



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 2603 (Cy. 257)

2014 No. 2603 (W. 257)

TAI, CYMRU

HOUSING, WALES

Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) 2014

The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch pa bersonau o dramor a fydd yn gymwys neu'n anghymwys i gael dyraniad o lety tai o dan Ran 6 o Ddeddf Tai 1996 ("y Ddeddf") a chymorth tai o dan Ran 7 o'r Ddeddf. Mae'r Rheoliadau hyn yn gymwys o ran Cymru yn unig.

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.

Yn rhinwedd adran 160A(1) a (3) o'r Ddeddf, ni chaiff awdurdod tai lleol ddyrannu llety tai o dan Ran 6 o'r Ddeddf i bersonau o dramor sy'n ddarostyngedig i reolaeth fewnfudo (o fewn ystyr Deddf Lloches a Mewnfudo 1996 (p.49)) oni bai eu bod o ddsbarth a ragnodir gan Weinidogion Cymru. Yn yr un modd, mae adran 185(2) o'r Ddeddf yn darparu nad yw personau o'r fath yn gymwys i gael cymorth tai o dan Ran 7 o'r Ddeddf oni bai eu bod o ddsbarth a ragnodir felly gan Weinidogion Cymru, neu gan yr Ysgrifennydd Gwladol.

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.

Yn rhinwedd adran 160A(1) a (5) o'r Ddeddf, caiff Gweinidogion Cymru ragnodi dosbarthiadau eraill o bersonau o dramor sy'n anghymwys i gael dyraniad o lety tai o dan Ran 6 o'r Ddeddf, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo. Yn yr un modd, mae adran 185(3) o'r Ddeddf yn darparu y caiff Gweinidogion Cymru, neu'r Ysgrifennydd Gwladol, wneud darpariaeth drwy reoliadau ynghylch y disgrifiadau o bersonau sydd i'w trin fel personau o dramor sy'n anghymwys i gael cymorth tai o dan Ran 7 o'r Ddeddf, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo.

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.

Yn rheoliadau 3 a 5 o'r Rheoliadau hyn, mae Gweinidogion Cymru yn rhagnodi'r dosbarthiadau hynny o berson sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai, neu gymorth tai, yn y drefn honno.

Yn rheoliadau 4 a 6 o'r Rheoliadau hyn, mae Gweinidogion Cymru yn rhagnodi'r dosbarthiadau o berson sydd i'w trin fel personau o dramor sy'n anghymwys i gael dyraniad o lety tai, neu gymorth tai, yn y drefn honno, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo.

Mae rheoliad 7 yn dirymu'r darpariaethau y mae'r Rheoliadau hyn yn eu disodli, ac mae rheoliad 8 yn gwneud darpariaethau trosiannol mewn perthynas â cheisiadau am ddyraniad o lety tai neu gymorth tai a wnaed cyn i'r Rheoliadau hyn gychwyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

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.

2014 Rhif 2603 (Cy. 257)

2014 No. 2603 (W. 257)

TAI, CYMRU

HOUSING, WALES

**Rheoliadau Dyrannu Tai a
Digartrefedd (Cymhwysra)
(Cymru) 2014**

**The Allocation of Housing and
Homelessness (Eligibility) (Wales)
Regulations 2014**

Gwnaed 24 Medi 2014
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 1 Hydref 2014
Yn dod i rym 31 Hydref 2014

Made 24 September 2014
Laid before the National Assembly for Wales
1 October 2014
Coming into force 31 October 2014

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 160A(3) a (5), 172(4), 185(2) a (3) a 215(2) o Ddeddf Tai 1996(1), ac a freiniwyd bellach yng Ngweinidogion Cymru(2):

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 160A(3) and (5), 172(4), 185(2) and (3) and 215(2) of the Housing Act 1996(1), and which are now vested in the Welsh Ministers(2):

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) 2014 a deuant i rym ar 31 Hydref 2014.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

Title, commencement and application

1.—(1) The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 and they come into force on 31 October 2014.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

