OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

# 2024 Rhif 1280 (Cy. 216)

# 2024 No. 1280 (W. 216)

# TAI, CYMRU

# HOUSING, WALES

## Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystra) (Cymru) (Diwygio) 2024

## The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2024

### NODYN ESBONIADOL

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

O dan adran 160A(3) o Ddeddf Tai 1996 (p. 52) ("Deddf 1996"), mae person sy'n ddarostyngedig i reolaeth fewnfudo yn anghymwys i gael dyraniad o lety tai gan awdurdod lleol oni bai ei fod yn dod o fewn dosbarth o bersonau a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru. O dan adran 160A(5) caiff Gweinidogion Cymru ragnodi dosbarthau eraill o bersonau o dramor sydd, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo, yn anghymwys i gael dyraniad o lety tai.

O dan baragraff 1(2) o Atodlen 2 i Ddeddf Tai (Cymru) 2014 (dccc 7) ("Deddf 2014"), mae person sy'n ddarostyngedig i reolaeth fewnfudo yn anghymwys i gael cymorth tai o dan Bennod 2 o Ran 2 o'r Ddeddf honno oni bai ei fod yn dod o fewn dosbarth o bersonau a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru (neu'r Ysgrifennydd Gwladol). O dan baragraff 1(4) caiff Gweinidogion Cymru (neu'r Ysgrifennydd Gwladol) drwy reoliadau ddarparu ar gyfer disgrifiadau eraill o bersonau sydd, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo, yn anghymwys i gael cymorth tai.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystra) (Cymru) 2014 (O.S. 2014/2603 (Cy. 257)) ("Rheoliadau 2014") sy'n gwneud darpariaeth ar gyfer pa bersonau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai ac i gael cymorth tai. Mae Rheoliadau 2014 hefyd yn gwneud darpariaeth o ran personau nad ydynt yn ddarostyngedig i reolaeth fewnfudo ond sy'n anghymwys i gael dyraniad o lety tai a chymorth tai.

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Under section 160A(3) of the Housing Act 1996 (c. 52) ("the 1996 Act"), a person who is subject to immigration control is ineligible for an allocation of housing accommodation by a local authority unless they come within a class of persons prescribed in regulations made by the Welsh Ministers. Under section 160A(5) the Welsh Ministers may prescribe other classes of persons from abroad who, whilst not subject to immigration control, are ineligible for an allocation of housing accommodation.

Under paragraph 1(2) of Schedule 2 to the Housing (Wales) Act 2014 (anaw 7) ("the 2014 Act"), a person who is subject to immigration control is ineligible for housing assistance under Chapter 2 of Part 2 of that Act unless they come within a class of persons prescribed in regulations made by the Welsh Ministers (or the Secretary of State). Under paragraph 1(4) the Welsh Ministers (or the Secretary of State) may by regulations provide for other descriptions of persons who, whilst not subject to immigration control, are ineligible for housing assistance.

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (S.I. 2014/2603 (W. 257)) ("the 2014 Regulations") which make provision for which persons subject to immigration control are eligible for an allocation of housing accommodation and for housing assistance. The 2014 Regulations also make provision in regard to persons who are not subject to immigration control but are ineligible for an allocation of housing accommodation and housing assistance.

Mae rheoliadau 3, 5 a 7 yn hepgor cyfeiriadau at Reoliadau Ymaelodaeth Croatia (Mewnfudo ac Awdurdodi Gweithwyr) 2013 (O.S. 2013/1460) sy'n ddiangen bellach gan fod y cyfnod ymaelodi (y cyfnod sy'n dechrau â 1 Gorffennaf 2013 ac sy'n dod i ben â 30 Mehefin 2018) wedi dod i ben.

Regulations 3, 5 and 7 omit references to the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460) which are redundant now that the accession period (the period beginning with 1 July 2013 and ending with 30 June 2018) has come to an end.

Mae rheoliad 4 yn diwygio rheoliad 3 o Reoliadau 2014 sy'n ymwneud â chymhwystra personau sy'n ddarostyngedig i reolaeth fewnfudo i gael dyraniad o lety tai o dan Ddeddf 1996. Mae'n rhagnodi dau ddosbarth ychwanegol o bersonau ("Dosbarth P" a "Dosbarth Q") sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai o dan Ddeddf 1996.

Regulation 4 amends regulation 3 of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for an allocation of housing accommodation under the 1996 Act. It prescribes two additional classes of persons ("Class P" and "Class Q") subject to immigration control who are eligible for an allocation of housing accommodation under the 1996 Act.

