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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2015 Rhif 1265 (Cy. 85)**

**2015 No. 1265 (W. 85)**

**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Digartrefedd  
(Bwriadoldeb) (Categoriâu  
Penodedig) (Cymru) 2015**

**The Homelessness (Intentionality)  
(Specified Categories) (Wales)  
Regulations 2015**

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

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

Mae adran 78(2) o Ddeddf Tai (Cymru) 2014 (“y Ddeddf”) yn darparu na chaiff awdurdod tai lleol roi sylw i ba un a yw ceisydd wedi dod yn ddigartref yn fwriadol ai peidio at ddibenion adrannau 68 a 75 wrth asesu ceisydd am gymorth ynghylch digartrefedd, oni bai ei fod wedi penderfynu rhoi sylw i un neu ragor o'r categorïau o geiswyr a bennwyd gan Weinidogion Cymru. Mae adran 78(1) o'r Ddeddf yn gosod rhwymedigaeth ar Weinidogion Cymru i wneud rheoliadau i bennu categorïau o'r fath.

Section 78(2) of the Housing (Wales) Act 2014 (“the Act”) provides that when assessing an applicant for help with homelessness, a local housing authority may not have regard to whether or not an applicant has become homeless intentionally for the purposes of sections 68 and 75, unless it has decided to have regard to one or more of the categories of applicants specified by the Welsh Ministers. Section 78(1) of the Act places an obligation on the Welsh Ministers to make regulations to specify such categories.

Yn y Rheoliadau hyn, mae Gweinidogion Cymru yn pennu rhestr o gategoriâu o geiswyr at ddibenion adran 78. Mae'r rhestr hon yn rheoliad 2. Mae wedi ei seilio ar adran 70 o'r Ddeddf, sy'n nodi'r rhestr o'r personau sydd mewn angen blaenoriaethol am lety.

In these Regulations, the Welsh Ministers specify a list of categories of applicants for the purposes of section 78. This list is in regulation 2. It is based on section 70 of the Act, which sets out the list of persons who have a priority need for accommodation.

Gan ddibynnu ar y pŵer sydd wedi ei gynnwys yn adran 142(2)(c) o'r Ddeddf, mae'r Rheoliadau hyn hefyd yn gwneud darpariaethau canlyniadol, atodol a throsiannol. Disgrifir y rhain isod.

These Regulations, in reliance on the power contained in section 142(2)(c) of the Act, also make incidental, supplementary and transitional provisions. These are described below.

Mae rheoliad 3 yn darparu bod rhaid i awdurdod tai lleol roi hysbysiad ysgrifenedig o'i benderfyniad i roi sylw i fwriadoldeb i Weinidogion Cymru, o leiaf 14 o ddiwrnodau cyn iddo gael effaith. Rhaid i'r hysbysiad bennu'r categori neu gategoriâu o geiswyr y bydd yr awdurdod tai lleol yn ystyried bwriadoldeb mewn perthynas â hwy. Rhaid i'r hysbysiad hefyd gynnwys rhesymau dros benderfynu rhoi sylw i'r categori neu'r categorïau a bennwyd.

Regulation 3 provides that a local housing authority must give written notice of its decision to have regard to intentionality to the Welsh Ministers, at least 14 days before it takes effect. The notice must specify the category or categories of applicants in relation to which the local housing authority will consider intentionality. The notice must also contain reasons for deciding to have regard to the category or categories specified.

Mae rheoliadau 4 a 5 yn gwneud darpariaeth ar gyfer cyhoeddi hysbysiad o benderfyniad i geiswyr a rhanddeiliaid. Yn benodol, rhaid cyhoeddi'r hysbysiad ar wefan yr awdurdod tai lleol, os oes ganddo un, a rhaid bod copi ohono ar gael, yn ddi-dâl, i'r ceiswyr yr effeithir arnynt.

Mae rheoliad 6 yn darparu na chaniateir diwygio'r penderfyniad fwy na dwywaith mewn cyfnod o 12 mis. Mae hefyd yn egluro bod rhaid cyhoeddi hysbysiadau o benderfyniadau a ddiwygiwyd mewn ffordd debyg i'r hysbysiadau gwreiddiol.

Mae rheoliad 7 yn atal awdurdod tai lleol rhag ystyried bwriadoldeb mewn perthynas â cheiswyr presennol y mae'r ddyletswydd o dan adran 62(1) o'r Ddeddf yn ddyledus iddynt, cyn bod yr awdurdod yn penderfynu rhoi sylw i fwriadoldeb.

