

NATIONAL ASSEMBLY FOR WALES

REPORT OF THE LEGISLATION COMMITTEE

**The Housing Accommodation (Persons Subject to Immigration Control) (Amendment)
(Wales) Order 1999**

Background

It is presumed that Assembly Members are familiar with the policy behind this change in the law after the Order came in to force amongst considerable media attention on the 6th of December 1999.

The Order has been made using the Urgency procedure.

Section 9(1) of the Asylum and Immigration Act 1996 prohibits local housing authorities from providing housing accommodation to any person subject to immigration control unless he or she belongs to a class specified by order.

This Order amends The Housing Accommodation and Homelessness (Persons Subject to Immigration Control) Order 1996 to include a class that enables local housing authorities to provide housing accommodation to asylum seekers.

Standing Order 11.5

No points have been identified as matters in respect of which the Assembly is invited to pay special attention.

Comments on the Regulations.

Citation

As this Order amends The Housing Accommodation and Homelessness (Persons Subject to Immigration Control) Order 1996 the citation should match (the words "and Homelessness" have been omitted)

Explanatory Note

Reference is made to Part VI of the Housing Act 1996. So far as those subject to immigration control are concerned this Act also prohibits them from being granted housing accommodation (again apart from where there is a contrary provision, this time by way of regulations). It is assumed that allocation under Part VI of the 1996 Act is one way of obtaining housing accommodation through Part II of the Housing Act 1985 and that the intention is to emphasise that there are different provisions and different relevant prohibitions under the two Acts.

However, the first sentence in contrast suggests that those subject to immigration control are not in fact prohibited from receiving housing accommodation under the 1996 Act. The sentence itself is also lengthy and potentially impairs the reader's understanding.

There is gender specific language in the first paragraph of the Welsh version – "y person hwnnw". Whilst it is accepted that the Welsh noun "person" is masculine (cf "y pwr hwnnw" in the next sentence) this could have been avoided e.g. by referring to "the relevant person / y person perthnasol" or "such person / y fath berson".

Heading

As the Order has been made the date should have been inserted into the copy considered by the Legislation Committee.

Article 2

The amended text would have been better drafted had the unnecessary duplication of "to whom" been avoided.

The reference to the relevant amending instrument in footnote (c) would probably be clearer as follows:

"mae O.S 1998/139 yn offeryn diwygio perthnasol / a relevant amending instrument is..."

Mike German

Chair, Legislation Committee

December 1999