Mae Dosbarth P yn gymwys i bersonau sy'n ddioddefwyr cefnu ar briodas trawswladol ac mae Dosbarth Q yn gymwys i bersonau y byddai amod heb ddibynnu ar gronfeydd cyhoeddus yn gymwys fel arfer i'w caniatâd i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi, ond mae'r amod hwnnw wedi ei ddileu gan y Swyddfa Gartref.

Class P applies to persons who are the victims of transnational marriage abandonment and Class Q applies to persons whose leave to enter or remain in the United Kingdom would ordinarily have a no recourse to public funds condition applied, but that condition has been lifted by the Home Office.

Mae rheoliad 6 yn diwygio rheoliad 5(1) o Reoliadau 2014 sy'n ymwneud â chymhwystra personau sy'n ddarostyngedig i reolaeth fewnfudo i gael cymorth tai o dan Ddeddf 2014. Mae'n rhagnodi dau ddosbarth ychwanegol o bersonau ("Dosbarth Q" a "Dosbarth R") sy'n gymwys i gael cymorth o'r fath. Mae Dosbarth Q yn cyfateb i Ddosbarth P a fewnosodir gan reoliad 4 ac mae Dosbarth R yn cyfateb i Ddosbarth Q a fewnosodir gan reoliad 4.

Regulation 6 amends regulation 5(1) of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for housing assistance under the 2014 Act. It prescribes two additional classes of persons ("Class Q" and "Class R") who are eligible for such assistance. Class Q is equivalent to Class P and Class R is equivalent to Class Q inserted by regulation 4.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government's website at www.gov.wales.

# 2024 Rhif 1280 (Cy. 216)

# TAI, CYMRU

## Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystra) (Cymru) (Diwygio) 2024

| | |
|---|---|
| *Gwnaed* | *4 Rhagfyr 2024* |
| *Yn dod i rym* | 20 Rhagfyr 2024 |

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 160A(3) a (5) a 172(4) o Ddeddf Tai 1996(**1**) ac adran 142(2)(a) a (b) o Ddeddf Tai (Cymru) 2014(**2**) a pharagraff 1(2) a (4) o Atodlen 2 iddi.

Yn unol ag adran 142(3)(b)(ii) o Ddeddf Tai (Cymru) 2014, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(**3**).

### Enwi a dod i rym

**1.** Enw'r Rheoliadau hyn yw Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystra) (Cymru) (Diwygio) 2024 a deuant i rym ar 20 Rhagfyr 2024.

(**1**) 1996 p. 52. Mewnosodwyd adran 160A gan adran 14(2) o Ddeddf Digartrefedd 2002 (p. 7); diwygiwyd is-adrannau (3) a (5) gan adran 146(2)(d) ac (e) yn y drefn honno o Ddeddf Lleoliaeth 2011 (p. 20). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 160A(3) a (5) a 172(4) o Ddeddf Tai 1996 (p. 52), i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), a'r cofnod mewn perthynas â'r Ddeddf honno yn Atodlen 1 i O.S. 1999/672, fel y'i darllenir yn unol ag adran 17(1) o Ddeddf Digartrefedd 2002. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru yn rhinwedd adran 162(1) o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

(**2**) 2014 dccc 7. Gweler adran 99 am y diffiniad o "rhagnodedig".

(**3**) Mae'r cyfeiriad yn adran 142(3) at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006. Gweler hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.



# 2024 No. 1280 (W. 216)

# HOUSING, WALES

## The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2024

| | |
|---|---|
| *Made* | *4 December 2024* |
| *Coming into force* | 20 December 2024 |

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 160A(3) and (5) and 172(4) of the Housing Act 1996(**1**) and section 142(2)(a) and (b) of, and paragraph 1(2) and (4) of Schedule 2 to, the Housing (Wales) Act 2014(**2**).

In accordance with section 142(3)(b)(ii) of the Housing (Wales) Act 2014, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru(**3**).

### Title and coming into force

**1.** The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2024 and they come into force on 20 December 2024.

(**1**) 1996 c. 52. Section 160A was inserted by section 14(2) of the Homelessness Act 2002 (c. 7); subsections (3) and (5) were amended by section 146(2)(d) and (e) respectively of the Localism Act 2011 (c. 20). The functions of the Secretary of State under sections 160A(3) and (5) and 172(4) of the Housing Act 1996 (c. 52) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and the entry in relation to that Act in Schedule 1 to S.I. 1999/672, as read in accordance with section 17(1) of the Homelessness Act 2002. Those functions were subsequently transferred to the Welsh Ministers by virtue of section 162(1) of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**2**) 2014 anaw 7. See section 99 for the definition of "prescribed".

