

Subsidiary Legislation made under s. 3(2).

Housing Allocation Scheme Rules 2026

LN.2026/001

Commencement

6.1.2026

ARRANGEMENT OF RULES

Rule

1. Title.
2. Commencement.
3. Revised housing scheme.

SCHEDULE **HOUSING ALLOCATION SCHEME (REVISED 2026)**

2007-36

Housing

2026/001

Housing Allocation Scheme Rules 2026

In exercise of the powers conferred upon it by section 3(2) of the Housing Act 2007, the Housing Authority has made the following rules-

Title.

1. These Rules may be cited as the Housing Allocation Scheme Rules 2026.

Commencement.

2. These Rules come into operation on the day of publication.

Revised housing scheme.

3. The Schedule, which sets out the Housing Allocation Scheme (Revised 2026) has effect.

SCHEDULE**HOUSING ALLOCATION SCHEME (REVISED 2026)****INTRODUCTION**

This Scheme is made by the Housing Authority pursuant to section 3(2) of the Housing Act 2007.

Section 3(3) of the Act permits the Housing Authority to include a number of matters in a Scheme relating to the allocation of public housing, including-

- provisions for applications,
- eligibility,
- qualification,
- a pointage system,
- registration, transfer and exchange of tenancies,
- representations and appeals,
- other special or exceptional circumstances.

This Scheme sets out the rules that apply to persons who wish to apply for Government housing and contains information regarding-

- (a) eligibility criteria;
- (b) qualification;
- (c) the awarding of points;
- (d) appeals.

Accordingly, the Housing Allocation Committee when considering applications for, and making decisions in respect of, the allocation of public housing in Gibraltar will have regard to the provisions of this Scheme.

HOUSING ALLOCATION COMMITTEE

The Housing Allocation Committee is established by the provisions of section 5(1) of the Housing Act 2007.

Its terms of reference include-

- (a) to administer any scheme on the allocation of Government housing approved by the Government;
- (b) to advise the Housing Authority in relation to the administration of this Scheme;
- (c) to advise the Government on allocations of Government housing, award of points, categorisation of applicants, administration of waiting lists;
- (d) when so required by the Government, to make such recommendation on the most suitable and effective use of Government housing as it thinks appropriate.

AIMS OF THE ALLOCATION POLICY

The key objectives of this Scheme are to-

- provide a fair and transparent system by which people are prioritised for Government housing;
- help those most in housing need;
- make best use of Gibraltar's Government housing stock.

4. ELIGIBILITY AND QUALIFICATION FOR HOUSING

In order to get Government housing a person must first satisfy the eligibility criteria. If the applicant satisfies the eligibility criteria the applicant will be assessed against the qualifying criteria.

4.1 Eligibility Rules

Eligibility for Government housing is assessed when an applicant first applies and it is looked at again when they are being verified for an offer of accommodation.

A person is eligible if that person-

- (a) is registered under the Register of Gibraltarians and-
 - (i) has lived in Gibraltar an aggregate of 15 years prior to making an application; and

- (ii) of the 15 years referred to in subparagraph (i), has been continuously resident in Gibraltar for 12 months immediately prior to making the application;
- (b) was not born in Gibraltar but has been continuously living in Gibraltar for a period of 15 years prior to making an application; or
- (c) falls within the scope of paragraph 10.

The purpose of establishing eligibility criteria in paragraphs (a) and (b) is to establish that the applicant has an enduring connection with Gibraltar.

A connection within the terms of this scheme will normally mean that an applicant was born in Gibraltar and has lived in Gibraltar, through their own choice, for an aggregate of 15 years up to and including the date of their application. The applicant will also have to demonstrate that they have been continuously resident in Gibraltar for 12 months prior to making an application.

A connection within the terms of this scheme may also be demonstrated by a person who was not born in Gibraltar but who can demonstrate that they have been continuously resident in Gibraltar for 15 years immediately prior to making an application.

