STATUTORY RULES OF NORTHERN IRELAND

2006 No. 397

HOUSING

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

Made - - - -	*28th September 2006*
To be laid before Parliament	
Coming into operation	*1st November 2006*

The Secretary of State makes the following regulations in exercise of the powers conferred on him 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) Regulations (Northern Ireland) 2006 and shall come into operation on 1st November 2006.

Interpretation

2.—(1) In these Regulations—

"the Accession Regulations" means the Accession (Immigration and Worker Registration) Regulations 2004(**3**); and

"the EEA Regulations" means the Immigration (European Economic Area) Regulations 2006(**4**).

(2) For the purposes of these Regulations—

(a) "jobseeker", "self–employed person" and "worker" have the same meaning as for the purposes of the definition of a "qualified person" in regulation 6(1) of the EEA Regulations(**5**); and

(b) subject to paragraph (3), references to the family member of a jobseeker, self–employed person or worker shall be construed in accordance with regulation 7 of those Regulations.

(**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. 2004/1219
(**4**) S.I. 2006/1003
(**5**) See regulation 4 and regulation 6(2) to (4) of the Immigration (European Economic Area) Regulations 2006

(3) For the purposes of regulations 3(2)(d) and 4(2)(d) "family member" does not include a person who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations.

Persons from abroad who are ineligible for an allocation of housing accommodation

3.—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under the Housing (Northern Ireland) Order 1981 if—

(a) subject to paragraph (2), he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;

(b) his only right to reside in the United Kingdom—

(i) is derived from his status as a jobseeker or the family member of a jobseeker; or

(ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or

(c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub–paragraph (b) which is derived from the Treaty establishing the European Community.

(2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph 1(a)—

(a) a worker;

(b) a self–employed person;

(c) a person who is an accession State worker requiring registration who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession Regulations(**6**);

(d) a person who is the family member of a person specified in sub–paragraphs (a)–(c);

(e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(c), (d) or (e) of the EEA Regulations;

(f) a person who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption; and

(g) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

Persons from abroad who are ineligible for housing assistance

4.—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for housing assistance under Part II of the Housing (Northern Ireland) Order 1988 if—

(a) subject to paragraph (2), he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;

(b) his only right to reside in the United Kingdom—

(i) is derived from his status as a jobseeker or the family member of a jobseeker; or

(ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or

(**6**) Regulation 5 of the Accession Regulations was substituted by the Immigration (European Economic Area) Regulations 2006, Schedule 5, paragraph 7(5)