Mae rheoliad 8 yn gymwys i geisydd presennol am gymorth, y mae dyletswydd i asesu o dan adran 62(1) o'r Ddeddf yn ddyledus iddo ar yr adeg pan fo unrhyw newidiadau yn cael eu gwneud i gategoriâu. Mae rheoliad 8(1)(a) yn darparu na chaiff yr awdurdod roi sylw i fwriadoldeb mwyach wrth asesu cais os yw ceisydd o'r fath mewn categori sy'n cael ei dynnu o'r rhestr o gategoriâu.

Ar y llaw arall, os yw ceisydd o'r fath mewn categori sydd wedi ei gynnwys mewn rhestr o gategoriâu tra bo'r cais am asesiad yn cael ei ystyried, yna mae rheoliad 8(1)(b) yn darparu na fydd yr hysbysiad yn effeithio ar y ceisydd hwnnw ac na chaiff awdurdod roi sylw i fwriadoldeb y ceisydd hwnnw.

Regulations 4 and 5 make provision for publication of a notice of decision to applicants and stakeholders. In particular, the notice must be published on the local housing authority's website, if it has one, and a copy of the notice must be made available, without charge, to affected applicants.

Regulation 6 provides that the decision may not be revised more than twice in a 12 month period. It also clarifies that notices of revised decisions must be published in a similar manner to the original notices.

Regulation 7 prevents a local housing authority from considering intentionality in relation to existing applicants to whom the duty under section 62(1) of the Act is owed, prior to a decision by the authority to have regard to intentionality.

Regulation 8 applies to an existing applicant for help, to whom a duty to assess under section 62(1) of the Act is owed at the time of any changes of categories. Regulation 8(1)(a) provides that if such an applicant is in a category which is removed from the list of categories, the authority must no longer have regard to intentionality when assessing the application.

If, on the other hand, such an applicant is in category which is included in a list of categories while the application for assessment is pending, then regulation 8(1)(b) provides that the notice will not affect that applicant and that an authority may not have regard to the intentionality of that applicant.

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**Rheoliadau Digartrefedd  
(Bwriadoldeb) (Categoriâu  
Penodedig) (Cymru) 2015**

**The Homelessness (Intentionality)  
(Specified Categories) (Wales)  
Regulations 2015**

*Gwnaed* 21 Ebrill 2015  
*Yn dod i rym* 27 Ebrill 2015

*Made* 21 April 2015  
*Coming into force* 27 April 2015

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 78(1) a 142(2) o Ddeddf Tai (Cymru) 2014(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 78(1) and 142(2) of the Housing (Wales) Act 2014(1).

Gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo drwy benderfyniad ganddo yn unol ag adran 142(3)(b)(ii) o'r Ddeddf honno.

A draft of this instrument was laid before and approved by resolution of the National Assembly for Wales in accordance with section 142(3)(b)(ii) of that Act.

**Enwi, cychwyn a dehongli**

**Title, commencement and interpretation**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Digartrefedd (Bwriadoldeb) (Categoriâu Penodedig) (Cymru) 2015.

1.—(1) The title of these Regulations is the Homelessness (Intentionality) (Specified Categories) (Wales) Regulations 2015.

(2) Daw'r Rheoliadau hyn i rym ar 27 Ebrill 2015.

(2) These Regulations come into force on 27 April 2015.

(3) Yn y Rheoliadau hyn—

(3) In these Regulations—

ystyr "rhestr o gategoriâu penodedig o geiswyr" ("*list of specified categories of applicants*") yw'r categori neu'r categorïau o geiswyr(2) y mae awdurdod tai lleol wedi penderfynu rhoi sylw i ba un a yw ceiswyr wedi dod yn ddigartref yn fwriadol ai peidio mewn cysylltiad â hwy(3);

"have regard to intentionality" ("*rhoi sylw i fwriadoldeb*") means to have regard to whether or not an applicant has become homeless intentionally for the purposes of sections 68 and 75;

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(1) 2014 decc 7.  
(2) Fel y'u diffinnir gan adran 62(3).  
(3) Gweler adran 78(2).

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(1) 2014 anaw 7.

ystyr “rhoi sylw i fwriadoldeb” (“*have regard to intentionality*”) yw rhoi sylw i ba un a yw ceisydd wedi dod yn ddigartref yn fwriadol ai peidio at ddibenion adrannau 68 a 75.

(4) Yn y Rheoliadau hyn, mae cyfeiriadau at adrannau yn gyfeiriadau at adrannau o Ddeddf Tai (Cymru) 2014.