(**3**) The reference in section 142(3) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006. See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

**Diwygio Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystra) (Cymru) 2014**

**2.** Mae Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwystra) (Cymru) 2014(**1**) wedi eu diwygio fel a ganlyn.

**Diwygiad i reoliad 2**

**3.** Yn rheoliad 2(1) (dehongli), hepgorer y diffiniad o "Rheoliadau Ymaelodaeth 2013".

**Diwygiadau i reoliad 3**

**4.** Yn rheoliad 3 (personau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai)—

(a) hepgorer yr "ac" ar ôl paragraff (n);

(b) ar ôl paragraff (o) mewnosoder—

"(p) Dosbarth P – person (P) sydd â chaniatâd amhenodol i ddod i mewn i'r Deyrnas Unedig yn rhinwedd Atodiad Dioddefwr Cam-drin Domestig o'r Rheolau Mewnfudo(**2**) mewn amgylchiadau pan fo P yn ddioddefwr cefnu ar briodas trawswladol(**3**); a

(q) Dosbarth Q – person sydd a chaniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig neu sydd â chaniatâd cyfyngedig i aros ynddi ac, ar ôl gwneud cais i newid amodau, y mae ei amod heb ddibynnu ar gronfeydd cyhoeddus wedi ei ddileu gan y Swyddfa Gartref yn unol ag adran 3(1)(c)(ii) o Ddeddf Mewnfudo 1971(**4**), ac nad yw'n berson o fewn Dosbarth F na Dosbarth J yn y rheoliad hwn."

**Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014**

**2.** The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014(**1**) are amended as follows.

**Amendment to regulation 2**

**3.** In regulation 2(1) (interpretation), omit the definition of "the Accession Regulations 2013".

**Amendments to regulation 3**

**4.** In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation)—

(a) omit the "and" after paragraph (n);

(b) after paragraph (o) insert—

"(p) Class P – a person (P) who has indefinite leave to enter the United Kingdom by virtue of Appendix Victim of Domestic Abuse of the Immigration Rules(**2**) in circumstances where P is a victim of transnational marriage abandonment(**3**); and

(q) Class Q – a person who has limited leave to enter or limited leave to remain in the United Kingdom and who, after making a change of conditions application, has had their no recourse to public funds condition lifted by the Home Office in accordance with section 3(1)(c)(ii) of the Immigration Act 1971(**4**) and is not a person within Class F or Class J in this regulation."

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(**1**) O.S. 2014/2603 (Cy. 257) fel y'i harbedwyd ac y'i haddaswyd gan erthygl 5 o O.S. 2015/1272 (Cy. 88) (C. 73) ac a ddiwygiwyd gan O.S. 2017/698 (Cy. 164), O.S. 2019/1041 (Cy. 183), O.S. 2019/1149 (Cy. 199), rheoliad 76 o O.S. 2020/1309, rheoliad 26 o O.S. 2020/1372, O.S. 2021/353 (Cy. 105), O.S. 2021/1147 (Cy. 282), O.S. 2022/485 (Cy. 121), O.S. 2023/76 (Cy. 14), O.S. 2023/611 (Cy. 92) ac O.S. 2023/1211 (Cy. 214).

(**2**) Gosodwyd gerbron Senedd y Deyrnas Unedig ar 23 Mai 1994 (TC 395), fel y'u diwygiwyd.

(**3**) Mae nodweddion cefnu ar briodas trawswladol wedi eu diffinio a'u nodi ar dudalennau 23-25 o Atodiad Dioddefwr Cam-drin Domestig a gyhoeddwyd ar gyfer staff y Swyddfa Gartref ar 10 Hydref 2024, fel a ganlyn: https://assets.publishing.service.gov.uk/media/660eba8f63b7f8001fde18ba/Appendix+Victim+of+Domestic+Abuse.pdf

(**4**) 1971 p. 77; amnewidiwyd adran 3(1)(c) gan baragraff 1 o Atodlen 2 i Ddeddf Lloches a Mewnfudo 1996 (p. 49) a diwygiwyd is-baragraff (ii) wedi hynny gan adran 58 o Ddeddf Ffiniau'r DU 2007 (p. 30) a chan yr Atodlen iddi.

