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WELSH STATUTORY
INSTRUMENTS

2023 Rhif 76 (Cy. 14)

2023 No. 76 (W. 14)

TAI, CYMRU

HOUSING, WALES

**Rheoliadau Dyrannu Tai a
Digartrefedd (Cymhwysra)
(Cymru) (Diwygio) 2023**

**The Allocation of Housing and
Homelessness (Eligibility) (Wales)
(Amendment) Regulations 2023**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) 2014 (O.S. 2014/2603 (Cy. 257)) ("Rheoliadau 2014") sy'n gwneud darpariaeth ar gyfer pa bersonau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai ac i gael cymorth tai.

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (S.I. 2014/2603 (W. 257)) ("the 2014 Regulations") which make provision for which persons subject to immigration control are eligible for an allocation of housing accommodation and for housing assistance.

Mae rheoliad 3 yn diwygio rheoliad 3 o Reoliadau 2014 sy'n ymwneud â chymhwysra personau sy'n ddarostyngedig i reolaeth fewnfudo i gael dyraniad o lety tai o dan Ran 6 o Ddeddf Tai 1996 ("Deddf 1996"). Mae'n rhagnodi dosbarth ychwanegol o bersonau ("Dosbarth M") sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai o dan Ddeddf 1996.

Regulation 3 amends regulation 3 of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for an allocation of housing accommodation under Part 6 the Housing Act 1996 ("the 1996 Act"). It prescribes an additional class of persons ("Class M") subject to immigration control who are eligible for an allocation of housing accommodation under the 1996 Act.

Mae Dosbarth M yn gymwys i bersonau sy'n ddiodefwr y fasnach mewn pobl neu gaethwasiaeth ac y rhodddwyd iddynt ganiatâd dros dro i aros yn y Deyrnas Unedig yn unol â'r Rheolau Mewnfudo a wnaed o dan adran 3(2) o Ddeddf Mewnfudo 1971 (p. 77).

Class M applies to persons who are victims of human trafficking or slavery and who have been granted temporary leave to remain in the United Kingdom in accordance with the Immigration Rules made under section 3(2) of the Immigration Act 1971 (c. 77).

Mae rheoliad 4 yn diwygio rheoliad 5(1) o Reoliadau 2014 sy'n ymwneud â chymhwysra personau sy'n ddarostyngedig i reolaeth fewnfudo i gael cymorth tai o dan adran 66, 68, 73 neu 75 o Ddeddf Tai (Cymru) 2014. Mae'n rhagnodi dosbarth ychwanegol o bersonau ("Dosbarth N") sy'n gymwys i gael cymorth o'r fath. Mae'r dosbarth hwn yn cyfateb i Ddosbarth M a fewnosdir gan reoliad 3.

Regulation 4 amends regulation 5(1) of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for housing assistance under section 66, 68, 73 or 75 of the Housing (Wales) Act 2014. It prescribes an additional class of persons ("Class N") who are eligible for such assistance. This class is equivalent to Class M inserted by regulation 3.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government's website at www.gov.wales.

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**Rheoliadau Dyrannu Tai a
Digartrefedd (Cymhwysra)
(Cymru) (Diwygio) 2023**

**The Allocation of Housing and
Homelessness (Eligibility) (Wales)
(Amendment) Regulations 2023**

Gwnaed 25 Ionawr 2023

Made 25 January 2023

Yn dod i rym 30 Ionawr 2023

Coming into force 30 January 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 160A(3)(1) o Ddeddf Tai 1996(2) ac adran 61 o Ddeddf Tai (Cymru) 2014(3) a pharagraff 1(2) o Atodlen 2 iddi.

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 160A(3)(1) of the Housing Act 1996(2) and section 61 of and paragraph 1(2) of Schedule 2 to, the Housing (Wales) Act 2014(3).

Yn unol ag adran 142(3)(b)(ii) o Ddeddf Tai (Cymru) 2014, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(4).

In accordance with section 142(3)(b)(ii) of the Housing (Wales) Act 2014, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru(4).

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) (Diwygio) 2023 a deuant i rym ar 30 Ionawr 2023.

Title and commencement

1. The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2023 and they come into force on 30 January 2023.

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- (1) Mewnosodwyd adran 160A gan adran 14(2) o Ddeddf Digartrefedd 2002 (p. 7); diwygiwyd is-adran 3 gan adran 146(2)(d) o Ddeddf Lleoliaeth 2011 (p. 20). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 160A(3) o Ddeddf Tai 1996 (p. 52), i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) a'r cofnod mewn perthynas â Deddf Tai 1996 yn Atodlen 1 i O.S. 1999/672 fel y'i darllenir yn unol ag adran 17(1) o Ddeddf Digartrefedd 2002. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru yn rhinwedd adran 162(1) o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.
- (2) 1996 p. 52.
- (3) 2014 deccc 7. *Gweler* adran 99 am y diffiniad o "rhagnodedig".
- (4) Mae'r cyfeiriad yn adran 142(3) at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006. *Gweler* hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

