

SL(6)804 – The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2026

Background and Purpose

The purpose of these Regulations is to respond to the current crisis in the Middle East and to prevent the Welsh Ministers needing to lay emergency regulations for future crises.

The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (“the 2014 Regulations”) provide for certain categories of persons from abroad to be eligible or ineligible for an allocation of housing accommodation and/or for housing assistance (essentially, support for homelessness).

The 2014 Regulations are to be amended by these Regulations which make “general crisis” provision that will waive the habitual residence requirement for any person who would otherwise be eligible for housing accommodation or housing assistance in Wales, where they leave a country or territory when His Majesty’s Government (“HMG”) publishes advice to British nationals to leave, or arranges an evacuation from that country or territory. An eligible person would need to make their application for assistance within the period of 6 months, beginning with the date that HMG first published that advice or the first day of an HMG evacuation operation, whichever is later.

Procedure

Senedd approval procedure.

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

These Regulations will come into force on 30 March 2026, and the “general crisis” provision will cease to have effect on 30 March 2027. The Explanatory Memorandum provides that this sunset clause will limit their duration and overall impact:



“A sunset clause will also allow the general approach to operate only for a defined period, after which a future Senedd would be able to undertake full scrutiny of any wider, permanent Regulations, which would be developed in consultation with the sector, before they take effect.”

The EM also states that officials will monitor the impact of the amending Regulations whilst they are in force and this evaluation will be presented to the incoming Welsh Government to consider the continuation of these Regulations.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 March 2026

