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**2012 No.**

**HOUSING, ENGLAND**

**The Housing Act 1996 (Additional Preference for Former  
Armed Forces Personnel) (England) Regulations 2012**

*Made* - - - - - xxx  
*Coming into force* - - - - - xxx

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 167(3) and 166A(7) of the Housing Act 1996(a):

In accordance with section 172(2) of the Housing Act 1996 a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Housing Act 1996 (Additional Preference for Former Armed Forces Personnel) (England) Regulations 2012.

(2) Regulation 2 comes into force on the day after the day on which these Regulations are made.

(3) Regulation 3 comes into force on the day on which section 147(4) of the Localism Act 2011 comes fully into force.

**Amendment of section 167(2) of the Housing Act 1996**

**2.** At the end of section 167(2) of the Housing Act 1996 (allocation in accordance with allocation scheme) insert –

“In the case of a local housing authority in England the scheme must be framed so as to give additional preference to a person within this subsection who –

(a) formerly served in the regular forces as defined in section 374 of the Armed Forces Act 2006(b), and

(b) is a person with urgent housing needs.”

**Amendment of section 166A(3) of the Housing Act 1996**

**3.** At the end of section 166A(3) of the Housing Act 1996 (allocation in accordance with allocation scheme: England) insert –

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(a) 1996 c.52  
(b) 2006 c.52

“The scheme must be framed so as to give additional preference to a person within this subsection who –

- (a) formerly served in the regular forces as defined in section 374 of the Armed Forces Act 2006, and
- (b) is a person with urgent housing needs.”

Address	<i>Name</i>
Date	Parliamentary Under Secretary of State Department

### **EXPLANATORY NOTE**

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

These Regulations amend sections 167(2) and 166A(3) of the Housing Act 1996.

Section 167 of the Housing Act 1996 provides that local housing authorities must have an allocation scheme for determining priorities and as to the procedure to be followed in allocating housing accommodation. The scheme must be framed so as to give reasonable preference to any applicant that falls within the statutory reasonable preference categories in subsection 167(2). Local housing authorities may frame their scheme so as to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs. Under subsection 167(3) the Secretary of State has the power to specify further descriptions of people to whom preference is to be given as mentioned in subsection (2) or to amend or repeal any part of subsection (2).

Regulation 2 amends section 167(2) so that local housing authorities in England must frame their allocation scheme to give additional preference to persons who formerly served in the regular forces, who fall within the reasonable preference categories and who have urgent housing needs.

The Localism Act 2011 will amend section 167 of the Housing Act 1996 so that it applies to Wales only and will insert section 166A which will apply to England only. Section 166A will make the same provision as section 167 in requiring local housing authorities to have an allocation scheme and framing it so as to give reasonable preference to any applicant within the statutory reasonable preference categories in subsection 166A(3).

Regulation 3 will amend section 166A(3) to make the same provision for additional preference as in s167(2)