



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2006 Rhif 2646 (Cy.227)**

**2006 No. 2646 (W.227)**

**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Digartrefedd (Cymru)  
2006**

**Homelessness (Wales) Regulations  
2006**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Nid yw person sy'n ddarostyngedig i reolaeth fewnfudo yn gymwys i gael cymorth tai o dan Ran VII o Ddeddf Tai 1996 (digartrefedd) oni bai bod y person hwnnw yn perthyn i ddsbarth a ragnodwyd o ran Cymru gan Gynulliad Cenedlaethol Cymru (adran 185(2)). Caiff Cynulliad Cenedlaethol Cymru wneud darpariaeth ynghylch disgrifiadau eraill o bersonau sydd i'w trin at ddibenion Rhan VII fel personau o dramor sy'n anghymwys i gael cymorth tai (adran 185(3)).

A person who is subject to immigration control is not eligible for housing assistance under Part VII of the Housing Act 1996 (homelessness) unless that person is of a class prescribed in relation to Wales by the National Assembly for Wales (section 185(2)). The National Assembly for Wales may make provision as to other descriptions of persons who are to be treated for the purposes of Part VII as persons from abroad who are ineligible for housing assistance (section 185(3)).

Mae'r Rheoliadau hyn yn mewnosod dosbarth newydd o bersonau sy'n ddarostyngedig i reolaeth fewnfudo, sy'n gymwys i gael cymorth tai ac sy'n cael amddiffyniad dyngarol. Mae amddiffyniad dyngarol yn ffurf ar ganiatâd a roddir i bersonau nad ydynt yn gymwys i gael statws ffoaduriaid ond a fyddai'n wynebu risg gwirioneddol o ddiodef niwed difrifol os caent eu hanfon yn ôl i'r wladwriaeth y maent yn tarddu ohoni (gweler paragraffau 339C-344C o'r Rheolau Mewnfudo (HC395)).

The Regulations insert a new class of persons who are subject to immigration control, who are eligible for housing assistance and who have humanitarian protection. Humanitarian protection is a form of leave granted to persons who do not qualify for refugee status but who would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC395)).

Ni fydd y Rheoliadau hyn yn effeithio ar geisiadau am gymorth tai a wneir cyn 9 Hydref 2006.

These Regulations do not affect applications for housing assistance made before 9 October 2006.

Mae'r Rheoliadau hyn hefyd yn dirymu Rheoliadau Digartrefedd (Cymru) 2000.

These Regulations also revoke the Homelessness (Wales) Regulations 2000.

## 2006 Rhif 2646 (Cy.227)

## 2006 No. 2646 (W.227)

## TAI, CYMRU

## HOUSING, WALES

Rheoliadau Digartrefedd (Cymru)  
2006Homelessness (Wales) Regulations  
2006*Wedi'u gwneud* 3 Hydref 2006*Made* 3 October 2006*Yn dod i rym* 9 Hydref 2006*Coming into force* 9 October 2006

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 185(2) a (3) o Ddeddf Tai 1996(1) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru.

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 185(2) and (3) of the Housing Act 1996(1) which are now vested in the National Assembly so far as exercisable in Wales.

**Enwi, cychwyn a chymhwyso**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Digartrefedd (Cymru) 2006 a deuant i rym ar 9 Hydref 2006.

**Title, commencement and application**

1.-(1) The title of these Regulations is the Homelessness (Wales) Regulations 2006 and they come into force on 9 October 2006.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

(2) These Regulations apply to Wales.

