

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for which persons from abroad will be eligible or ineligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996 (“the Act”) and for housing assistance under Part 7 of the Act. These Regulations apply in relation to Wales only.

By virtue of section 160A(1) and (3) of the Act, a local housing authority must not allocate housing accommodation under Part 6 of the Act to persons from abroad who are subject to immigration control (within the meaning of the Asylum and Immigration Act 1996 (c.49)) unless they are of a class prescribed by the Welsh Ministers. Similarly, section 185(2) of the Act provides that such persons are not eligible for housing assistance under Part 7 of the Act unless they are of a class which is so prescribed by the Welsh Ministers, or by the Secretary of State.

By virtue of section 160A(1) and (5) of the Act, the Welsh Ministers may prescribe other classes of persons from abroad who (whilst not subject to immigration control) are ineligible for an allocation of housing accommodation under Part 6 of the Act. Similarly, section 185(3) of the Act provides that the Welsh Ministers, or the Secretary of State, may make provision by regulations as to the descriptions of persons who (whilst not subject to immigration control) are to be treated as persons from abroad who are ineligible for housing assistance under Part 7 of the Act.

By regulations 3 and 5 of these Regulations, the Welsh Ministers prescribe those classes of person subject to immigration control who are eligible for an allocation of housing accommodation, or for housing assistance, respectively.

By regulations 4 and 6 of these Regulations, the Welsh Ministers prescribe the classes of person who (whilst not subject to immigration control) are to be treated as persons from abroad who are ineligible for an allocation of housing accommodation, or for housing assistance, respectively.

Regulation 7 revokes the provisions which are replaced by these Regulations, and regulation 8 makes transitional provisions in relation to applications for an allocation of housing accommodation or housing assistance before the commencement of these Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014.