“list of specified categories of applicants” (“*rhestr o gategoriâu penodedig o geiswyr*”) means the category or categories of applicant(1) in respect of which a local housing authority has decided to have regard to whether or not applicants have become homeless intentionally(2).

(4) In these Regulations, references to sections are references to sections of the Housing (Wales) Act 2014.

## RHAN 1

### Categoriâu Penodedig

#### Categoriâu o geiswyr at ddiben adran 78

2. Mae'r canlynol yn gategoriâu o geiswyr at ddiben adran 78 (penderfynu rhoi sylw i fwriadoldeb)—

- (a) menyw feichiog neu berson y mae'n preswyllo gydag ef neu y gellid disgwyl yn rhesymol iddi breswyllo gydag ef;
- (b) person y mae plentyn dibynnol yn preswyllo gydag ef neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef;
- (c) person—
  - (i) sy'n hyglwyf o ganlyniad i reswm arbennig (er enghraifft: henaint, salwch corfforol neu feddyliol neu anabledd corfforol neu feddyliol), neu
  - (ii) y mae person sy'n dod o fewn is-baragraff (i) yn preswyllo gydag ef neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef;
- (d) person—
  - (i) sy'n ddigartref neu o dan fygythiad o ddigartrefedd o ganlyniad i argyfwng megis llifogydd, tân neu drychineb arall, neu
  - (ii) y mae person sy'n dod o fewn is-baragraff (i) yn preswyllo gydag ef neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef;
- (e) person—
  - (i) sy'n ddigartref o ganlyniad i wynebu camdriniaeth ddomestig, neu
  - (ii) y mae person sy'n dod o fewn is-baragraff (i) yn preswyllo gydag ef (ac eithrio'r sawl sy'n cam-drin) neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef;

## PART 1

### Specified Categories

#### Categories of applicant for the purpose of section 78

2. The following are categories of applicant for the purpose of section 78 (deciding to have regard to intentionality)—

- (a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- (b) a person with whom a dependent child resides or might reasonably be expected to reside;
- (c) a person—
  - (i) who is vulnerable as a result of some special reason (for example: old age, physical or mental illness or physical or mental disability), or
  - (ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;
- (d) a person—
  - (i) who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster, or
  - (ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;
- (e) a person—
  - (i) who is homeless as a result of being subject to domestic abuse, or
  - (ii) with whom a person who falls within sub-paragraph (i) resides (other than the abuser) or might reasonably be expected to reside;

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(1) As defined by section 62(3).

(2) See section 78(2).

- (f) person—
- (i) sy'n 16 neu'n 17 oed pan fo'r person yn gwneud cais i awdurdod tai lleol am lety neu gymorth i gadw neu gael gafael ar lety, neu
  - (ii) y mae person sy'n dod o fewn is-baragraff (i) yn preswyllo gydag ef neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef;
- (g) person—
- (i) sydd wedi cyrraedd 18 oed, pan fo'r person yn gwneud cais i awdurdod tai lleol am lety neu gymorth i gadw neu gael gafael ar lety, ond nid 21 oed, sy'n wynebu perygl arbennig o gamfanteisio rhywiol neu ariannol, neu
  - (ii) y mae person sy'n dod o fewn is-baragraff (i) yn preswyllo gydag ef (ac eithrio camfanteisiwr neu gamfanteisiwr posibl) neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef;
- (h) person—
- (i) sydd wedi cyrraedd 18 oed, pan fo'r person yn gwneud cais i awdurdod tai lleol am lety neu gymorth i gadw neu gael gafael ar lety, ond nid 21 oed, a oedd yn derbyn gofal, yn cael ei letya neu'n cael ei faethu ar unrhyw bryd pan oedd o dan 18 oed, neu
  - (ii) y mae person sy'n dod o fewn is-baragraff (i) yn preswyllo gydag ef neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef;
- (i) person—
- (i) sydd wedi gwasanaethu yn lluoedd arfog rheolaidd y Goron sydd wedi bod yn ddigartref ers gadael y lluoedd hynny, neu
  - (ii) y mae person sy'n dod o fewn is-baragraff (i) yn preswyllo gydag ef neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef;
- (j) person sydd â chysylltiad lleol ag ardal yr awdurdod tai lleol ac sy'n hyglwyf o ganlyniad i un o'r rhesymau canlynol—
- (i) bod wedi bwrw dedfryd o garchar o fewn ystyr adran 76 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000(1),