**Dehongli**

2.-(1) Yn y Rheoliadau hyn—

ystyr "yr Ardal Deithio Gyffredin" ("*the Common Travel Area*") yw'r Deyrnas Unedig, Ynys Manaw a Gweriniaeth Iwerddon gyda'i gilydd;

ystyr "caniatâd cyfyngedig" ("*limited leave*") yw caniatâd o dan Ddeddf 1971 i ddod i'r Deyrnas Unedig neu i aros yno a hwnnw'n ganiatâd am gyfnod cyfyngedig;

ystyr "ceisydd lloches" ("*asylum-seeker*") yw person nad yw o dan 18 oed ac sydd wedi cyflwyno hawliad lloches a gofnodwyd gan yr Ysgrifennydd Gwladol fel un a oedd wedi'i gyflwyno cyn 3 Ebrill 2000 ond nad yw wedi'i benderfynu;

ystyr "y Confensiwn ynglŷn â Ffoaduriaid" ("*the Refugee Convention*") yw'r Confensiwn ynghylch Statws Ffoaduriaid a wnaed yn Genefa ar 28

**Interpretation**

2.-(1) In these Regulations—

"the 1971 Act" ("*Deddf 1971*") means the Immigration Act 1971(2);

"the 1995 Act" ("*Deddf 1995*") means the Jobseekers Act 1995(3);

"the 1996 Act" ("*Deddf 1996*") means the Housing Act 1996;

"asylum-seeker" ("*ceisydd lloches*") means a person who is not under 18 and who made a claim for asylum which is recorded by the Secretary of State as having been made before 3 April 2000 but which has not been determined;

"claim for asylum" ("*hawliad lloches*") means a claim that it would be contrary to the United Kingdom's obligations under the Refugee Convention for the claimant to be removed from, or

(1) 1996 p.52.

(1) 1996 c.52.

(2) 1971 c.77.

(3) 1995 c.18.

Gorffennaf 1951(1) fel y'i hestynnwyd gan Erthygl 1(2) o'r Protocol ynghylch Statws Ffoaduriaid a wnaed yn Efrog Newydd ar 31 Ionawr 1967(2);

ystyr "Deddf 1971" ("*the 1971 Act*") yw Deddf Fewnfudo 1971(3);

ystyr "Deddf 1995" ("*the 1995 Act*") yw Deddf Ceiswyr Gwaith 1995(4);

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Tai 1996;

ystyr "hawliad lloches" ("*claim for asylum*") yw hawliad y buasai'n groes i rwymedigaethau'r Deyrnas Unedig o dan y Confensiwn Ffoaduriaid i'r hawlydd gael ei symud o'r Deyrnas Unedig, neu i'w gwneud yn ofynnol iddo ymadael â'r Deyrnas Unedig; ac

ystyr "y rheolau mewnfudo" ("*the immigration rules*") yw'r rheolau a osodwyd fel y'u crybwyllir yn adran 3(2) o Ddeddf 1971 (darpariaethau cyffredinol ar gyfer rheoleiddio a rheoli).

(2) At ddibenion y diffiniad o "ceisydd lloches", penderfynir hawliad lloches ar ddiwedd y cyfnod sy'n dechrau—

- (a) ar y dyddiad y bydd yr Ysgrifennydd Gwladol yn hysbysu'r hawlydd o'r penderfyniad ar yr hawliad; neu
- (b) os yw'r hawlydd wedi apelio yn erbyn penderfyniad yr Ysgrifennydd Gwladol, ar y diwrnod y gwaredir yr apêl,

a hwnnw'n gyfnod a ragnodir o dan adran 94(3) o Ddeddf Ymfudo a Lloches 1999(5).

(3) At ddibenion rheoliadau 3(1)(i) (Dosbarth I)—

- (a) ystyr "lwfans ceisio gwaith ar sail incwm" ("*an income-based jobseeker's allowance*") yw lwfans ceisio gwaith, sy'n daladwy o dan Ddeddf 1995, y mae hawl i'w gael wedi'i seilio ar y ffaith bod yr hawlydd yn bodloni amodau sy'n cynnwys y rhai sydd wedi'u nodi yn adran 3 o Ddeddf 1995 (yr amodau sy'n seiliedig ar incwm);
- (b) mae i "cymorthdal incwm" yr un ystyr ag "*income support*" yn adran 124 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(6) (cymhorthdal incwm); ac

required to leave, the United Kingdom;

"the Common Travel Area" ("*Ardal Deithio Gyffredin*") means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively;

"the immigration rules" ("*y rheolau mewnfudo*") means the rules laid down as mentioned in section 3(2) of the 1971 Act (general provisions for regulation and control);

"limited leave" ("*caniatâd cyfyngedig*") means leave under the 1971 Act to enter or remain in the United Kingdom which is limited as to duration; and

"the Refugee Convention" ("*y Confensiwn ynglŷn â Ffoaduriaid*") means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951(1), as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 January 1967(2).

