
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact with changes the Allocation of Housing (Wales) Regulations 2000 to take account of the changes to Part VI of the Housing Act 1996 (“Part VI”) made by the Homelessness Act 2002. These Regulations apply in Wales only.

Regulation 3 makes provision for cases where the provisions of Part VI about the allocation of housing accommodation by local housing authorities do not apply.

By virtue of Section 160A(1) and (3) of the 1996 Act, a local housing authority must not allocate housing accommodation to most classes of persons from abroad who are subject to immigration control (within the meaning of the Asylum and Immigration Act 1996 (c. 49)). The National Assembly for Wales may prescribe exceptions. It does so, in regulation 4, by prescribing classes of persons that are eligible for an allocation of housing accommodation, despite being subject to immigration control.

Persons from abroad, not subject to immigration control, are eligible for an allocation of housing accommodation under Part VI of the 1996 Act, unless the National Assembly for Wales prescribes otherwise. (Section 160A(5) of the 1996 Act.) The Assembly does so, in regulation 5, by prescribing a class of persons who are ineligible under Part VI. This class includes (with some exceptions) persons who are not habitually resident in the Common Travel Area. (‘The Common Travel Area’ means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland).

Regulation 6 revokes the Allocation of Housing (Wales) Regulations 2000.

These Regulations, with minor drafting changes, contain similar provisions to those in the Allocation of Housing (Wales) Regulations 2000. Those Regulations which have not been re-enacted relate to the restrictions on the allocation to existing tenants and to the requirements to establish, maintain and operate a housing register, which have now been repealed.

Command Papers 2643, 3906, 9171 and 9512, referred to in these Regulations, are out of print but photocopies of these documents can be obtained by The Stationery Office from the British Lending Library Division (BLLD). Customers, unless already registered with BLLD, should order photocopies from The Photocopying Unit, The Stationery Office, Nine Elms Lane, London SW8 5DR, enclosing the appropriate payment for the copies required. The current cost of each complete copy of Command Paper 2643, 3906 or 9512 is £6.00 and the current cost of each complete copy of Command Paper 9171 is £12.00. Cheques should be made payable to “The Stationery Office”.