- (f) a person—
- (i) who is aged 16 or 17 when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, or
  - (ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;
- (g) a person—
- (i) who has attained the age of 18, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who is at particular risk of sexual or financial exploitation, or
  - (ii) with whom a person who falls within sub-paragraph (i) resides (other than an exploiter or potential exploiter) or might reasonably be expected to reside;
- (h) a person—
- (i) who has attained the age of 18, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18, or
  - (ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;
- (i) a person—
- (i) who has served in the regular armed forces of the Crown who has been homeless since leaving those forces, or
  - (ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;
- (j) a person who has a local connection with the area of the local housing authority and who is vulnerable as a result of one of the following reasons—
- (i) having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000(1),

- (ii) bod wedi ei remandio mewn carchar neu ei draddodi i garchar gan orchymyn llys, neu
- (iii) bod wedi ei remandio i lety cadw ieuenctid o dan adran 91(4) o Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwyr 2012(1),

neu berson y mae person o'r fath yn preswyllo gydag ef neu y gellid disgwyl yn rhesymol iddo breswyllo gydag ef.

- (ii) having been remanded in or committed to custody by an order of a court, or
- (iii) having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(1),

or a person with whom such a person resides or might reasonably be expected to reside.

## RHAN 2

### Gweithdrefn ar gyfer rhoi sylw i fwriadoldeb

#### **Hysbysiad o benderfyniad i roi sylw i fwriadoldeb i Weinidogion Cymru**

3.—(1) Rhaid i awdurdod tai lleol sy'n penderfynu rhoi sylw i fwriadoldeb ddarparu hysbysiad ysgrifenedig i Weinidogion Cymru o'i benderfyniad.

(2) Rhaid i'r hysbysiad ysgrifenedig bennu—

- (a) y rhestr o gategoriâu penodedig o geiswyr, a
- (b) y rheswm neu'r rhesymau dros roi sylw i'r categori neu gategoriâu sydd wedi eu cynnwys yn y rhestr o gategoriâu penodedig o geiswyr.

(3) Rhaid darparu hysbysiad ysgrifenedig i Weinidogion Cymru dim llai na 14 o ddiwrnodau cyn gweithredu'r penderfyniad i roi sylw i fwriadoldeb.

#### **Cyhoeddi hysbysiad o benderfyniad i roi sylw i fwriadoldeb**

4.—(1) Rhaid i awdurdod tai lleol sy'n penderfynu rhoi sylw i fwriadoldeb gyhoeddi hysbysiad o'i benderfyniad—

- (a) ar wefan yr awdurdod (os oes ganddo un), a
- (b) drwy osod copi o'r hysbysiad yn y swyddfeydd lle y daw ceisiadau am gymorth ynghylch digartrefedd i law,

dim llai na 14 o ddiwrnodau cyn gweithredu'r penderfyniad i roi sylw i fwriadoldeb.

5.—(1) Rhaid i awdurdod tai lleol gymryd camau rhesymol i roi gwybod i'r canlynol am ei benderfyniad o dan reoliad 4(1)—

- (a) ceiswyr a'u cynghorwyr; a

## PART 2

### Procedure for having regard to intentionality

#### **Notification of decision to have regard to intentionality to the Welsh Ministers**

3.—(1) A local housing authority which decides to have regard to intentionality must provide a written notice to the Welsh Ministers of their decision.

(2) The written notice must specify—

- (a) the list of specified categories of applicants, and
- (b) the reason(s) for having regard to the category or categories contained in the list of specified categories of applicants.

(3) The written notice must be provided to the Welsh Ministers no less than 14 days prior to the implementation of the decision to have regard to intentionality.

#### **Publication of notice of decision to have regard to intentionality**

4.—(1) A local housing authority which decides to have regard to intentionality must publish a notice of its decision—

- (a) on the authority's website (if it has one), and
- (b) by posting a copy of the notice at the offices where applications for help with homelessness are received,

no less than 14 days prior to the implementation of the decision to have regard to intentionality.

5.—(1) A local housing authority must take reasonable steps to notify its decision under regulation 4(1) to—

- (a) applicants and their advisers, and

(1) 2012 p. 10.

(1) 2012 c. 10.

(b) y fath awdurdodau cyhoeddus neu awdurdodau lleol, sefydliadau gwirfoddol neu bersonau eraill y mae'n eu hystyried yn briodol.

(2) Rhaid i awdurdod tai lleol sicrhau bod copi o'r hysbysiad o'i benderfyniad ar gael, yn ddi-dâl, i geiswyr y bydd y penderfyniad yn effeithio arnynt.

