

NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The Persons Subject to Immigration Control (Housing Authority Accommodation) (Wales) Order 2000

Background

Section 118 of the Immigration and Asylum Act 1999 prevents a housing authority from granting housing accommodation to persons subject to immigration control unless the person in question is of a class specified by Order.

An Order is to be made for the rest of the UK specifying a number of classes covering persons such as refugees, persons with unconditional leave to remain in the UK, persons attending full-time study and certain asylum seekers.

The present Order will bring into effect in Wales, the relevant classes as specified for England.

Because of the need to have the Order in force concurrently with the rest of the UK, the urgency procedure is being used.

The fact that functions have been transferred to the Assembly by specific identification of each statutory provision in the Transfer of Functions Order has meant, in a few instances, that the Assembly has acquired functions which have not been included for devolution in Scotland and Northern Ireland. This is understood to have arisen in the present case because the function in question has been specifically identified as a housing function for transfer to the Assembly whereas for Scotland and Northern Ireland the whole Act has been excluded because of its overall classification as legislation concerning immigration.

Standing Order 11.5

Having had the opportunity of considering this Order at draft stage, the legal advisers to the Committee have been able to make some observations which have been taken into account in the final version. Thus no points are now identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention.

General Observations

Explanatory Note

Since this Order is applying to Wales, provision which is to be found in an Order made for the rest of the UK, it would have been helpful if the Explanatory Note had included a brief indication of the nature of the classes of person specified in the main Order.

The reference to the Housing Act 1996 should read "Housing Act 1995"

In the first paragraph of the Welsh text "llety a sy'n cael" should be "llety sy'n cael".

Article 3

In the Welsh text "sy'r" should be "sy'n".

M. GERMAN AM OBE

Chair, Legislation Committee

11 April 2000