(1) 1996 p. 52. Ychwanegwyd adran 160A gan adran 14(2) o Ddeddf Digartrefedd 2002 (p. 7) ac fe'i diwygiwyd gan Ddeddf Lleoliaeth 2011 (p. 20). Diwygiwyd adran 185 gan adran 18(1) o Ddeddf Digartrefedd 2002 a pharagraffau 2 a 7(1) o Atodlen 1 iddi, a chan adran 314 o Ddeddf Tai ac Adfywio 2008 (p. 17) a pharagraffau 1 a 4 o Atodlen 15 iddi.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ran 6 a Rhan 7 o Ddeddf Tai 1996, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1, ac adran 17(1) o Ddeddf Digartrefedd 2002. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32). Mae'r swyddogaethau o dan adran 185 yn arferadwy ar y cyd â'r Ysgrifennydd Gwladol.

(1) 1996 c. 52. Section 160A was added by section 14(2) of the Homelessness Act 2002 (c. 7) and amended by the Localism Act 2011 (c. 20). Section 185 was amended by section 18(1) of, and paragraphs 2 and 7(1) of Schedule 1 to the Homelessness Act 2002 and by section 314 of, and paragraphs 1 and 4 of Schedule 15 to the Housing and Regeneration Act 2008 (c. 17).

(2) The functions of the Secretary of State under Part 6 and Part 7 of the Housing Act 1996 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, and section 17(1) of the Homelessness Act 2002. Those functions were subsequently transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). The functions under section 185 are exercisable concurrently with the Secretary of State.

ystyr “y Confensiwn ynglŷn â Ffoaduriaid” (“*the Refugee Convention*”) yw’r Confensiwn ynghylch Statws Ffoaduriaid a wnaed yng Ngenefa ar 28 Gorffennaf 1951, fel y’i hystynnwyd gan Erthygl 1(2) o’r Protocol ynghylch Statws Ffoaduriaid a wnaed yn Efrog Newydd ar 31 Ionawr 1967;

ystyr “Deddf 1996” (“*the 1996 Act*”) yw Deddf Tai 1996;

ystyr “noddwr” (“*sponsor*”) yw person sydd wedi rhoi ymgymeriad ysgrifenedig at ddibenion y Rheolau Mewnfudo i fod yn gyfrifol am gynhaliath a llety person arall;

ystyr “y Rheolau Mewnfudo” (“*the Immigration Rules*”) yw’r rheolau a osodir fel a grybwyllir yn adran 3(2) o Ddeddf Mewnfudo 1971(1) (darpariaethau cyffredinol ar gyfer rheoleiddio a rheolaeth);

ystyr “Rheoliadau Ymaelodaeth 2013” (“*the Accession Regulations 2013*”) yw Rheoliadau Ymaelodaeth Croatia (Mewnfudo ac Awdurdodi Gweithwyr) 2013(2); ac

ystyr “Rheoliadau yr AEE” (“*the EEA Regulations*”) yw Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2006(3).

(2) At ddibenion y Rheoliadau hyn—

(a) mae i “ceisiwr gwaith”, “person hunangyflogedig”, a “gweithiwr” yr un ystyr ag a roddir i “jobseeker”, “self-employed person” a “worker”, yn y drefn honno, at ddibenion y diffiniad o “qualified person” yn rheoliad 6(1) o Reoliadau yr AEE(4); a

(b) yn ddarostyngedig i baragraff (3), mae cyfeiriadau at aelod o deulu ceisiwr gwaith, person hunangyflogedig neu weithiwr i’w dehongli yn unol â rheoliad 7 o’r Rheoliadau hynny.

(3) At ddibenion rheoliadau 4(2)(d) a 6(2)(d) nid yw “aelod o deulu” (“*family member*”) yn cynnwys person sy’n cael ei drin fel aelod o deulu yn rhinwedd rheoliad 7(3) o Reoliadau yr AEE.

