STATUTORY INSTRUMENTS

2015 No. 967

HOUSING, ENGLAND

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

Made - - - -	*26th March 2015*
Laid before Parliament	*27th March 2015*
Coming into force - -	*20th April 2015*

The Secretary of State, in exercise of the powers conferred by sections 160ZA(8)(b) and 172(4) of the Housing Act 1996(**a**), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.

(2) These Regulations come into force on 20th April 2015.

(3) These Regulations apply in relation to England only.

Interpretation

2. Any reference in these Regulations to a section is a reference to a section of the Housing Act 1996.

Criterion that may not be used in deciding what classes of persons are not qualifying persons

3.—(1) In deciding whether a person is a qualifying person under section 160ZA(7), a local housing authority may not use the criterion set out in paragraph (2) if the allocation involves a transfer of housing accommodation for that person from the district of another local housing authority in England.

(2) The criterion is that a relevant person must have a local connection with the district of the local housing authority.

(3) In this regulation "local connection" has the meaning given by section 199.

Relevant person

4. For the purposes of regulation 3, a relevant person is a person who—

(a) falls within section 159(4A)(a) or (b)(**b**),

(**a**) 1996 c. 52. Section 160ZA was inserted by section 146 of the Localism Act 2011 (c. 20).
(**b**) 1996 c. 52. Section 159(4A) was inserted by section 145 of the Localism Act 2011 (c. 20).

(b) is to be given reasonable preference under section 166A(3)(e)(**a**), and

(c) has a need to move falling within regulation 5(1).

Need to move

5.—(1) Subject to paragraph (2), for the purposes of regulation 4, a relevant person has a need to move because the relevant person—

(a) works in the district of the local housing authority, or

(b) (i) has been offered work in the district of the local housing authority, and

(ii) the authority is satisfied that the relevant person has a genuine intention of taking up the offer of work.

(2) This regulation does not apply if the need to move is associated with work or the offer of work which is—

(a) short-term or marginal in nature,

(b) ancillary to work in another district, or

(c) voluntary work.

(3) In this regulation "voluntary work" means work where no payment is received by the relevant person or the only payment due to be made to the relevant person by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by the relevant person in the course of being so engaged.

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

Ahmad
Parliamentary Under Secretary of State
26th March 2015 Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 160ZA of the Housing Act 1996 (inserted by the Localism Act 2011) gives local housing authorities in England the power to decide what classes of persons are or are not qualifying persons for an allocation of housing accommodation. The Secretary of State has the power to prescribe in Regulations criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons (subsection (8)).

Regulation 3 requires that authorities do not use local connection (within the meaning of section 199 of the Housing Act 1996) as a criterion in deciding whether relevant persons are not qualifying persons, if the allocation involves a transfer of housing accommodation from the district of another local housing authority in England.

Regulation 4 sets out the requirements for a relevant person. To be a relevant person a person must:

—already be either a secure or introductory tenant of housing accommodation in England, or an assured tenant of housing accommodation in England held by a private registered provider,

—have a reasonable preference within the meaning of s166A(3)(e) of the Housing Act 1996 because of a need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others), and

(**a**) 1996 c. 52. Section 166A was inserted by section 147 of the Localism Act 2011 (c. 20).

—need to move for a reason covered by Regulation 5, i.e. because the relevant person works or has been offered work in the district of the authority. In the latter case the authority must be satisfied that the person has a genuine intention to take up the offer of work.

A need to move connected with short-term and marginal work, work that is ancillary to work in another district and voluntary work is excluded by Regulation 5(2).

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

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