For the purposes of calculating whether the threshold has been met, the time spent by children away from Gibraltar due to periods of study such as at university will be treated as though they were in Gibraltar. Also, people who have moved away for up to 1 year due to the requirements of their job will be treated as having been in Gibraltar despite that absence.

4.2 Qualification Rules

A further assessment is made as to whether an applicant qualifies to go on the housing list.

4.2.1 Criteria to be satisfied to qualify to join the housing list

An applicant must-

- (a) be either-
 - (i) a single person eighteen years of age or over; or

- (ii) sixteen years of age or over and is the head of a family (that is, married, civil partner or a single parent having legal care and control of at least one child); and

- (b) meet the eligibility criteria set out in section 4.1.

4.2.2 Persons who will not qualify to join the housing list

Some people will not qualify to join the housing list, these include-

- (a) a person who—
 - (i) owns residential property in Gibraltar which is or can be made available for occupation;
 - (ii) has or acquires a beneficial interest in a shareholding of a company or other legal entity (wherever incorporated or established) which owns a property in Gibraltar which is or can be made available for occupation;
 - (iii) has or acquires a vested interest in a trust (wherever established) which owns a property in Gibraltar which is or can be made available for occupation;
- (b) a person whose spouse, civil partner or partner with whom they have a child in common, if residing together, meets one of the criteria described in paragraph (a);
- (c) a person who has previously owned residential property (whether jointly or otherwise) the sale of which generated a profit of more than £60,000;
- (d) a person in respect of whom the Housing Allocation Committee is satisfied has deliberately worsened their housing situation in order to qualify for housing (deliberate disposal of assets in order to become eligible for an allocation will not be tolerated);
- (e) a person who is found guilty of the offence of supplying false or misleading information under section 25 of the Housing Act 2007.

The sum referred to in paragraph (c) is to be calculated annually in accordance with the retail price index for the preceding year with the first review being applied on 1 January 2027).

The Housing Allocation Committee may consider the application by a person who falls within paragraph (c) in very exceptional circumstances. In order to proceed on this basis, the Committee must be satisfied that the circumstances of the applicant are unique and that the hardship suffered by the applicant is significantly worse than would be the case for a similar applicant whose application would not be accepted.

For the purposes of paragraph (d) the Committee must consider the following as examples of a person deliberately worsening their housing need-

- (i) giving up suitable accommodation to move into accommodation which, at the time the applicant moved in, was unsuitable for the household's needs;
- (ii) selling a property which was affordable and which met the applicant's household's needs;
- (iii) giving up a tenancy which was reasonable for the applicant to occupy, without first securing suitable alternate accommodation, and the tenancy accommodation met the applicant's household's needs;
- (iv) taking deliberate or wilful action to cause the accommodation to not be suitable, for example, by causing damage to the property or through neglect;
- (v) causing the property to become unsuitable, through overcrowding, by moving other people into the household who would not be reasonably expected to live with the applicant;

5. WHO CAN MAKE AN APPLICATION

An applicant must be either-

- (a) a single person eighteen years of age or over; or
- (b) sixteen years of age or over and is the head of a family (that is, married, civil partner or a single parent having legal care and control of at least one child).

A tenancy will not normally be granted to anyone under the age of 18 years unless another adult is prepared to act as their guarantor and agrees to cover the rent or any arrears.

6. AWARD OF POINTS

An applicant's need for Government housing will be assessed based on a points system, a higher points score is indicative of a greater need.

The points are to be calculated in accordance with the provisions of this Scheme.

6.1 Personal points

- (a) an applicant living alone 50 points;
- (b) an applicant who is sharing accommodation with one or more family units 100 points.

