
WELSH STATUTORY INSTRUMENTS

2003 No. 239

The Allocation of Housing (Wales) Regulations 2003

Classes prescribed under section 160A(3) who are eligible persons

4. The following are classes of persons subject to immigration control prescribed for the purposes of section 160A(3) of the Act (persons prescribed as eligible for an allocation of housing accommodation by a local housing authority)—

- (a) Class A—a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽¹⁾ as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967⁽²⁾;
- (b) Class B—a person—
 - (i) who has been granted by the Secretary of State exceptional leave to enter or remain in the United Kingdom outside the provisions of the immigration rules; and
 - (ii) whose leave is not subject to a condition requiring them to maintain and accommodate themselves, and any person who is dependent on them, without recourse to public funds;
- (c) Class C—a person who has current leave to enter or remain in the United Kingdom which is not subject to any limitation or condition and who is habitually resident in the Common Travel Area other than a person—
 - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by another person (that person’s “sponsor”) in writing in pursuance of the immigration rules to be responsible for that person’s maintenance and accommodation;
 - (ii) who has been resident in the United Kingdom for less than five years beginning on the date of entry or the date on which the above-mentioned undertaking was given in respect of that person, whichever date is the later; and
 - (iii) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive;
- (d) Class D—a person who is habitually resident in the Common Travel Area and who—
 - (i) is a national of a state which has ratified the European Convention on Social and Medical Assistance done at Paris on 11th December 1953⁽³⁾ or a state which has ratified the European Social Charter done at Turin on 18th October 1961⁽⁴⁾ and is lawfully present in the United Kingdom; or
 - (ii) before 3rd April 2000 was owed a duty by a housing authority under Part III of the Housing Act 1985⁽⁵⁾ (housing the homeless) or Part VII of the Act (homelessness)

⁽¹⁾ Cmnd.9171.

⁽²⁾ Cmnd.3906.

⁽³⁾ Cmnd.9512.

⁽⁴⁾ Cmnd.2643.

⁽⁵⁾ 1985 c. 68. The repeal of Part III, which was commenced by the Housing Act 1996 (Commencement No.5 and Transitional Provisions) Order 1996 (S.I.1996/2959 (C.88)), does not, by virtue of paragraph 1 of the Schedule to that Order, apply to applicants under Part III of that Act whose applications were made before 20th January 1997.

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which is extant, and who is a national of a state which is a signatory to the European Convention on Social and Medical Assistance done at Paris on 11th December 1953 or a state which is a signatory to the European Social Charter done at Turin on 18th October 1961.