

Chief Housing Officers of all local housing
authorities in England

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Dear Chief Housing Officer,

THE ALLOCATION OF HOUSING AND HOMELESSNESS (MISCELLANEOUS PROVISIONS) (ENGLAND) REGULATIONS 2006 (SI 2006 No. 2527)

This letter notifies chief housing officers that the Secretary of State has made the Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006. These Regulations, which will come into force on 9 October 2006, are largely technical in nature and do not represent any change to housing policy. A copy of the Regulations, and of the Explanatory Memorandum which accompanies the Regulations, are enclosed with this letter.

The Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006/2527) (“the MP Regulations”) amend the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006/1294) (“the Eligibility Regulations”)¹.

Main purpose of the regulations

The main purpose of the MP Regulations is to make a technical change to the Eligibility Regulations regarding the eligibility of persons granted **Humanitarian Protection** (regulation 2). However, this change will have no practical effect for local housing authorities: it simply ensures that such persons will continue to be eligible for a housing allocation and for homelessness assistance (as they were prior to the MP Regulations coming into force).

¹ N.B. The Eligibility Regulations have also been amended by the Allocation of Housing and Homelessness (Eligibility) (Amendment) (England) Regulations 2006 (SI 2006/2007).

Other changes

The Regulations make two other minor changes. First, the previous Class D (in regulations 3 and 5(1) of the Eligibility Regulations) is revoked (regulation 2). Under these provisions, a person subject to immigration control was eligible for an allocation of accommodation and for homelessness assistance if he was a person who had left **Montserrat** after 1st November 1995 because of the effect of a volcanic eruption there.

However, authorities should note that there is no change to regulations 4(2)(f) and 6(2)(f) of the Eligibility Regulations, which provide that a person who is not subject to immigration control and who left Montserrat after 1st November 1995 because of the effect of a volcanic eruption there continues to be exempt from the requirement to be habitually resident. Authorities should also note that the MP Regulations insert a new Class D (which applies to persons granted Humanitarian Protection, see above).

Secondly, regulation 3 of the MP Regulations re-instates the **prescribed period for referral of an application for homelessness assistance to another local authority under s.198(4)** of the Housing Act 1996 (regulation 3). Under section 198(4), a local housing authority can refer a homelessness applicant to another authority if the applicant was placed in the authority's district by another other authority as a result of a previous homelessness application to the other authority, and the fresh application for assistance has been made within a prescribed period of the first application.

These changes are explained in more detail in the enclosed Explanatory Memorandum.

Any queries about the Regulations should be addressed to Frances Walker (housing allocations) or Alan Edwards (homelessness assistance) using the contact details at the top of this letter.

Yours faithfully

Alan Edwards

Frances Walker