

2018 No. 730

HOUSING, ENGLAND

**The Allocation of Housing and Homelessness (Eligibility)
(England) (Amendment) Regulations 2018**

<i>Made</i> - - - -	<i>15th June 2018</i>
<i>Laid before Parliament</i>	<i>18th June 2018</i>
<i>Coming into force</i> - -	<i>9th July 2018</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 160ZA(2) and 185(2) of the Housing Act 1996(a)

Citation and commencement

1. These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018 and come into force on 9th July 2018.

Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

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

(2) In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation)—

- (a) in paragraph (e) at the end omit “and”;
- (b) in paragraph (f) at the end for the full stop substitute “; and”;
- (c) after paragraph (f) insert—

“(g) Class G – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016(c) and has limited leave to remain under paragraph 352ZH of the Immigration Rules.”.

(3) In regulation 5 (persons subject to immigration control who are eligible for housing assistance)—

- (a) in paragraph (f) at the end omit “and”;
- (b) in paragraph (g) at the end for the full stop substitute “; and”;

(a) 1996 c. 52. Section 160ZA was inserted by section 146(1) of the Localism Act 2011 (c. 20). The functions of the Secretary of State under Parts 6 and 7 of this Act (except sections 186 and 187) are so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of 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 (c.7).

(b) S.I. 2006/1294; relevant amending instruments are S.I. 2006/2527, 2013/1467, 2014/435 and 2016/965.

(c) 2016 c.19.

(c) after paragraph (g) insert—

“(h) Class H – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016^(a) and has limited leave to remain under paragraph 352ZH of the Immigration Rules.”.

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

Nigel Adams

Parliamentary Under Secretary of State

15th June 2018

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under sections 160ZA(2) and 185(2) of the Housing Act 1996 (c. 52) (“the 1996 Act”), a person who is subject to immigration control is ineligible for an allocation of housing or for housing assistance unless they come within a class of persons prescribed in regulations by the Secretary of State.

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 which make such provision.

The effect of the amendments made by regulation 2 is to prescribe an additional class of persons who are eligible for an allocation of housing or homelessness assistance under the 1996 Act. These persons are those who are habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who have been transferred to the United Kingdom under section 67 of the Immigration Act 2016 (c. 19) and have leave to remain under paragraph 352ZH of the Immigration Rules.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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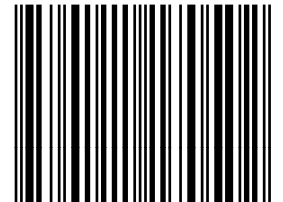
^(a) 2016 c.19.

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