(2) For the purposes of the definition of "asylum-seeker", a claim for asylum is determined at the end of such period beginning—

- (a) on the day on which the Secretary of State notifies the claimant of the decision on the claim; or
- (b) if the claimant has appealed against the Secretary of State's decision, on the day on which the appeal is disposed of,

as may be prescribed under section 94(3) of the Immigration and Asylum Act 1999(3).

(3) For the purposes of regulations 3(1)(i) (Class I)—

- (a) "an income-based jobseeker's allowance" ("*lwfans ceisio gwaith ar sail incwm*") means a jobseeker's allowance, payable under the 1995 Act, entitlement to which is based on the claimant satisfying conditions which include those set out in section 3 of the 1995 Act (the income-based conditions);
- (b) "income support" ("*cymhorthdal incwm*") has the same meaning as in section 124 of the Social Security Contributions and Benefits Act 1992(4) (income support); and

(1) Gorch. 9171.

(2) Gorch. 3906.

(3) 1971 p.77.

(4) 1995 p.18.

(5) 1999 p.33. *Gweler* adran 167 o'r Ddeddf honno i gael y diffiniad o "prescribed" at ddibenion y Ddeddf honno.

(6) 1992 p.4. Diwygiwyd adran 124 gan baragraff 30 o Atodlen 2, a chan Atodlen 3, i Ddeddf 1995.

(1) Cmnd. 9171.

(2) Cmnd. 3906.

(3) 1999 c.33. *See* section 167 of that Act for the definition of "prescribed" for the purposes of that Act.

(4) 1992 c.4. Section 124 was amended by paragraph 30 of Schedule 2, and Schedule 3, to the 1995 Act.

- (c) mae person ar lwfans ceisio gwaith ar sail incwm ar unrhyw ddiwrnod y mae lwfans ceisio gwaith ar sail incwm yn daladwy i'r person hwnnw ac ar unrhyw ddiwrnod—
  - (i) y mae'r person hwnnw'n bodloni'r amodau o ran hawl i gael lwfans ceisio gwaith ar sail incwm ar ei gyfer ond pan na fo'r lwfans yn cael ei dalu'n unol ag adran 19 o Ddeddf 1995(1) (amgylchiadau nad yw'r lwfans ceisio gwaith yn daladwy odanynt); neu
  - (ii) sy'n ddiwrnod aros at ddibenion paragraff 4 o Atodlen 1 i Ddeddf 1995 (diwrnodau aros) ac sy'n dod yn union cyn diwrnod y mae lwfans ceisio gwaith ar sail incwm yn daladwy ar ei gyfer i'r person hwnnw neu y byddai'n daladwy iddo oni bai am adran 19 o Ddeddf 1995.

- (c) a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to that person and on any day—
  - (i) in respect of which that person satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with section 19 of the 1995 Act(1) (circumstances in which jobseeker's allowance is not payable); or
  - (ii) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to the 1995 Act (waiting days) and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to that person or would be payable to that person but for section 19 of the 1995 Act.

### **Dosbarthiadau o bersonau sy'n ddarostyngedig i reolaeth fewnfudo ac sy'n gymwys i gael cymorth tai**

3.-(1) Mae'r canlynol yn ddosbarthiadau o bersonau a ragnodwyd at ddibenion adran 185(2) o Ddeddf 1996 (personau sy'n ddarostyngedig i reolaeth fewnfudo ac sy'n gymwys i gael cymorth tai)-

- (a) Dosbarth A—person a gofnodwyd gan yr Ysgrifennydd Gwladol yn ffoadur o fewn y diffiniad o "refugee" yn Erthygl 1 o'r Confensiwn ynglŷn â Ffoaduriaid;
- (b) Dosbarth B—person—
  - (i) sydd wedi cael caniatâd eithriadol gan yr Ysgrifennydd Gwladol i ddod i'r Deyrnas Unedig neu i aros ynddi y tu allan i ddarpariaethau'r rheolau mewnfudo; a
  - (ii) nad yw ei ganiatâd yn ddarostyngedig i amod sy'n ei gwneud yn ofynnol i'r person hwnnw gynnal ei hun a lletya ei hun, ac unrhyw berson sy'n dibynnu ar y person hwnnw, heb ddibynnu ar gronfeydd cyhoeddus;
- (c) Dosbarth C—person y mae ganddo ganiatâd cyfredol i ddod i'r Deyrnas Unedig neu i aros ynddi a hwnnw'n ganiatâd nad yw'n ddarostyngedig i unrhyw gyfyngiad neu amod ac sy'n preswyllo fel arfer yn yr Ardal Deithio Gyffredin ac eithrio person—
  - (i) sydd wedi cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar ôl i ymrwymiad ysgrifenedig yn unol â'r rheolau mewnfudo gael ei roi gan berson arall ("noddwr" y person hwnnw) yn datgan y byddai'n gyfrifol am gynhalieth a llety'r person hwnnw;

### **Classes of persons subject to immigration control who are eligible for housing assistance**

3.-(1) The following are classes of persons prescribed for the purposes of section 185(2) of the 1996 Act (persons subject to immigration control who are eligible for housing assistance)-

- (a) Class A—a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention;
- (b) Class B—a person—
  - (i) who has been granted by the Secretary of State exceptional leave to enter or remain in the United Kingdom outside the provisions of the immigration rules; and
  - (ii) whose leave is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds;
- (c) Class C—a person who has current leave to enter or remain in the United Kingdom which is not subject to any limitation or condition and who is habitually resident in the Common Travel Area other than a person—
  - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by another person (that person's "sponsor") in writing in pursuance of the immigration rules to be responsible for that person's maintenance and accommodation;

(1) Diwygiwyd adran 19 gan baragraff 67 o Atodlen 1 i'r Ddeddf Hawliau Cyflogaeth (p.18) a pharagraff 141 o Atodlen 7 i Ddeddf Nawdd Cymdeithasol 1998 (p.14).

(1) Section 19 was amended by paragraph 67 of Schedule 1 to the Employment Rights Act (c.18) and paragraph 141 of Schedule 7 to the Social Security Act 1998 (c.14).

