STATUTORY RULES OF NORTHERN IRELAND

2012 No. 429

HOUSING

Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2012

Made - - - -	*2nd December 2012*
To be laid before Parliament	
Coming into operation	*14th January 2013*

The Secretary of State, makes the following Regulation in exercise of the powers conferred on her by Article 22A(3) of the Housing (Northern Ireland) Order 1981(**1**) and Article 7A(2) of the Housing (Northern Ireland) Order 1988(**2**):

Citation and commencement

1. These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 14th January 2013.

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

2.—(1) The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006(**3**) are amended as follows.

(2) After regulation 3(1)(b)(ii), insert—

"(iii) is a derivative right to reside to which he is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in Regulation 15A(4A) of those Regulations; or

(iv) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen; or".

(3) For regulation 3(1)(c) substitute—

(**1**) S.I. 1981/156 (N.I. 3); Article 22A was inserted by Article 124 of S.I. 2003/412 (N.I. 2)
(**2**) S.I. 1988/1990 (N. I. 23); Article 7A was inserted by Article 137 of S.I. 2003/412 (N.I. 2)
(**3**) S.I. 2006 No. 397

"(c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland—

(i) is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or

(ii) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside—

(a) in the Republic of Ireland arises because an Irish citizen, or

(b) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there

would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.".

(4) After sub-paragraph 4(1)(b)(ii), insert—

"(iii) is a derivative right to reside to which he is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in Regulation 15A(4A) of those Regulations; or

(iv) is derived from Article 20 of the Treaty on the Functioning of the European Union in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of the rights attaching to the status of European Union citizen; or".

(5) For regulation 4(1)(c) substitute—

"(c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland—

(i) is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or

(ii) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside—

(a) in the Republic of Ireland arises because an Irish citizen, or

(b) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there

would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.".

Transition provisions

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

(a) an allocation of housing accommodation under the Housing (Northern Ireland) Order 1981; or

(b) housing assistance under Part II of the Housing (Northern Ireland) Order 1988

was made before the coming into operation of these Regulations.