STATUTORY RULES OF NORTHERN IRELAND

# 2004 No. 198

# HOUSING

## The Allocation of Housing Regulations (Northern Ireland) 2004

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| *Made - - - -* | *29th April 2004* |
| *To be laid before Parliament* | |
| *Coming into operation* | *1st May 2004* |

The Secretary of State, in exercise of the powers conferred upon him by Article 22A(3) of the Housing (Northern Ireland) Order 1981(**1**) and of every other power enabling him in that behalf, hereby makes the following Regulations:

### Citation and commencement

**1.** These Regulations may be cited as the Allocation of Housing Regulations (Northern Ireland) 2004 and shall come into operation on 1st May 2004.

### Classes of persons from abroad prescribed under Article 22A(3) who are ineligible persons

**2.**—(1) The following classes of persons from abroad (not being persons subject to immigration control) are ineligible for the purposes of Article 22A of the Housing (Northern Ireland) Order 1981 (allocation only to eligible persons) –

(a) Class A – subject to paragraphs (2) and (3), a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;

(b) Class B – a person whose right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is derived solely from Council Directive No.90/364/EEC(**2**) or Council Directive No. 90/365/EEC(**3**).

(2) The following persons shall not, however, be ineligible pursuant to paragraph 1(a) –

(a) a person who is a worker for the purposes of Council Regulation (EEC) No. 1612/68(**4**) or (EEC) No. 1251/70(**5**);

(b) 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 5(1) of the Immigration

(**1**) S.I. 1981/156 (N.I. 3); Article 22A was inserted by Article 124 of S.I. 2003/412 (N.I. 2)
(**2**) O.J. No. L180, 13.7.90, p. 26
(**3**) O.J. No. L180, 13.7.90, p. 28
(**4**) O.J. No. L257, 19.10.68, p. 2, Special Edition 1968 (II) p. 475, to which there are amendments not relevant to these Regulations
(**5**) O.J. No. L142, 30.6.70, p. 24, Special Edition 1970 (II) p. 402