

SL(6)360 – The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No. 2) Regulations 2023

Background and Purpose

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (“the 2014 Regulations”) which make provision for certain categories of persons from abroad to be eligible or ineligible for an allocation of housing accommodation and/or for housing assistance.

These Regulations amend regulations 3, 4, 5 and 6 of the 2014 Regulations. The Regulations extend eligibility for an allocation of housing accommodation and housing assistance provided by local authorities to people who are British Nationals, others not subject to immigration control (or treated as such), and anyone with immigration leave and recourse to public funds arriving in the UK due to the civil unrest in Sudan, which rapidly escalated on 15 April 2023 in Khartoum and across Sudan.

The Explanatory Memorandum provides that *“the Welsh Government’s firm commitment to end homelessness in Wales strengthens the justification for this proposal, as any barrier which prevents help from getting to people seeking housing or housing assistance would contradict current homelessness policy”*.

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 that there has been no consultation on these Regulations for reasons outlined in the following paragraph of the Explanatory Memorandum:



Due to the speed at which events in Sudan have occurred and the practical necessity of ensuring those who have arrived or are arriving in Wales can access housing or housing assistance, we consider it would be disadvantageous to undertake a consultation exercise. As the amending Regulations will also deliver outcomes relating to reserved UK Government policy (immigration and welfare), it would not be possible to undertake a meaningful consultation on alternative approaches, as the effect of the amending Regulations is to ensure consistency between Welsh housing law and immigration/welfare law.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

31 May 2023



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee