

2009 No.393 (W.42)

HOUSING, WALES

**The Allocation of Housing and
Homelessness (Eligibility) (Wales)
Regulations 2009**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions of the Allocation of Housing (Wales) Regulations 2003 (“the Allocation Regulations”) and the Homelessness (Wales) Regulations 2006 (“the Homelessness Regulations”) which determine which persons from abroad, other than persons subject to immigration control, are ineligible for an allocation of housing accommodation under Part VI of the Housing Act 1996 or for housing assistance under Part VII of that Act.

Regulation 5 of the Allocation Regulations specifies that a person who is not subject to immigration control is ineligible for an allocation if they are not habitually resident in the Common Travel Area unless specifically exempted from that requirement. Regulation 4 of the Homelessness Regulations specify that a person who is not subject to immigration control is ineligible for housing assistance if they are not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, unless specifically exempted from that requirement. Regulations 2 and 3 amend the Allocation Regulations and the Homelessness Regulations to create such exemptions. The effect of the provisions is that a person not subject to immigration control who is not habitually resident, and who left Zimbabwe and arrived in Great Britain on or after 28 February 2009 having accepted an offer from Her Majesty’s Government of assistance for settlement in the United Kingdom, will be eligible for an allocation of housing accommodation and for housing assistance. However, the exemptions only have effect until 17 March 2011.

2009 No. 393(W.42)

HOUSING, WALES

**The Allocation of Housing and
Homelessness (Eligibility) (Wales)
Regulations 2009**

Made 26 February 2009

Laid before the National Assembly for Wales

27 February 2009

Coming into force 20 March 2009

The Welsh Ministers in exercise of the powers conferred upon the Secretary of State by sections 160A(5), 172(4), 185(3) and 215(2) of the Housing Act 1996⁽¹⁾ and now vested in them⁽²⁾ make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2009 and they come into force on 20 March 2009.

(2) These Regulations apply in relation to Wales.

(1) 1996 c.52. Section 160A was inserted by section 149 of the Homelessness Act 2002 (c.7).

(2) The functions under Part VI and VII of the Housing Act 1996 (except sections 186 and 187) 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), to which there are amendments not relevant to these Regulations and sections 17(1) of the Homelessness Act 2002. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32) the functions formerly exercisable by the National Assembly for Wales are now vested in the Welsh Ministers. The functions under section 185 are exercisable concurrently with the Secretary of State.

Persons who have left Zimbabwe

2.—(1) The Allocation of Housing (Wales) Regulations 2003(1) are amended as follows—

(2) In regulation 5(c) for “.” substitute “;”.

(3) After regulation 5(c) insert—

“(d) a person who—

- (i) arrived in Great Britain on or after 28 February 2009 but before 18 March 2011;
- (ii) immediately before arriving in Great Britain had been resident in Zimbabwe; and
- (iii) before leaving Zimbabwe, had accepted an offer, made by Her Majesty’s Government, to assist that person to settle in the United Kingdom.”.

3.—(1) The Homelessness (Wales) Regulations 2006(2) are amended as follows—

(2) In regulation 4 (2) (d) for “.” substitute “;”.

(3) After regulation 4 (2) (d) insert—

“(e) a person who—

- (i) arrived in Great Britain on or after 28 February 2009 but before 18 March 2011;
- (ii) immediately before arriving in Great Britain had been resident in Zimbabwe; and
- (iii) before leaving Zimbabwe, had accepted an offer, made by Her Majesty’s Government, to assist that person to settle in the United Kingdom.”.

Jocelyn Davies

Under authority of the Minister for Environment,
Sustainability and Housing, one of the Welsh
Ministers

26 February 2009

(1) S.I. 2003/239 (W.36) as amended by S.I. 2006/2645 (W.226).
(2) S.I. 2006/2646 (W.227) as amended by S.I. 2008/1879.