(**1**) S.I. 2014/2603 (W. 257) as saved and modified by article 5 of S.I. 2015/1272 (W. 88) (C. 73) and amended by S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183), S.I. 2019/1149 (W. 199), regulation 76 of S.I. 2020/1309, regulation 26 of S.I. 2020/1372, S.I. 2021/353 (W. 105), S.I. 2021/1147 (W. 282), S.I. 2022/485 (W. 121), S.I. 2023/76 (W. 14), S.I. 2023/611 (W. 92) and S.I. 2023/1211 (W. 214).

(**2**) Laid before Parliament on 23 May 1994 (HC 395), as amended.

(**3**) The features of transnational marriage abandonment are defined and set out in pages 23-25 of Appendix Victim of Domestic Abuse published for Home Office Staff on 10 October 2024, as follows: https://assets.publishing.service.gov.uk/media/660eba8f63b7f8001fde18ba/Appendix+Victim+of+Domestic+Abuse.pdf

(**4**) 1971 c. 77; section 3(1)(c) was substituted by paragraph 1 of Schedule 2 to the Asylum and Immigration Act 1996 (c. 49) and sub-paragraph (ii) was subsequently amended by section 58 of, and the Schedule to, the UK Borders Act 2007 (c. 30).

**Diwygiadau i reoliad 4**

**5.** Yn rheoliad 4 (personau eraill o dramor sy'n anghymwys i gael dyraniad o lety tai)—

(a) hepgorer paragraff (2)(c);

(b) ym mharagraff (2)(d), yn lle "(a)-(c)" rhodder "(a) neu (b)".

**Diwygiadau i reoliad 5**

**6.** Yn rheoliad 5(1) (personau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael cymorth tai)—

(a) hepgorer yr "a" ar ôl is-baragraff (o);

(b) ar ôl is-baragraff (p) mewnosoder—

"(q) Dosbarth Q – person (P) sydd â chaniatâd amhenodol i ddod i mewn i'r Deyrnas Unedig yn rhinwedd Atodiad Dioddefwr Cam-drin Domestig o'r Rheolau Mewnfudo mewn amgylchiadau pan fo P yn ddioddefwr cefnu ar briodas trawswladol; ac

(r) Dosbarth R – person sydd a chaniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig neu sydd â chaniatâd cyfyngedig i aros ynddi ac, ar ôl gwneud cais i newid amodau, y mae ei amod heb ddibynnu ar gronfeydd cyhoeddus wedi ei ddileu gan y Swyddfa Gartref yn unol ag adran 3(1)(c)(ii) o Ddeddf Mewnfudo 1971, ac nad yw'n berson o fewn Dosbarth G na Dosbarth K yn y rheoliad hwn."

**Diwygiadau i reoliad 6**

**7.** Yn rheoliad 6 (personau eraill o dramor sy'n anghymwys i gael cymorth tai)—

(a) hepgorer paragraff (2)(c);

(b) ym mharagraff (2)(d), yn lle "(a)-(c)" rhodder "(a) neu (b)".

**Amendments to regulation 4**

**5.** In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation)—

(a) omit paragraph (2)(c);

(b) in paragraph (2)(d), for "(a)-(c)" substitute "(a) or (b)".

**Amendments to regulation 5**

**6.** In regulation 5(1) (persons subject to immigration control who are eligible for housing assistance)—

(a) omit the "and" after sub-paragraph (o);

(b) after sub-paragraph (p) insert—

"(q) Class Q – a person (P) who has indefinite leave to enter the United Kingdom by virtue of Appendix Victim of Domestic Abuse of the Immigration Rules in circumstances where P is a victim of transnational marriage abandonment; and

(r) Class R – a person who has limited leave to enter or limited leave to remain in the United Kingdom and who, after making a change of conditions application, has had their no recourse to public funds condition lifted by the Home Office in accordance with section 3(1)(c)(ii) of the Immigration Act 1971 and is not a person within Class G or Class K in this regulation."

**Amendments to regulation 6**

**7.** In regulation 6 (other persons from abroad who are ineligible for housing assistance)—

(a) omit paragraph (2)(c);

(b) in paragraph (2)(d), for "(a)-(c)" substitute "(a) or (b)".

*Jayne Bryant*

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai, un o Weinidogion Cymru
4 Rhagfyr 2024

Cabinet Secretary for Housing and Local Government, one of the Welsh Ministers
4 December 2024

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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