regulation 3 prescribes the period of time in which the previous application must have been made.

The amendments made by these Regulations do not affect applications for an allocation or for housing assistance made before 9th October 2006.

A regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business, charities or voluntary bodies.

STATUTORY INSTRUMENTS

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