6.2 Waiting time

Waiting Time Points shall be awarded cumulatively for years on the waiting list as per table below-

Anniversary on waiting list	Calculation of points
1	$1 \times 100 = 100$ points
2	$100 + (2 \times 100) = 300$ points
3	$300 + (3 \times 100) = 600$ points
4	$600 + (4 \times 100) = 1000$ points
5	$1000 + (5 \times 100) = 1500$ points
6	$1500 + (6 \times 100) = 2100$ points
7	$2100 + (7 \times 100) = 2800$ points
8	$2800 + (8 \times 100) = 3600$ points
9	$3600 + (9 \times 100) = 4500$ points
10	$4500 + (10 \times 100) = 5500$ points
11	$5500 + (11 \times 100) = 6600$ points
12	$6600 + (12 \times 100) = 7800$ points
13	$7800 + (13 \times 100) = 9100$ points

At the end of each year and for each year thereafter, to the points awarded in the previous year there is added a further number of points that are calculated by multiplying by 100 of the number of years the applicant has been on the waiting list.

Thus on the second anniversary of being on the waiting list, the points are-

100 for the first year
 200 (100 x 2 [years])
 Total: 300

Every year the Housing Allocation Committee will allocate points to an applicant, based on the formula set out in the table above, where the Housing Department confirms to the Committee that the applicant has submitted the annual return indicating the ongoing desire to obtain Government housing.

6.3 Overcrowding

- (a) The number of points that will be awarded to an applicant in respect of overcrowding will be calculated by determining the metre squared of the accommodation now occupied by the applicant and those with whom the applicant is sharing accommodation and by deducting therefrom the number of meter squared of the total standard space allowance in respect of each person so sharing (including the applicant) and allowing 100 points per metre squared of the resulting figure;
- (b) in determining the metre squared of the accommodation now occupied by the applicant, the areas of corridors, landings, toilets, bathrooms, kitchen and living room will be excluded. A further 200 points will be added if every room in the accommodation is used for sleeping purposes. The calculation of the standard space allowance is-
 - (i) 6 metres squared for each person not living within paragraph (b) below;
 - (ii) 3 metres squared for each child under one year of age.

6.4 Mixing of sexes

- (a) Where two or more persons of different sexes 100 points
 (other than legal partners or persons cohabiting)

together) are required because of the layout of the accommodation to sleep in the same room and one or more of them are over the age of one-

- | | | |
|-----|---|------------|
| (b) | Where two or more persons falling within paragraph (a) are over the age of seven and one or more of them are over the age of eleven-
additional- | 100 points |
|-----|---|------------|

6.5 Sanitary and other conditions

- | | | |
|-----|---|------------|
| (a) | Dampness | |
| | (i) slight | 100 points |
| | (ii) medium | 300 points |
| | (iii) heavy | 600 points |
| (b) | Inadequate natural lighting and ventilation | 200 points |
| (c) | No WC facilities exclusive to the accommodation | 600 points |
| (d) | No bathroom exclusive to the accommodation | 600 points |
| (e) | No kitchen exclusive to the accommodation | 600 points |

6.6 Discretionary provisions

Owing to special circumstances arising in a particular case, the Housing Allocation Committee, may in its discretion award discretionary points to an applicant up to a maximum of 1000 points.

In very exceptional circumstances that may be attributable to social and/or medical grounds, the Housing Allocation Committee may recommend to the Housing Authority that an applicant be allocated accommodation. In such circumstances the applicant will be considered to have a social categorisation or a medical categorisation, as the case may be. In all such cases the Housing Authority must consider the Housing Allocation Committee's recommendation and if it deems that the exceptional circumstances exist accede to the recommendation.

The Housing Allocation Committee may recommend the allocation of accommodation if it establishes a more effective use of the housing stock (this may include the transfer of points between applicants forming part of the same household or exchanges between applicants).

6.7 Offers of accommodation

If the applicant is offered a property and accepts it, the applicant will be formally invited to sign for the tenancy. If the applicant refuses the property offered, it is offered to the next person on the housing list until such time as the property is accepted.

Where an applicant rejects an offer of accommodation, and the rejection is in the opinion of the Housing Allocation Committee not justified, the application may be subject to all or any of the following penalties-

- (a) social categorisation removed;
- (b) medical categorisation removed;
- (c) points to be deducted from application;
- (d) suspension from the waiting list for a certain period;
- (e) removal from the waiting list;
- (f) any other penalty as deemed fit by the Housing Allocation Committee.