- (ii) sydd wedi bod yn preswyllo yn y Deyrnas Unedig am lai na phum mlynedd gan ddechrau ar y dyddiad y daeth i'r Deyrnas Unedig neu'r dyddiad y rhoddwyd yr ymrwymiad ar gyfer y person hwnnw, pa ddyddiad bynnag yw'r diweddaraf; a
- (iii) y mae ei noddwr, neu pan fo mwy nag un noddwr, o leiaf un o'i noddwyr, yn dal yn fyw;
- (ch) Dosbarth D—person a adawodd diriogaeth Montserrat ar ôl 1 Tachwedd 1995 oherwydd effaith ffrwydriad llosgfynyddol ar y diriogaeth honno;
- (d) Dosbarth E—person sy'n preswyllo fel arfer yn yr Ardal Deithio Gyffredin ac—
  - (i) sy'n wladolyn gwladwriaeth sydd wedi cadarnhau'r Confensiwn Ewropeaidd ar Gymorth Cymdeithasol a Meddygol a wnaed ym Mharis ar 11 Rhagfyr 1953<sup>(1)</sup> neu wladwriaeth sydd wedi cadarnhau Siarter Cymdeithasol Ewrop a wnaed yn Torino ar 18 Hydref 1961<sup>(2)</sup> ac sy'n bresennol yn gyfreithlon yn y Deyrnas Unedig; neu
  - (ii) cyn 3 Ebrill 2000 yr oedd ar awdurdod tai ddyletswydd iddo o dan Ran III o Ddeddf Tai 1985<sup>(3)</sup> (tai a'r digartref) neu Ran VII o Ddeddf 1996 (digartrefedd) sy'n dal mewn bodolaeth, a'r person hwnnw'n wladolyn gwladwriaeth sy'n un o lofnodwyr y Confensiwn Ewropeaidd ar Gymorth Cymdeithasol a Meddygol a wnaed ym Mharis ar 11 Rhagfyr 1953 neu wladwriaeth sy'n un o lofnodwyr Siarter Cymdeithasol Ewrop a wnaed yn Torino ar 18 Hydref 1961;
- (dd) Dosbarth F—person sy'n geisydd lloches ac a gyflwynodd hawliad lloches—
  - (i) sydd wedi'i gofnodi gan yr Ysgrifennydd Gwladol fel un oedd wedi'i gyflwyno pan gyrhaeddodd y person y Deyrnas Unedig (yn hytrach na phan ddaeth yn ôl i'r Deyrnas Unedig) o wlad sydd y tu allan i'r Ardal Deithio Gyffredin; a
  - (ii) nad yw wedi'i gofnodi gan yr Ysgrifennydd Gwladol fel un sydd wedi'i benderfynu (ac eithrio ar apêl) neu wedi'i ollwng;
- (ii) who has been resident in the United Kingdom for less than five years beginning on the date of entry or the date on which the undertaking was given in respect of that person, whichever date is the later; and
- (iii) whose sponsor or, where there more than one sponsor, at least one of whose sponsors, is still alive;
- (d) Class D—a person who left the territory of Montserrat after 1 November 1995 because of the effect on that territory of a volcanic eruption;
- (e) Class E—a person who is habitually resident in the Common Travel Area and who—
  - (i) is a national of a state which has ratified the European Convention on Social and Medical Assistance done at Paris on 11 December 1953<sup>(1)</sup> or a state which has ratified the European Social Charter done at Turin on 18 October 1961<sup>(2)</sup> and is lawfully present in the United Kingdom; or
  - (ii) before 3 April 2000 was owed a duty by a housing authority under Part III of the Housing Act 1985<sup>(3)</sup> (housing and homeless) or Part VII of the 1996 Act (homelessness) which is extant, and who is a national of a state which is a signatory to the European Convention on Social and Medical Assistance done at Paris on 11 December 1953 or a state which is a signatory to the European Social Charter done at Turin on 18 October 1961;
- (f) Class F—a person who is an asylum-seeker and who made a claim for asylum—
  - (i) which is recorded by the Secretary of State as having been made on his arrival (other than on his re-entry) in the United Kingdom from a country outside the Common Travel Area; and
  - (ii) which has not been recorded by the Secretary of State as having been either decided (other than on appeal) or abandoned;

(1) Gorch. 9512.

(2) Gorch. 2643.

(3) 1985 p.68. Nid yw diddymiad Rhan III, a ddechreuwyd gan Ddeddf Tai 1996 (Cychwyn Rhif 5 a Darpariaethau Trosiannol) 1996 (O.S. 1996/2959 (p.88)), yn rhinwedd paragraff 1 o'r Atodlen i'r Gorchymyn hwnnw, yn gymwys i geiswyr o dan Ran III o'r Ddeddf honno yr oedd eu ceisiadau wedi'u gwneud cyn 20 Ionawr 1997.

(1) Cmnd. 9512.

(2) Cmnd. 2643.

(3) 1985 c.68. The repeal of Part III, which was commenced by the Housing Act 1996 (Commencement No. 5 and Transitional Provisions) Order 1996 (S.I. 1996/2959 (c.88)), does not, by virtue of paragraph 1 of the Schedule to that Order, apply to applicants under Part III of that Act whose applications were made before 20 January 1997.