Personau sy’n ddarostyngedig i reolaeth fewnfudo sy’n gymwys i gael dyraniad o lety tai

3. Mae’r dosbarthiadau o bersonau a ganlyn sy’n ddarostyngedig i reolaeth fewnfudo yn bersonau sy’n gymwys i gael dyraniad o lety tai o dan Ran 6 o Ddeddf 1996—

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

“the Accession Regulations 2013” (“*Rheoliadau Ymaelodaeth 2013*”) means the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(1);

“the EEA Regulations” (“*Rheoliadau yr AEE*”) means the Immigration (European Economic Area) Regulations 2006(2);

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

“the Refugee Convention” (“y *Confensiwn ynglŷn â Ffoaduriaid*”) means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 January 1967; and

“sponsor” (“*noddwr*”) means a person who has given an undertaking in writing for the purposes of the Immigration Rules to be responsible for the maintenance and accommodation of another person.

(2) For the purposes of these Regulations—

(a) “jobseeker” (“*ceisiwr gwaith*”), “self-employed person” (“*person hunangyflogedig*”), and “worker” (“*gweithiwr*”) have the same meaning as for the purposes of the definition of a “qualified person” in regulation 6(1) of the EEA Regulations(4); and

(b) subject to paragraph (3), references to the family member of a jobseeker, self-employed person, or worker are to be construed in accordance with regulation 7 of those Regulations.

(3) For the purposes of regulations 4(2)(d) and 6(2)(d) “family member” (“*aelod o deulu*”) does not include a person who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations.

Persons subject to immigration control who are eligible for an allocation of housing accommodation

3. The following classes of persons subject to immigration control are persons who are eligible for an allocation of housing accommodation under Part 6 of the 1996 Act—

(1) 1971 (p. 77).

(2) O.S. 2013/1460.

(3) O.S. 2006/1003.

(4) Gweler rheoliad 4 a rheoliad 6(2) i (4) o Reoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2006.

(1) S.I. 2013/1460.

(2) S.I. 2006/1003.

(3) 1971 (c. 77).

(4) See regulation 4 and regulation 6(2) to (4) of the Immigration (European Economic Area) Regulations 2006.

- (a) Dosbarth A – person a gofnodir fel ffoadur gan yr Ysgrifennydd Gwladol o fewn y diffiniad yn Erthygl 1 o'r Confensiwn ynglŷn â Ffoaduriaid ac sydd â chaniatâd i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi;
- (b) Dosbarth B – person—
- (i) sydd â chaniatâd eithriadol i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi a roddwyd y tu allan i ddarpariaethau'r Rheolau Mewnfudo; a
 - (ii) nad yw ei ganiatâd i ddod i mewn neu i aros yn ddarostyngedig i amod sy'n ei gwneud yn ofynnol i'r person hwnnw ei gynnal a'i letya ei hun, ac unrhyw berson sy'n ddibynnol arno, heb ddibynnu ar gronfeydd cyhoeddus;
- (c) Dosbarth C – person sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon ac nad yw ei ganiatâd i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn ddarostyngedig i unrhyw gyfyngiad neu amod, ac eithrio person—
- (i) y rhoddwyd caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn dilyn ymgymriad a roddwyd gan noddwr y person;
 - (ii) sydd wedi preswyllo yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon am lai na phum mlynedd gan ddechrau ar y dyddiad y daeth i'r Deyrnas Unedig neu'r dyddiad y rhoddwyd yr ymgymriad mewn perthynas â'r person, pa ddyddiad bynnag yw'r diweddaraf; a
 - (iii) y mae ei noddwr neu, pan fo mwy nag un noddwr, o leiaf un o'i noddwyr, yn dal yn fyw;
- (d) Dosbarth D – person sydd ag amddiffyniad dyngarol a roddwyd o dan y Rheolau Mewnfudo; ac
- (e) Dosbarth E – person sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon ac sydd â chaniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig fel dinesydd perthnasol o Affganistan o dan baragraff 276BA1 o'r Rheolau Mewnfudo.
- (a) Class A – a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;
- (b) Class B – a person—
- (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
 - (ii) whose leave to enter or remain is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependant on that person, without recourse to public funds;
- (c) Class C – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person—
- (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by the person's sponsor;
 - (ii) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or on the date on which the undertaking was given in respect of the 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 has humanitarian protection granted under the Immigration Rules; and
- (e) Class E – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules.