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- (1) Section 160A was inserted by section 14(2) of the Homelessness Act 2002 (c. 7); subsection 3 was amended by section 146(2)(d) of the Localism Act 2011 (c. 20). The functions of the Secretary of State under section 160A(3) of the Housing Act 1996 (c. 52) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and the entry in relation to the Housing Act 1996 in Schedule 1 to S.I. 1999/672 as read in accordance with section 17(1) of the Homelessness Act 2002. Those functions were subsequently transferred to the Welsh Ministers by virtue of section 162(1) of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (2) 1996 c. 52.
- (3) 2014 anaw 7. *See* section 99 for the definition of "prescribed".
- (4) The reference in section 142(3) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006. *See* also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

Diwygio Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystra) (Cymru) 2014

2. Mae Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystra) (Cymru) 2014(1) wedi eu diwygio yn unol â rheoliadau 3 a 4.

Diwygiadau i reoliad 3

3. Yn rheoliad 3 (personau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai)—

- (a) hepgorer yr “ac” yn union ar ôl paragraff (k),
- (b) ar ddiwedd paragraff (l), yn lle “.” rhodder “; ac”, ac
- (c) ar ôl paragraff (l) mewnosoder—
“(m) Dosbarth M – person sydd â chaniatâd dros dro i aros yn y Deyrnas Unedig a roddwyd yn unol ag Atodiad i'r Rheolau Mewnfudo: Caniatâd Dros Dro i Aros i Ddioddefwyr y Fasnach mewn Pobl neu Gaethwasiaeth(2).”

Diwygiadau i reoliad 5

4. Yn rheoliad 5(1) (personau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael cymorth tai)—

- (a) hepgorer yr “ac” yn union ar ôl is-baragraff (l);
- (b) ar ddiwedd is-baragraff (m), yn lle “.” rhodder “; ac”, ac
- (c) ar ôl is-baragraff (m) mewnosoder—
“(n) Dosbarth N – person sydd â chaniatâd dros dro i aros yn y Deyrnas Unedig a roddwyd yn unol ag Atodiad i'r Rheolau Mewnfudo: Caniatâd Dros Dro i Aros i Ddioddefwyr y Fasnach mewn Pobl neu Gaethwasiaeth.”

Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

2. The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014(1) are amended in accordance with regulations 3 and 4.

Amendments to regulation 3

3. In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation)—

- (a) omit the “and” immediately following paragraph (k),
- (b) at the end of paragraph (l), for “.” substitute “; and”, and
- (c) after paragraph (l) insert—
“(m) Class M – a person who has temporary leave to remain in the United Kingdom granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules(2).”

Amendments to regulation 5

4. In regulation 5(1) (persons subject to immigration control who are eligible for housing assistance)—

- (a) omit the “and” immediately following sub-paragraph (l),
- (b) at the end of sub-paragraph (m), for “.” substitute “; and”, and
- (c) after sub-paragraph (m) insert—
“(n) Class N – a person who has temporary leave to remain in the United Kingdom granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules.”

(1) O.S. 2014/2603 (Cy. 257) (fel y'i harbedwyd ac y'i haddaswyd gan erthygl 5 o O.S. 2015/1272 (Cy. 88) (C. 73), a ddiwygiwyd gan O.S. 2017/698 (Cy. 164), O.S. 2019/1041 (Cy. 183), O.S. 2019/1149 (Cy. 199), rheoliad 76 o O.S. 2020/1309, rheoliad 26 o O.S. 2020/1372, O.S. 2021/353 (Cy. 105), O.S. 2021/1147 (Cy. 282) ac O.S. 2022/485 (Cy. 121).

(2) Gosodwyd gerbron Senedd y DU ar 23 Mai 1994 (HC 395), fel y'i diwygiwyd. Cyflwynwyd Atodiad Caniatâd Dros Dro i Aros i Ddioddefwyr y Fasnach mewn Pobl neu Gaethwasiaeth gan y Datganiad o Newidiadau i'r Rheolau Mewnfudo: HC 719, a osodwyd gerbron Senedd y DU ar 18 Hydref 2022 ac sy'n cael effaith ar 30 Ionawr 2023.

(1) S.I. 2014/2603 (W. 257) (as saved and modified by article 5 of S.I. 2015/1272 (W. 88) (C. 73), amended by S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183), S.I. 2019/1149 (W. 199), regulation 76 of S.I. 2020/1309, regulation 26 of S.I. 2020/1372, S.I. 2021/353 (W. 105), S.I. 2021/1147 (W. 282) and S.I. 2022/485 (W.121).

(2) Laid before Parliament on 23 May 1994 (HC 395), as amended. Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery was introduced by the Statement of Changes to the Immigration Rules: HC 719, which was laid before Parliament on 18 October 2022 and takes effect on the 30th January 2023.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
25 Ionawr 2023

Minister for Climate Change, one of the Welsh
Ministers
25 January 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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