(e) Dosbarth G—person sy'n geisydd lloches ac—

- (i) a oedd ym Mhrydain Fawr pan wnaeth yr Ysgrifennydd Gwladol ddatganiad i'r perwyl bod newid mor sylfaenol yn amgylchiadau'r wlad y mae'r person hwnnw yn un o'i gwladolion fel na fyddai'r Ysgrifennydd Gwladol fel rheol yn gorchymyn i berson ddychwelyd i'r wlad honno;
- (ii) a gyflwynodd hawliad lloches sydd wedi'i gofnodi gan yr Ysgrifennydd Gwladol fel un a oedd wedi'i gyflwyno o fewn cyfnod o dri mis o'r diwrnod y cafodd y datganiad hwnnw ei wneud; a
- (iii) y mae ei hawliad lloches heb ei gofnodi gan yr Ysgrifennydd Gwladol fel un sydd wedi'i benderfynu (ac eithrio ar apêl) neu wedi'i ollwng;

(f) Dosbarth H—person sy'n geisydd lloches ac—

- (i) a gyflwynodd hawliad lloches perthnasol ar 4 Chwefror 1996 neu cyn hynny; a
- (ii) yr oedd ganddo, ar 4 Chwefror 1996, hawl i gael budd-dal o dan reoliad 7A o Reoliadau Budd-dal Tai (Cyffredinol) 1987(1) (personau o dramor);

(ff) Dosbarth I—person sydd ar lwfans ceisio gwaith ar sail incwm neu'n cael cymhorthdal incwm ac sy'n gymwys i gael y budd-dal hwnnw am reswm gwahanol i'r rheswm—

- (i) bod gan y person hwnnw ganiatâd cyfyngedig i ddod i'r Deyrnas Unedig neu i aros ynddi a hwnnw'n ganiatâd a roddwyd yn unol â'r rheolau mewnfudo perthnasol a bod y person hwnnw heb gyllid am gyfnod dros dro oherwydd amhariad ar y taliadau sy'n cael eu hanfon o dramor at y person hwnnw; neu
- (ii) y barnwyd o dan reoliad 3 o Reoliadau Personau wedi'u Dadleoli (Amddiffyn Dros Dro) 2005(2) fod y person hwnnw wedi cael caniatâd eithriadol i ddod i'r Deyrnas Unedig neu i aros yno at ddibenion darparu moddion byw; ac

(g) Dosbarth J—person y mae amddiffyniad dyngarol wedi'i roi iddo o dan y Rheolau Mewnfudo.

(2) Ym mharagraff (1)(f)(i) (Dosbarth H), mae hawliad lloches perthnasol yn hawliad lloches—

(a) nad yw wedi'i gofnodi gan yr Ysgrifennydd

(g) Class G—a person who is an asylum-seeker and—

- (i) who was in Great Britain when the Secretary of State made a declaration to the effect that the country of which that person is a national is subject to such a fundamental change in circumstances that the Secretary of State would not normally order the return of a person to that country;
- (ii) who made a claim for asylum which is recorded by the Secretary of State as having been made within a period of three months from the day on which that declaration was made; and
- (iii) whose claim for asylum has not been recorded by the Secretary of State as having been either decided (other than on appeal) or abandoned;

(h) Class H—a person who is an asylum-seeker and—

- (i) who made a relevant claim for asylum on or before 4 February 1996; and
- (ii) who was, on 4 February 1996, entitled to benefit under regulation 7A of the Housing Benefit (General) Regulations 1987(1) (persons from abroad);

(i) Class I—a person who is on an income-based jobseeker's allowance or in receipt of income support and is eligible for that benefit other than because—

- (i) that person has limited leave to enter or remain in the United Kingdom which was given in accordance with the relevant immigration rules and that person is temporarily without funds because remittances to that person from abroad have been disrupted; or
- (ii) that person has been deemed by regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(2) to have been granted leave to enter or remain in the United Kingdom exceptionally for the purposes of the provision of means of subsistence; and

(j) Class J—a person who has humanitarian protection granted under the Immigration Rules.

(2) In paragraph (1)(h)(i) (Class H), a relevant claim for asylum is a claim for asylum which—

(a) has not been recorded by the Secretary of State

(1) O.S. 1987/1971; yr offerynnau diwygio perthnasol yw O.S. 1994/470 a 1994/1807.