Personau eraill o dramor sy'n anghymwys i gael dyraniad o lety tai

4.—(1) Mae person nad yw'n ddarostyngedig i reolaeth fewnfudo i'w drin fel person o dramor sy'n anghymwys i gael dyraniad o lety tai o dan Ran 6 o Ddeddf 1996—

- (a) yn ddarostyngedig i baragraff (2), os nad yw'r person yn preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw, neu Weriniaeth Iwerddon;
- (b) os yw unig hawl person i breswyllo yn y Deyrnas Unedig—
 - (i) yn deillio o statws y person fel ceisiwr gwaith neu aelod o deulu ceisiwr gwaith; neu
 - (ii) yn hawl cychwynnol i breswyllo am gyfnod nad yw'n hwy na thri mis o dan reoliad 13 o Reoliadau yr AEE(1); neu
 - (iii) yn hawl deilliannol i breswyllo sydd gan y person o dan reoliad 15A(1) o Reoliadau yr AEE, ond dim ond mewn achos pan fo'r hawl yn bodoli o dan y rheoliad hwnnw gan fod y ceisydd yn bodloni'r meini prawf yn rheoliad 15A(4A) o'r Rheoliadau hynny(2); neu
 - (iv) yn deillio o Erthygl 20 o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd, mewn achos pan fo'r hawl i breswyllo yn codi gan y byddai dinesydd Prydeinig fel arall yn cael ei amddifadu o fwynhad gwirioneddol sylwedd ei hawliau fel dinesydd o'r Undeb Ewropeaidd; neu
- (c) mae unig hawl y person i breswyllo yn Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon—
 - (i) yn hawl cyfwerth ag un o'r rhai hynny a grybwyllir yn is-baragraff (b)(i), (ii) neu (iii) sy'n deillio o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd; neu
 - (ii) yn deillio o Erthygl 20 o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd mewn achos pan fo'r hawl i breswyllo—
 - (aa) yng Ngweriniaeth Iwerddon yn codi gan y byddai dinesydd Gwyddelig; neu

Other persons from abroad who are ineligible for an allocation of housing accommodation

4.—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under Part 6 of the 1996 Act if—

- (a) subject to paragraph (2), the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;
- (b) the person's only right to reside in the United Kingdom—
 - (i) is derived from the person's status as a jobseeker or a family member of a jobseeker; or
 - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations(1); or
 - (iii) is a derivative right to reside to which the person is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 15A(4A) of those Regulations(2); or
 - (iv) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen; or
- (c) the person's only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland—
 - (i) is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or
 - (ii) is derived from Article 20 of the Treaty of the Functioning of the European Union in a case where the right to reside—
 - (aa) in the Republic of Ireland arises because an Irish citizen; or

(1) Diwygiwyd rheoliad 13 gan O.S. 2012/1547.

(2) Ychwanegwyd rheoliad 15A gan O.S. 2012/1547 ac fe'i diwygiwyd gan reoliad 2 o O.S. 2012/2560, a'r Atodlen iddo.

(1) Regulation 13 was amended by S.I. 2012/1547.

(2) Regulation 15A was added by S.I. 2012/1547 and has been amended by regulation 2 of, and the Schedule to S.I. 2012/2560.

(bb) yn Ynysoedd y Sianel neu Ynys Manaw yn codi gan y byddai dinesydd Prydeinig sydd hefyd â'r hawl i breswyllo yno,

fel arall yn cael ei amddifadu o fwynhad gwirioneddol sylwedd ei hawliau fel dinesydd o'r Undeb Ewropeaidd.

(2) Nid yw'r canlynol i gael eu trin fel personau o dramor sy'n anghymwys i gael dyraniad o lety tai yn unol â pharagraff (1)(a)—

- (a) gweithiwr;
- (b) person hunangyflogedig;
- (c) person sy'n cael ei drin fel gweithiwr at ddibenion y diffiniad o "qualified person" yn rheoliad 6(1) o Reoliadau yr AEE yn unol â rheoliad 5 o Reoliadau Ymaelodaeth 2013 (hawl preswyllo gwladolyn o Wladwriaeth ymaelodol sy'n ddarostyngedig i awdurdodiad gweithiwr);
- (d) person sy'n aelod o deulu person a bennir yn is-baragraffau (a)-(c);
- (e) person sydd â hawl i breswyllo'n barhaol yn y Deyrnas Unedig yn rhinwedd rheoliad 15(1)(c), (d) neu (e) o Reoliadau yr AEE; ac
- (f) person sydd yn y Deyrnas Unedig o ganlyniad i allgludo, diarddel neu waredu fel arall y person drwy orfodaeth y gyfraith o wlad arall i'r Deyrnas Unedig.