### **Terfynau ar ddiwygio rhestr o gategoriâu penodedig o geiswyr**

6. Ni chaiff awdurdod tai lleol sydd wedi penderfynu rhoi sylw i fwriadoldeb ddiwygio'r rhestr o gategoriâu penodedig o geiswyr fwy na dwywaith mewn cyfnod o 12 mis. Mae rheoliadau 3, 4 a 5 yn gymwys i benderfyniad i ddiwygio rhestr fel y maent yn gymwys i'r penderfyniad gwreiddiol.

## **RHAN 3**

### **Penderfyniadau ar fwriadoldeb mewn perthynas â cheiswyr presennol**

#### **Effaith penderfyniad i roi sylw i fwriadoldeb ar geisydd presennol**

7.—(1) Ni chaiff awdurdod tai lleol sy'n penderfynu rhoi sylw i fwriadoldeb yn unol ag adran 78 roi sylw i fwriadoldeb mewn perthynas â cheisydd presennol.

(2) Yn y rheoliad hwn, ystyr "ceisydd presennol" ("*existing applicant*") yw ceisydd y mae'r ddyletswydd yn adran 62(1) yn ddyledus iddo ar yr adeg pan fo penderfyniad i roi sylw i fwriadoldeb yn cael ei wneud.

#### **Effaith newidiadau i restr o gategoriâu penodedig o geiswyr ar geisydd presennol**

8.—(1) Ni chaiff awdurdod tai lleol sy'n rhoi sylw i fwriadoldeb roi sylw i fwriadoldeb mewn perthynas â cheisydd presennol—

- (a) os yw'r awdurdod wedi tynnu un neu ragor o gategoriâu o'i restr o gategoriâu penodedig o geiswyr ac oni bai am hynny y byddai'r ceisydd presennol wedi dod o fewn y rhestr o gategoriâu penodedig o geiswyr, neu
- (b) os yw'r awdurdod wedi cynnwys un neu ragor o gategoriâu yn ei restr o gategoriâu penodedig o geiswyr ac o ganlyniad i hynny mae'r ceisydd hwnnw yn dod o fewn y rhestr o gategoriâu penodedig o geiswyr.

(2) Yn y rheoliad hwn, ystyr "ceisydd presennol" ("*existing applicant*") yw ceisydd—

- (a) sydd wedi ei ddisgrifio ym mharagraff (1)(a) neu (b), a

(b) such public or local authorities, voluntary organisations or other persons as it considers appropriate.

(2) A local housing authority must make a copy of the notice of its decision available, without charge, to applicants who will be affected by the decision.

### **Limitation on revision of list of specified categories of applicants**

6. A local housing authority that has decided to have regard to intentionality may not revise the list of specified categories of applicants more than twice in a 12 month period. Regulations 3, 4 and 5 apply to a decision to revise a list as they apply to the original decision.

## **PART 3**

### **Decisions on intentionality in relation to existing applicants**

#### **Effect on existing applicant of decision to have regard to intentionality**

7.—(1) A local housing authority that decides to have regard to intentionality in accordance with section 78 must not have regard to intentionality in relation to an existing applicant.

(2) In this regulation, "existing applicant" ("*ceisydd presennol*") means an applicant to whom the duty in section 62(1) is owed at the time when a decision to have regard to intentionality is made.

#### **Effect on existing applicant of changes to a list of specified categories of applicants**

8.—(1) A local housing authority having regard to intentionality must not have regard to intentionality in relation to an existing applicant if—

- (a) the authority has withdrawn one or more categories from its list of specified categories of applicants and but for that withdrawal the existing applicant would have been fallen within the list of specified categories of applicants, or
- (b) the authority has included one or more categories in its list of specified categories of applicants and as a result of the inclusion that applicant falls within the list of specified categories of applicant.

(2) In this regulation, "existing applicant" ("*ceisydd presennol*") means an applicant—

- (a) described in paragraph (1)(a) or (b), and

(b) y mae'r ddyletswydd yn adran 62(1) yn ddyledus iddo ar yr adeg pan fo newid yn cael ei wneud i'r rhestr o gategoriâu penodedig o geiswyr.

(b) to whom the duty in section 62(1) is owed at the time when a change is made to the list of specified categories of applicant.

*Lesley Griffiths*

Y Gweinidog Cymunedau a Threchu Tlodi, un o  
Weinidogion Cymru  
21 Ebrill 2015

Minister for Communities and Tackling Poverty, one  
of the Welsh Ministers  
21 April 2015

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