

SL(6)050 - The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No. 2) Regulations 2021

Background and Purpose

These [Regulations](#) amend the provisions of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 ("the 2014 Regulations"). The 2014 Regulations determine which persons from abroad are eligible for the allocation of housing accommodation under Part 6 of the Housing Act 1996, or for housing assistance under Schedule 2 of the Housing (Wales) Act 2014.

These Regulations extend eligibility for allocation of housing and housing assistance provided by local authorities. The extension provides for two new groups of people to be eligible for housing and housing assistance. These are:

- people with a Hong Kong British National (Overseas) visa who become destitute and have obtained a change to their immigration status enabling them to access public funds; and
- people entering the UK from Afghanistan under certain Home Office schemes or policies or who have recently left Afghanistan due to the collapse of the Afghan government (subject to certain conditions), and who have leave to enter or remain in the UK or do not require such leave.

These Regulations also provide for persons not subject to immigration control that have recently arrived from Afghanistan to be eligible for allocation of housing accommodation and housing assistance, where they left in connection with the collapse of the Afghan government.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.



1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraphs in the Explanatory Memorandum:

“As the Regulations in respect of the Hong Kong BN(O) provide a limited amendment, affecting a small number of individuals, a formal public consultation was not considered appropriate. The speed of the restoration of the Taliban regime in Afghanistan and the development at pace of the UK Government’s settlement schemes for the Afghan arrivals/returnees cohort also means there has not been time to consult on this aspect of the Regulations.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

28 September 2021