Personau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael cymorth tai

5.—(1) Mae'r dosbarthiadau canlynol o bersonau sy'n ddarostyngedig i reolaeth fewnfudo yn bersonau sy'n gymwys i gael cymorth tai o dan Ran 7 o Ddeddf 1996—

- (a) Dosbarth A – person a gofnodwyd fel ffoadur gan yr Ysgrifennydd Gwladol o fewn diffiniad Erthygl 1 o'r Confensiwn ynglŷn â Ffoaduriaid ac sydd â chaniatâd i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi;
- (b) Dosbarth B – person—
 - (i) sydd â chaniatâd eithriadol i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi a roddwyd y tu allan i ddarpariaethau'r Rheolau Mewnfudo; a
 - (ii) nad yw ei ganiatâd i ddod i mewn neu i aros yn ddarostyngedig i amod sy'n ei gwneud yn ofynnol i'r person hwnnw ei gynnal a'i letya ei hun, ac unrhyw berson sy'n ddibynnol arno, heb ddibynnu ar gronfeydd cyhoeddus;

(bb) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there,

would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

(2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a)—

- (a) a worker;
- (b) a self-employed person;
- (c) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);
- (d) a person who is the family member of a person specified in sub-paragraphs (a)-(c);
- (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations; and
- (f) a person who is in the United Kingdom as a result of the person's deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

Persons subject to immigration control who are eligible for housing assistance

5.—(1) The following classes of persons subject to immigration control are persons who are eligible for housing assistance under Part 7 of the 1996 Act—

- (a) Class A – a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;
- (b) Class B – a person—
 - (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
 - (ii) whose leave to enter or remain is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependant on that person, without recourse to public funds;

- (c) Dosbarth C – person sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon ac nad yw ei ganiatâd i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn ddarostyngedig i unrhyw gyfyngiad neu amod, ac eithrio person—
- (i) y rhoddwyd caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn dilyn ymgymeriad a roddwyd gan noddwr y person;
 - (ii) sydd wedi preswyllo yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon am lai na phum mlynedd gan ddechrau ar y dyddiad y daeth i'r Deyrnas Unedig neu ar y dyddiad y rhoddwyd yr ymgymeriad mewn perthynas â'r person, pa ddyddiad bynnag yw'r diweddaraf; a
 - (iii) y mae ei noddwr neu, pan fo mwy nag un noddwr, o leiaf un o'i noddwyr, yn dal yn fyw;
- (d) Dosbarth D – person sydd ag amddiffyniad dyngarol a roddwyd o dan y Rheolau Mewnffudo;
- (e) Dosbarth E – person sy'n geisiwr lloches y mae ei hawliad lloches wedi ei gofnodi gan yr Ysgrifennydd Gwladol fel un a wnaed cyn 3 Ebrill 2000 ac o dan yr amgylchiadau a grybwyllir yn un o'r paragraffau canlynol—
- (i) wrth gyrraedd y Deyrnas Unedig o wlad y tu allan i'r Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon (ac eithrio wrth i'r person ddod yn ôl i'r Deyrnas Unedig);
 - (ii) o fewn tri mis i'r diwrnod y gwnaeth yr Ysgrifennydd Gwladol ddatganiad perthnasol, ac yr oedd y ceisydd ym Mhrydain Fawr ar y diwrnod y gwnaed y datganiad; neu
 - (iii) ar 4 Chwefror 1996 neu cyn hynny gan geisydd a oedd â'r hawl, ar 4 Chwefror 1996, i fudd-dal o dan reoliad 7A o Reoliadau Budd-dal Tai (Cyffredinol) 1987(1) (personau o dramor); ac
- (f) Dosbarth F – person sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon ac sydd â chaniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig fel dinesydd perthnasol o
- (c) Class C – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person—
- (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by the person's sponsor;
 - (ii) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or on the date on which the undertaking was given in respect of the 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 has humanitarian protection granted under the Immigration Rules;
- (e) Class E – a person who is an asylum-seeker whose claim for asylum is recorded by the Secretary of State as having been made before 3 April 2000 and in the circumstances mentioned in one of the following paragraphs—
- (i) on arrival (other than on the person's re-entry) in the United Kingdom from a country outside the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;
 - (ii) within three months from the day on which the Secretary of State made a relevant declaration, and the applicant was in Great Britain on the day on which the declaration was made; or
 - (iii) on or before 4 February 1996 by an applicant who was on 4 February 1996 entitled to benefit under regulation 7A of the Housing Benefit (General) Regulations 1987(1) (persons from abroad); and
- (f) Class F – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United

(1) O.S. 1987/1971 Dirymwyd y Rheoliadau hyn gan O.S. 2006/217, rheoliadau 2, 3, ac Atodlen 1, o 6 Mawrth 2006; gweler rheoliad 6 ac Atodlen 3 am ddarpariaethau trosiannol ac arbed.

(1) S.I. 1987/1971 These Regulations were revoked by SI 2006/217, regulations 2, 3, and Schedule 1, as from 6 March 2006; for transitional and savings provisions see regulation 6 and Schedule 3.

Affganistan o dan baragraff 276BA1 o'r Rheolau Mewnfudo.

(2) At ddiben paragraff (1)(e)—

- (a) ystyr “ceisiwr lloches” (“*asylum-seeker*”) yw person sy'n 18 oed o leiaf, sydd yn y Deyrnas Unedig ac sydd wedi gwneud hawliad lloches;
- (b) ystyr “hawliad lloches” (“*claim for asylum*”) yw hawliad y byddai'n groes i rwymedigaethau'r Deyrnas Unedig o dan y Confensiwn ynglŷn â Ffoaduriaid i'r hawlydd gael ei symud ymaith o'r Deyrnas Unedig, neu i'w gwneud yn ofynnol iddo ymadael â'r Deyrnas Unedig;
- (c) ystyr “datganiad perthnasol” (“*relevant declaration*”) yw datganiad i'r perwyl bod newid mor sylfaenol i amgylchiadau'r wlad y mae'r ceisydd yn un o'i gwladolion fel na fyddai'r Ysgrifennydd Gwladol fel arfer yn gorchymyn i'r person ddychwelyd i'r wlad honno; a
- (d) yn ddarostyngedig i baragraff (3), mae person yn peidio â bod yn geisiwr lloches pan fydd yr Ysgrifennydd Gwladol yn cofnodi bod penderfyniad wedi ei wneud ar ei hawliad lloches (ac eithrio ar apêl) neu ei fod wedi ei ollwng.

(3) At ddibenion paragraff (1)(e)(iii), nid yw person yn peidio â bod yn geisiwr lloches fel a grybwyllir ym mharagraff (2)(d) tra bo'n gymwys i gael budd-dal tai yn rhinwedd—

- (a) rheoliad 10(6) o Reoliadau Budd-dal Tai 2006(1); neu
- (b) rheoliad 10(6) o Reoliadau Budd-dal Tai (Personau sydd wedi cyrraedd yr oed cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006(2),

fel y'u haddaswyd yn y ddau achos gan baragraff 6 o Atodlen 3 i Reoliadau Budd-dal Tai a Budd-dal y Dreth Gyngor (Darpariaethau Canlyniadol) 2006(3).

Personau eraill o dramor sy'n anghymwys i gael cymorth tai

6.—(1) Mae person nad yw'n ddarostyngedig i reolaeth fewnfudo i'w drin fel person o dramor sy'n anghymwys i gael cymorth tai o dan Ran 7 o Ddeddf 1996—

Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules.

