



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VI

#### SUPPORT FOR ASYLUM-SEEKERS

##### *Exclusions*

#### **117 Other restrictions on assistance: England and Wales.**

- (1) In section 45 of the <sup>M1</sup>Health Services and Public Health Act 1968 (promotion by local authorities of the welfare of old people), after subsection (4), insert—

“(4A) No arrangements under this section may be given effect to in relation to a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies solely—

- (a) because he is destitute; or
- (b) because of the physical effects, or anticipated physical effects, of his being destitute.

(4B) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (4A) as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local authority.”

<sup>F1</sup>(2) .....

- (3) [<sup>F2</sup>In section 161 of the <sup>M2</sup>Housing Act 1996 (allocation of housing accommodation only to qualifying persons), after subsection (2), insert—

“(2A) Regulations may not be made under subsection (2) so as to include in a prescribed class any person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies.”]

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*Changes to legislation: Immigration and Asylum Act 1999, Section 117 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) [<sup>F3</sup>In section 185 of the 1996 Act (persons from abroad not eligible for housing assistance), after subsection (2), insert—
- “(2A) Regulations may not be made under subsection (2) so as to include in a prescribed class any person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies.”]
- (5) In the 1996 Act, omit section 186 (asylum-seekers and their dependants).
- (6) In section 187(1) of the 1996 Act (provision of information by Secretary of State), in paragraph (a), for “or has become an asylum-seeker, or a dependant of an asylum-seeker” substitute “a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies”.

#### Textual Amendments

- F1** S. 117(2) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))
- F2** S. 117(3) repealed (E.W.) (31.7.2002 for E., 27.1.2003 for W.) by [Homelessness Act 2002 \(c. 7\)](#), s. 18, [Sch. 2](#) (with s. 20(4)); [S.I. 2002/1799](#), [art. 2](#); [S.I. 2002/1736](#), [art. 2\(2\)](#), [Sch. Pt. 2](#)
- F3** S. 117(4) repealed (E.W.) (31.7.2002 for E., 30.9.2002 for W.) by [Homelessness Act 2002 \(c. 7\)](#), s. 18, [Sch. 2](#) (with s. 20(4)); [S.I. 2002/1799](#), [art. 2](#); [S.I. 2002/1736](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

#### Commencement Information

- I1** S. 117 partly in force; s. 117 not in force at Royal Assent see s. 170(4); s. 117(1)(2) in force at 6.12.1999 by [S.I. 1999/3190](#), [art. 2](#), [Sch.](#); s. 117(1)-(4)(6) in force at 3.4.2000 insofar as not already in force by [S.I. 2000/464](#), [art. 2](#), [Sch.](#)

#### Marginal Citations

- M1** 1968 c. 46.
- M2** 1996 c. 52.

**Changes to legislation:**

Immigration and Asylum Act 1999, Section 117 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)