

Draft Regulations laid before the National Assembly for Wales under section 142(3)(b) of Housing (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2017 No. (W.)

HOUSING, WALES

**The Allocation of Housing and
Homelessness (Eligibility) (Wales)
(Amendment) Regulations 2017**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (S.I. 2014/2603 (W. 257)) (“the 2014 Regulations”) to reflect changes to Appendix FM of the Immigration Rules, being the rules defined in those Regulations as the rules laid down as mentioned in section 3(2) of the Immigration Act 1971. The changes to Appendix FM rendered the application of provisions of the 2014 Regulations at regulations 3 and 5(1) out of date.

These Regulations revoke regulation 5(1)(e) of the 2014 Regulations (and the supporting definition paragraphs (2) and (3)), to remove provisions that are no longer required relating to certain categories of asylum seekers whose claims for asylum were made before 3 April 2000. Regulations 3 and 5 of the 2014 Regulations prescribe the classes of person subject to immigration control who are eligible for an allocation of housing accommodation and for the housing assistance respectively.

These Regulations also amend regulation 6(2) of the 2014 Regulations to provide that those listed at regulation 6(2)(a) to (f) are not to be treated as persons from abroad who are ineligible for housing assistance (as opposed to housing accommodation) pursuant to regulation 6(1)(a) of the 2014 Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result

it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with these Regulations.

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**The Allocation of Housing and
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Made

Coming into force

22 June 2017

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 1(2) and (4) of Schedule 2 to the Housing (Wales) Act 2014⁽¹⁾.

In accordance with section 142(3)(b) of that Act, a draft of these Regulations has been laid before and approved by a resolution of the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2017.

(2) These Regulations come into force on 22 June 2017.

Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

2.—(1) The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014⁽²⁾ are amended as follows.

(1) 2014 anaw 7. See S.I. 2015/1272 (W. 88) for savings provision at article 5.

(2) S.I. 2014/2603 (W. 257).

(2) In regulation 2(1) (interpretation) at the appropriate place insert—

““the Human Rights Convention” (“*y Confensiwn Hawliau Dynol*”) means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom;”.

(3) In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation)—

- (a) in paragraph (d) at the end omit “and”;
- (b) in paragraph (e) at the end for “.” substitute “; and”;
- (c) after paragraph (e) insert—

“(f) Class F – a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules(1), and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds.”

(4) In regulation 5 (persons subject to immigration control who are eligible for housing assistance)—

- (a) omit paragraph (1)(e);
- (b) in paragraph (1)(f) at the end for “.” substitute “; and”;
- (c) after paragraph (1)(f) insert—

“(g) Class G - a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds.”; and

- (d) omit paragraphs (2) and (3).

(1) Rules laid down as mentioned in section 3(2) of the Immigration Act 1971.

(5) In regulation 6 (other persons from abroad who are ineligible for housing assistance), in paragraph (2), for the words “an allocation of housing accommodation” substitute the words “housing assistance”.

Signed by

Cabinet Secretary for Communities and Children, one
of the Welsh Ministers

Date XXXX 2017