(2) For the purpose of paragraph (1)(e)—

- (a) “asylum-seeker” (“*ceisiwr lloches*”) means a person who is at least 18 years old, who is in the United Kingdom and who has made a claim for asylum;
- (b) “claim for asylum” (“*hawliad lloches*”) means a claim that it would be contrary to the United Kingdom's obligations under the Refugee Convention for the claimant to be removed from, or required to leave the United Kingdom;
- (c) “relevant declaration” (“*datganiad perthnasol*”) means a declaration to the effect that the country of which the applicant is a national is subject to such fundamental change of circumstances that the Secretary of State would not normally order the return of a person to that country; and
- (d) subject to paragraph (3), a person ceases to be an asylum-seeker when his claim for asylum is recorded by the Secretary of State as having been decided (other than on appeal) or abandoned.

(3) For the purposes of paragraph (1)(e)(iii), a person does not cease to be an asylum-seeker as mentioned in paragraph (2)(d) while he is eligible for housing benefit by virtue of—

- (a) regulation 10(6) of the Housing Benefit Regulations 2006(1); or
- (b) regulation 10(6) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(2),

as modified in both cases by paragraph 6 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006(3).

Other persons from abroad who are ineligible for housing assistance

6.—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for housing assistance under Part 7 of the 1996 Act if—

(1) O.S. 2006/213.
(2) O.S. 2006/214.
(3) O.S. 2006/217.

(1) S.I. 2006/213.
(2) S.I. 2006/214.
(3) S.I. 2006/217.

- (a) yn ddarostyngedig i baragraff (2), os nad yw'r person yn preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw, neu Weriniaeth Iwerddon;
 - (b) os yw unig hawl person i breswyllo yn y Deyrnas Unedig—
 - (i) yn deillio o statws y person fel ceisiwr gwaith neu aelod o deulu ceisiwr gwaith; neu
 - (ii) yn hawl cychwynnol i breswyllo am gyfnod nad yw'n hwy na thri mis o dan reoliad 13 o Reoliadau yr AEE; neu
 - (iii) yn hawl deilliannol i breswyllo sydd gan y person o dan reoliad 15A(1) o Reoliadau yr AEE, ond dim ond mewn achos pan fo'r hawl yn bodoli o dan y rheoliad hwnnw gan fod y ceisydd yn bodloni'r meini prawf yn rheoliad 15A(4A) o'r Rheoliadau hynny; neu
 - (iv) yn deillio o Erthygl 20 o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd, mewn achos pan fo'r hawl i breswyllo yn codi gan y byddai dinesydd Prydeinig fel arall yn cael ei amddifadu o fwynhad gwirioneddol sylwedd ei hawliau fel dinesydd o'r Undeb Ewropeaidd; neu
 - (c) os yw unig hawl y person i breswyllo yn Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon—
 - (i) yn hawl cyfwerth ag un o'r rhai hynny a grybwyllir yn is-baragraff (b)(i), (ii) neu (iii) sy'n deillio o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd; neu
 - (ii) yn deillio o Erthygl 20 o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd mewn achos pan fo'r hawl i breswyllo—
 - (aa) yng Ngweriniaeth Iwerddon yn codi gan y byddai dinesydd Gwyddelig; neu
 - (bb) yn Ynysoedd y Sianel neu Ynys Manaw yn codi gan y byddai dinesydd Prydeinig sydd hefyd â'r hawl i breswyllo yno,
- fel arall yn cael ei amddifadu o fwynhad gwirioneddol sylwedd ei hawliau fel dinesydd o'r Undeb Ewropeaidd.

(2) Nid yw'r canlynol i gael eu trin fel personau o dramor sy'n anghymwys i gael dyraniad o lety tai yn unol â pharagraff (1)(a)—

- (a) gweithiwr;
- (b) person hunangyflogedig;

- (a) subject to paragraph (2), the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;
 - (b) the person's only right to reside in the United Kingdom—
 - (i) is derived from the person's status as a jobseeker or a family member of a jobseeker; or
 - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or
 - (iii) is a derivative right to reside to which the person is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 15A(4A) of those Regulations; or
 - (iv) is derived from Article 20 of the Treaty on the Functioning of the European Union in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen; or
 - (c) the person's only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland—
 - (i) is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or
 - (ii) is derived from Article 20 of the Treaty of the Functioning of the European Union in a case where the right to reside—
 - (aa) in the Republic of Ireland arises because an Irish citizen; or
 - (bb) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there,
- would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

