

THE NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The Allocation of Housing (Wales) Regulations 2000

Background

The allocation of housing accommodation by local housing authorities is determined by Part VI of the Housing Act 1996.

Under sections 160, 161, 162 and 163 of the Housing Act 1996 the National Assembly for Wales may prescribe:

1. cases in which the provisions of Part VI do not apply,
2. classes of persons who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 but who are also qualified to be allocated housing accommodation,
3. other classes of persons who are, or who are not, qualified to be allocated housing accommodation,
4. information to be kept in a local housing authority's Housing Register of qualifying persons, and
5. actions to be taken by a local housing authority to remove a person from the Housing Register.

The Allocation of Housing (England) Regulations 2000 ("the English Regulations") provide for each of the above.

These Regulations apply the substantive provisions of the English Regulations to Wales. They also make some consequential revocations.

The Regulations were made using the Urgency Procedure on the 30th of March 2000.

Standing Order 11.5

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention.

General Observations

Members will note once again that this Instrument legislates by reference to English regulations. Apart from inherent cross referring that this involves, this does not have any detrimental legal implications.

These Regulations revoke Regulations 2 and 3 of the Allocation of Housing and Homelessness (Amendment) Regulations 1997 and Regulation 2 of the Allocation of Housing and Homelessness (Amendment) (No. 2) Regulations 1997, whilst the Homelessness in (Wales) Regulations 2000 revoke Regulations 4 and 5, and Regulation 3 of those sets of Regulations respectively. It is understood that this is done as different powers are required to revoke the different Regulations. It does mean however, that as Regulation 1 remains unrevoked in both cases, two Statutory Instruments remain in existence but without any substantive provisions. It would have been better had this been avoided.

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