Where an applicant is removed from the list this will not preclude such applicant from reapplying for Government housing, but such reapplication will be subject to all the principles of the Housing Allocation Scheme.

6.8 Note on waiting times

The length of time you have to wait before you get an offer is affected by the availability of the accommodation that you require. If it is a property that rarely becomes available to offer, you will face a much longer wait than an applicant who is eligible for property that is more numerous.

7. REFUSALS FOLLOWING OFFER**7.1** Recording the refusal

The applicant must give their reasons for refusal in writing or sign a written statement of their reasons. The property will not usually be held vacant while the reasons for the refusal are considered. In such cases, the offer may be held for a short period while the reasons for the refusal are considered.

The applicant will be advised of the possible consequences and given a chance to reconsider their decision to refuse.

7.2 Unsuitable offers.

If there is a clear mismatch of the applicant and property details, the offer will be withdrawn and the right of the applicant will not be affected.

7.3 Withdrawal of offer of accommodation.

The Housing Allocation Committee may withdraw an offer of accommodation, even if an acceptance form has been signed by the applicant, if it has reason to believe that false and/or misleading information has been submitted by the applicant, and/or the circumstances which lead to the offer being made have changed and the applicant has not informed the Housing Authority.

8. PRE-OFFER VERIFICATION CHECKS

Qualifying or being eligible to join the housing list does not guarantee an offer of accommodation. Verification checks will be carried out prior to an applicant receiving an offer of accommodation. An application will not be verified if it falls within one of the criteria set out below. This means that they will not be made an offer of accommodation.

The circumstances are-

- (a) any applicant who is no longer eligible or qualifies for housing.
- (b) any applicant who owes more than 4 weeks rent. They will not be verified unless they have an agreement to reduce the arrears in place and have been making regular payments to reduce the outstanding amount for a minimum of six months at the time of offer;
- (c) any applicant or member of their household who has perpetrated serious anti- social behaviour where either a possession order is being sought or has been obtained, or where the antisocial behaviour is of a level which would warrant relocation. They will not be verified unless they demonstrate a change for a minimum of 12 months at the time of offer;
- (d) any applicant or member of their household who has given false or misleading information on their housing application or has withheld information that has been reasonably requested;

- (e) an applicant or member of their household who has assaulted a member of staff and an injunction is being sought or has been obtained.

Unannounced visits may be carried out to check the details provided about all household members and occupation of their current accommodation. Where necessary, the household will be asked to provide evidence to support their application.

9. APPLYING FOR HOUSING

9.1 Who can be included on the application?

You can include any household member who is part of and living in the household.

Including-

- partners, spouses or civil partners of the main applicant;
- children aged less than 18 where the main applicant is the sole legal guardian and there is no other available legal guardian who could reasonably accommodate the children.

9.2 Who should not be included on the application?

9.2.1 You should not include any of the following people currently living with you on your application-

- friends or visitors;
- lodgers;
- sub-tenants.

9.2.2 An applicant must inform the Housing Authority in writing of any material change in their circumstances that will affect their priority for housing, for example-

- a change of address
- any additions to the family
- any member of the family or any other person who has left the accommodation

9.3 What happens if the applicant does not notify the change?

If it appears that the applicant's circumstances have changed as a result of the annual review of the application, or as part of the verification checks and these changes have not been notified, the application will be suspended whilst the matter is investigated.

9.4 Annual Review

In order to maintain the housing list as accurately as possible, every applicant will be sent a notification to renew their application annually on the anniversary of their registration. Included in this will be a request to provide information on any changes in circumstances.

After a renewal request has been issued, no reminders will be sent. If an application is not renewed within 28 days of the issue of the renewal letter, the application may be cancelled without further notice.