(2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a)—

- (a) a worker;
- (b) a self-employed person;

- (c) person sy'n cael ei drin fel gweithiwr at ddibenion y diffiniad o "qualified person" yn rheoliad 6(1) o Reoliadau yr AEE yn unol â rheoliad 5 o Reoliadau Ymaelodaeth 2013 (hawl preswyllo gwladolyn o Wladwriaeth ymaelodol sy'n ddarostyngedig i awdurdodiad gweithiwr);
- (d) person sy'n aelod o deulu person a bennir yn is-baragraffau (a)-(c);
- (e) person sydd â hawl i breswyllo'n barhaol yn y Deyrnas Unedig yn rhinwedd rheoliad 15(1)(c), (d) neu (e) o Reoliadau yr AEE; ac
- (f) person sydd yn y Deyrnas Unedig o ganlyniad i allgludo, diarddel neu waredu fel arall y person drwy orfodaeth y gyfraith o wlad arall i'r Deyrnas Unedig.

- (c) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);
- (d) a person who is the family member of a person specified in sub-paragraphs (a)-(c);
- (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations; and
- (f) a person who is in the United Kingdom as a result of the person's deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

Dirymiadau

7. Yn ddarostyngedig i reoliad 8, mae'r canlynol wedi eu dirymu—

- (a) rheoliadau 4 a 5 o Reoliadau Dyrannu Tai (Cymru) 2003(1);
- (b) Rheoliadau Digartrefedd (Cymru) 2006(2);
- (c) Rheoliadau Dyrannu Tai (Cymru) (Diwygio) 2006(3); a
- (d) Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystira) (Cymru) 2009(4).

Darpariaethau trosiannol

8. Nid yw'r dirymiadau a wneir gan y Rheoliadau hyn yn cael effaith mewn perthynas â cheisydd y gwnaed ei gais am—

- (a) dyraniad o lety tai o dan Ran 6 o Ddeddf 1996; neu
- (b) cymorth tai o dan Ran 7 o Ddeddf 1996,

cyn i'r Rheoliadau hyn ddod i rym.

Revocations

7. Subject to regulation 8, the following are revoked—

- (a) regulations 4 and 5 of the Allocation of Housing (Wales) Regulations 2003(1);
- (b) the Homelessness (Wales) Regulations 2006(2);
- (c) the Allocation of Housing (Wales) (Amendment) Regulations 2006(3); and
- (d) the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2009(4).

Transitional provisions

8. The revocations made by these Regulations do not have effect in relation to an applicant whose application for—

- (a) an allocation of housing accommodation under Part 6 of the 1996 Act; or
- (b) housing assistance under Part 7 of the 1996 Act,

was made before the coming into force of these Regulations.

(1) O.S. 2003/239 (Cy. 36) fel y'i diwygiwyd gan O.S. 2006/2645 (Cy. 226) ac O.S. 2009/393 (Cy. 42).
 (2) O.S. 2006/2646 (Cy. 227) fel y'i diwygiwyd gan O.S. 2008/1879, O.S. 2009/393 (Cy. 42) ac O.S. 2013/1778 (Cy. 178).
 (3) O.S. 2006/2645 (Cy. 226).
 (4) O.S. 2009/393 (Cy. 42).

(1) S.I. 2003/239 (W. 36) as amended by S.I. 2006/2645 (W. 226) and S.I. 2009/393 (W. 42).
 (2) S.I. 2006/2646 (W. 227) as amended by S.I. 2008/1879, S.I. 2009/393 (W. 42) and S.I. 2013/1778 (W. 178).
 (3) S.I. 2006/2645 (W. 226).
 (4) S.I. 2009/393 (W. 42).

Lesley Griffiths

Y Gweinidog Cymunedau a Threchu Tlodi, un o
Weinidogion Cymru

Minister for Communities and Tackling Poverty, one
of the Welsh Ministers

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