



**ADRODDIAD GAN Y  
PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE  
REPORT**

### **Homelessness (Wales) Regulations 2006**

These Regulations will revoke and replace the Homelessness (Wales) Regulations 2000 ("the 2000 Regulations") and add a new class 'J' into regulation 3 of the 2000 Regulations to provide that a person subject to Immigration Rules under the Immigration and Asylum Act 1996 is eligible for housing assistance if he/she has HP protection granted under the Immigration Rules.

The 2000 Regulations stipulate that 'regulations 3, 4, 5 and 6 of the Homelessness (England) Regulations [2000] shall have effect in Wales...'. Because of this form of drafting, any subsequent changes to England's eligibility regulations (2000) will also have effect in Wales. Revocation and replacement of the 2000 Regulations will make explicit changes which have already been implemented in England.

These Regulations are required to give effect to Article 31 'Access to accommodation' of Council Directive 2004/83/EC and its regulations in respect of local authority allocations and homelessness assistance. This Directive lays down rules for the recognition of refugees and those in need of Subsidiary Protection and the content of the status given to such people. Member States were required to transpose Article 31 no later than 9 October 2006. To comply with this requirement these Regulations were made on 3 October 2006 under the Executive procedure and came into force on 9 October 2006.

### **Standing Order 11.7**

The following point has been identified for reporting under Standing Order 11.7.

Regulation 2(1) contains definitions of terms used in the Regulations. The English text defines "the Common Travel Area" as "the United Kingdom, the Channel Islands, the Isle of Man and Republic of Ireland collectively"; the Welsh text omits the reference to the Channel Islands. [Standing Order 11.7 (v)].

Had the Regulations not been made under the Executive procedure this minor drafting error would have been suitable for correction by Memorandum of Correction. Given that habitual residence in the Common Travel Area is relevant to the eligibility of persons falling into Classes C and E and that the eligibility of a person falling into Class F relies on entry into the United Kingdom from a country outside the Common Travel Area, it is considered that this drafting error should be corrected by way of amending legislation as soon as practicable.

## **Observations**

The numbering of regulation 4 of the Welsh text appears as regulation 2. This is assumed to be the result of a glitch in the drafting software and could have been corrected on publication. As the Regulations have been made this may be corrected when the amending legislation referred to above is made.

**David Melding AM**

Chair, Legislation Committee

**14 November 2006**