



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Exclusions

118 Housing authority accommodation.

- (1) Each housing authority must secure that, so far as practicable, a tenancy of, or licence to occupy, housing accommodation provided under the accommodation provisions is not granted to a person subject to immigration control unless—
 - (a) he is of a class specified in an order made by the Secretary of State; or
 - (b) the tenancy of, or licence to occupy, such accommodation is granted in accordance with arrangements made under section [F¹⁴, 95 or 98].
- (2) “Housing authority” means—
 - (a) in relation to England and Wales, a local housing authority within the meaning of the ^{M1}Housing Act 1985;
 - (b) in relation to Scotland, a local authority within the meaning of the ^{M2}Housing (Scotland) Act 1987; and
 - (c) in relation to Northern Ireland, the Executive.
- (3) “Accommodation provisions” means—
 - (a) in relation to England and Wales, Part II of the Housing Act 1985;
 - (b) in relation to Scotland, Part I of the Housing (Scotland) Act 1987;
 - (c) in relation to Northern Ireland, Part II of the ^{M3}Housing (Northern Ireland) Order 1981.
- (4) “Licence to occupy”, in relation to Scotland, means a permission or right to occupy.
- (5) “Tenancy”, in relation to England and Wales, has the same meaning as in the ^{M4}Housing Act 1985.

Changes to legislation: Immigration and Asylum Act 1999, Section 118 is up to date with all changes known to be in force on or before 21 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

- (6) “Person subject to immigration control” means a person who under the 1971 Act requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).
- (7) This section does not apply in relation to any allocation of housing to which Part VI of the ^{M5}Housing Act 1996 (allocation of housing accommodation) applies.

Textual Amendments

- F1** Words in s. 118(1)(b) substituted (16.6.2006) by [Immigration, Asylum and Nationality Act 2006](#) (c. 13), [ss. 43\(3\)](#), [62\(1\)\(2\)](#); [S.I. 2006/1497](#), art. 3, Sch.

Commencement Information

- I1** S. 118 wholly in force at 1.3.2000; s. 118 not in force at Royal Assent see s. 170(4); s. 118 in force for certain purposes at 1.1.2000 by [S.I. 1999/3190](#), art. 2, [Sch.](#); s. 118 in force at 1.3.2000 insofar as not already in force by [S.I. 2000/464](#), art. 2, [Sch.](#)

Marginal Citations

- M1** 1985 c. 68.
M2 1987 c. 26.
M3 [S.I. 1981/156](#) (N.I. 3).
M4 1985 c. 68.
M5 1996 c. 52.

Changes to legislation:

Immigration and Asylum Act 1999, Section 118 is up to date with all changes known to be in force on or before 21 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.
View outstanding changes

Changes and effects yet to be applied to :

- s. 118(1)(b) word omitted by 2016 c. 19 Sch. 11 para. 2(e)
- s. 118(1)(b) words substituted by 2016 c. 19 Sch. 11 para. 20

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)