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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2645 (W.226)**

**HOUSING, WALES**

**The Allocation of Housing (Wales)  
(Amendment) Regulations 2006**

*Made* - - - - 3 October 2006  
*Coming into force* - - 9 October 2006

The National Assembly for Wales, in exercise of the powers given to the Secretary of State by sections 160A(3) and 172(4) of the Housing Act 1996(1) and now vested in the National Assembly for Wales(2), makes the following Regulations:

**Title, commencement, interpretation and application**

1.—(1) The title of these Regulations is The Allocation of Housing (Wales) (Amendment) Regulations 2006 and they come into force on 9 October 2006.

(2) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Housing Act 1996; and

“the Immigration Rules” (“*y Rheolau Mewnffudo*”) means the rules laid down as mentioned in section 3(2) of the Immigration Act 1971(3) (General provisions for regulation and control).

(3) These Regulations apply in relation to Wales.

**Amendment of the classes of persons prescribed under section 160A(3) who are eligible persons**

2.—(1) The Allocation of Housing (Wales) Regulations 2003(4) are amended as follows.

(2) In regulation 4 (Classes prescribed under section 160A(3) who are eligible persons)—

(a) at the end of paragraph (d)(ii), after “1961”, omit “.” and substitute “;”;

(b) after paragraph (d), insert—

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(1) 1996 c. 52.

(2) The functions of the Secretary of State under these sections, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672.

(3) 1971 c. 77.

(4) S.I. 2003/239 (W. 36).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(e) Class D1 — a person who has humanitarian protection granted under the Immigration Rules.”

**Transitional provisions**

**3.** The amendment made by these Regulations does not have effect in relation to an applicant whose application for an allocation of housing accommodation under Part 6 of the 1996 Act was made before 9 October 2006.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

3 October 2006

*D.Elis-Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in relation to the allocation of housing accommodation under Part 6 of the Housing Act 1996 (“the 1996 Act”).

Regulation 2 amends the provisions of the Allocation of Housing (Wales) Regulations 2003 which prescribe the classes of persons who are subject to immigration control who are eligible for an allocation of housing accommodation. These Regulations insert a new class of persons who are eligible for an allocation of housing accommodation who have humanitarian protection. Humanitarian protection is a form of leave granted to persons who do not qualify for refugee status but who would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395)).

The amendments made by these Regulations do not affect applications for an allocation of housing accommodation made before 9 October 2006.