

SL(6)412 – The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No. 3) Regulations 2023

Background and Purpose

The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (“the 2014 Regulations”) prescribe the categories of persons from abroad who are eligible or ineligible for an allocation of housing accommodation and/or housing assistance provided by local authorities.

The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No. 3) Regulations 2023 (“the Regulations”) amend the 2014 Regulations to extend eligibility to those who were residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7 October 2023, and who left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7 October 2023 or the violence which rapidly escalated in the region following the attack.

Persons within this category who are British Nationals, others not subject to immigration control (or treated as such), and those who have immigration leave and recourse to public funds, will be eligible to apply for an allocation of housing support and/or housing assistance upon arrival in Wales.

Procedure

Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**



As noted in the Explanatory Memorandum, the Minister for Climate Change wrote to the Chair of the Legislation, Justice and Constitution Committee on 30 October 2023, seeking the Committee's assistance in expediting scrutiny of the Regulations, due to their urgency.

The Minister also issued a Written Statement about the Regulations on 7 November 2023.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

No consultation has been carried out in relation to the Regulations. Section 5 of the Explanatory Memorandum provides the following explanation:

Due to the speed at which events have occurred and the practical necessity of ensuring those who have arrived or are arriving in Wales can access housing or housing assistance, we consider it would be disadvantageous to undertake a consultation exercise. As the amending Regulations will also deliver outcomes relating to reserved UK Government policy (immigration and welfare), it would not be possible to undertake a meaningful consultation on alternative approaches, as the effect of the amending Regulations is to ensure consistency between Welsh housing law and immigration/welfare law.

Local authorities will however be informed of the legislative change, along with an addendum to the Code of Guidance, to ensure local authorities are aware of how to apply the new legislation.

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 13 November 2023 and reports to the Senedd in line with the reporting points above.