9.5 Cancelling an application

Applications may be cancelled for the following reasons-

- upon request by the applicant
- where the applicant's circumstances change and the applicant is no longer eligible under the scheme
- where the applicant's circumstances change and the applicant no longer qualifies under the scheme
- where an offer has been refused
- where the annual renewal has not been submitted
- where the applicant has been found to have made a false statement on the application.

An applicant must be notified in writing of the intention to remove the applicant from the list and that notification will provide the reasons for the removal.

9.6 Reinstating a cancelled application

Where an application has been cancelled and the applicant has a valid reason for not providing the information when required or not responding to a request, as long as the applicant makes contact within 28 days from the date of the cancellation, their application will be reinstated. Supporting evidence will be required.

If an application is cancelled but the applicant does not make contact within 28 days from the date of cancellation, the application will not be reinstated.

If the applicant still wants to apply for Government housing they will have to make a new application which will be assessed based on the criteria in the scheme.

9.7 Tackling fraud

In order that resources are properly and fairly shared detailed enquiries about applications may be made in order to guard against misrepresentation and fraud. The enquiries will be made at any time and it can be at the time of application or subsequently, including after any grant of tenancy.

Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed. These checks may involve cross referencing information provided by applicants when they apply to the housing list with other data.

9.8 False declarations

An applicant who gives incorrect information or makes misleading statements and/or subsequently (as and when they occur) fails to notify any material changes affecting the original application of such changes occurring will be-

- (a) removed from the waiting list; and
- (b) debarred from applying for Government housing for 12 months.

A notice will be sent to the applicant that they have been removed from the waiting list and will set out the period within which they are debarred from making another application.

Providing false or misleading information is an offence. A person who is convicted of providing false or misleading information contrary to section 25 of the Housing Act 2007 is liable to a fine up to £1,000.

9.9 Appealing against a decision

A person who is aggrieved by a decision of the Housing Authority in respect of the application of the Housing Scheme in their particular case may (within 21 days beginning with the day on which the written notice of the decision was received) appeal to the Housing Tribunal.

The decision that may be appealed must be based on any of the following matters-

- (a) allocating or refusing to allocate particular Government housing to the applicant;
- (b) refusing to categorise the applicant's application as either a medical or social case;
- (c) refusing to include a person in the applicant's tenancy;
- (d) refusing to remove a person from the applicant's tenancy;
- (e) refusing to identify the applicant as a person eligible or qualified to receive public housing;
- (f) refusing to approve an exchange of Government housing by the applicant;
- (g) refusing to allocate discretionary points to the applicant;
- (h) refusing to approve priority allocation in respect of the applicant; or
- (i) refusing to reverse a reduction of the number of points allocated to the applicant.

10. PRESERVATION OF ENTITLEMENTS AND POINTS UPGRADE

10.1 Preservation of entitlements

10.1.1 Those persons who were on the housing waiting list on the date of publication of this Scheme are deemed to meet the eligibility criteria in paragraph 4.1.

10.1.2 Persons who at the time of the publication of this Scheme-

- (a) are resident in Gibraltar;
- (b) are entitled to acquire the right of permanent residence or have acquired permanent residence under the Withdrawal Agreement, the EEA EFTA Separation Agreement or the Swiss Citizens' Rights Agreement; and
- (c) have not lost the right of residence as provided for in the Withdrawal Agreement, the EEA EFTA Separation Agreement or the Swiss Citizens' Rights Agreement, as the case may be,

are deemed to meet the eligibility criteria in paragraph 4.1

For the purposes of this paragraph-

“the Withdrawal Agreement” means the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

“the EEA EFTA Separation Agreement” means the agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom’s membership of the European Union

“the Swiss Citizens’ Rights Agreement” means the agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens’ rights following the withdrawal of the United Kingdom from the European Union and the free movement of persons agreement

10.2 Points upgrade

In order to reflect the change in the calculation of points under this Scheme, a person’s allocation of points under the old scheme will be multiplied by a factor of 10. This will preserve the ‘value’ of the points accumulated under the old scheme.

By way of example, a person that had accumulated 100 points under the old scheme will now be credited with 1000 points.