

2012 No.

HOUSING, ENGLAND

The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - - - ***

The Secretary of State, in exercise of the powers conferred by section 160ZA(8)(b) 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 Armed Forces Personnel) (England) Regulations 2012.
- (2) These Regulations apply in relation to England only.
- (3) These Regulations come into force on the day on which section 146 of the Localism Act 2011 comes fully into force.

Interpretation

2. In these Regulations—

- (a) “armed forces personnel” means a person who is serving in the regular forces or a person who has served in the regular forces within five years of the date of their application for an allocation of social housing under Part 6 of the Housing Act 1996;
- (b) “regular forces” means regular forces as defined in section 374 of the Armed Forces Act 2006(b);
- (c) “residency requirement” means any criterion which requires a person to have lived within a particular area for a particular period of time, for the purposes of determining what classes of persons are not qualifying persons for an allocation of housing accommodation under Part 6 of the Housing Act 1996.

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

3. A local housing authority must not apply residency requirements to armed forces personnel.

Address _____ Name
Date _____ Parliamentary Under Secretary of State
Department

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Localism Act 2011 amends the Housing Act 1996 to give 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 (section 160ZA(7)).

The Secretary of State has the power to prescribe in regulations classes of persons who are, or are not, to be treated as qualifying persons by local housing authorities and prescribe criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons (section 160ZA(8)).

These Regulations require that local housing authorities in England must not apply residency requirement criteria to armed forces personnel. Such criteria require a person to have lived within a particular area for a particular period of time, for the purpose of determining if a person is not a qualifying person for an allocation of housing accommodation under Part 6 of the Housing Act 1996. Armed forces personnel includes persons who are currently serving in the armed forces and persons who have served in the armed forces in the five years preceding their application for an allocation of social housing accommodation.