

SL(6)301 – The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2023

Background and Purpose

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (“the 2014 Regulations”) which make provision for which persons subject to immigration control are eligible for an allocation of housing accommodation and for housing assistance.

Regulation 3 amends regulation 3 of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for an allocation of housing accommodation under Part 6 the Housing Act 1996 (“the 1996 Act”). It prescribes an additional class of persons (Class M) subject to immigration control who are eligible for an allocation of housing accommodation under the 1996 Act.

Class M applies to persons who are victims of human trafficking or slavery and who have been granted temporary leave to remain in the United Kingdom in accordance with the Immigration Rules made under the Immigration Act 1971.

Regulation 4 amends regulation 5(1) of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for housing assistance under the Housing (Wales) Act 2014. It prescribes an additional class of persons, namely Class N who are eligible for such assistance. This class is equivalent to Class M inserted by regulation 3.

Procedure

Draft 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 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.**



The Explanatory Memorandum to the Regulations has been laid in English only.

The Welsh Government is asked to explain why a Welsh language version of the Explanatory Memorandum has not been laid.

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

We note that there has been no consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“As the TPS is a product of reserved UK Government policy (immigration), it would not be possible to undertake a meaningful consultation on alternative approaches, as the effect of the 2022 Regulations¹ is to ensure consistency between Welsh housing law and immigration law.”

Welsh Government response

A Welsh Government response is required in relation to point 1.

Committee Consideration

The Committee considered the instrument at its meeting on 16 January 2023 and reports to the Senedd in line with the reporting points above.

¹ The reference should be to the 2023 Regulations. This appears to be an error in the Explanatory Memorandum.