(2) O.S. 2005/1379.

(1) S.I. 1987/1971; relevant amending instruments are S.I. 1994/470 and 1994/1807.

(2) S.I. 2005/1379

Gwladol fel un sydd wedi'i benderfynu (ac eithrio ar apêl) neu wedi'i ollwng; neu

(b) sydd wedi'i gofnodi fel un sydd wedi'i benderfynu (ac eithrio ar apêl) ar neu cyn 4 Chwefror 1996 ac y mae apêl yn yr arfaeth—

(i) a oedd yn yr arfaeth ar 5 Chwefror 1996; neu

(ii) a oedd wedi'i gwneud o fewn y terfynau amser a bennwyd yn y rheolau gweithdrefn a wnaed o dan adran 22 o Ddeddf 1971(1) (gweithdrefn).

(3) Ym mharagraff (1)(ff)(i) (Dosbarth I), ystyr "rheolau mewnfudo perthnasol" ("*relevant immigration rules*") yw'r rheolau mewnfudo ynghylch—

(a) sefyllfa pan nad oes, neu pan nad oes angen, unrhyw ddibyniaeth ar gronfeydd cyhoeddus;

(b) sefyllfa pan na ddidynnir unrhyw swm o gronfeydd cyhoeddus.

(4) Ym mharagraff (1)(ff) (Dosbarth I), mae i "moddion byw" yr un ystyr â "means of subsistence" yn rheoliad 4 o Reoliadau Personau wedi'u Dadleoli (Amddiffyn Dros Dro) 2005(2).

#### **Disgrifiad o bersonau sydd i'w trin fel personau o dramor sy'n anghymwys i gael cymorth tai.**

4.-(1) Mae'r canlynol yn ddisgrifiadau o bersonau, ac eithrio personau sy'n ddarostyngedig i reolaeth fewnfudo, sydd i'w trin at ddibenion Rhan VII o Ddeddf 1996 (digartrefedd) fel personau o dramor sy'n anghymwys i gael cymorth tai—

(a) yn ddarostyngedig i baragraffau (2) a (3), person nad yw'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon;

(b) person y mae ei hawl i breswyllo yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon, yn deillio'n unig o Gyfarwyddeb y Cyngor Rhif 90/364/EEC neu Gyfarwyddeb y Cyngor Rhif 90/365/EEC.

(2) Ni fydd y personau canlynol, serch hynny, yn cael eu trin fel personau o dramor sy'n anghymwys yn unol â pharagraff (1)(a)—

as having been either decided (other than on appeal) or abandoned; or

(b) has been recorded as having been decided (other than on appeal) on or before 4 February 1996 and in respect of which an appeal is pending which—

(i) was pending on 5 February 1996; or

(ii) was made within the time limits specified in the rules of procedure made under section 22 of the 1971 Act(1) (procedure).

(3) In paragraph (1)(i)(i) (Class I), "relevant immigration rules" ("*rheolau mewnfudo perthnasol*") means the immigration rules relating to—

(a) there being or there needing to be no recourse

(b) there being no charge on public funds.

(4) In paragraph (1)(i) (Class I), "means of subsistence" ("*moddion byw*") has the same meaning as in regulation 4 of the Displaced Persons (Temporary Protection) Regulations 2005(2).

#### **Description of persons who are to be treated as persons from abroad ineligible for housing assistance.**

4.-(1) The following are descriptions of persons, other than persons who are subject to immigration control, who are to be treated for the purposes of Part VII of the 1996 Act (homelessness) as persons from abroad who are ineligible for housing assistance—

(a) subject to paragraphs (2) and (3), a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;

(b) a person whose right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is derived solely from Council Directive No. 90/364/EEC or Council Directive No. 90/365/EEC.

(2) The following persons will not, however, be treated as persons from abroad who are ineligible pursuant to paragraph (1)(a)—

(1) Diwygiwyd adran 22 gan O.S. 1987/465; mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn. Diddymwyd adran 22 o Ddeddf 1971 gan Ddeddf Mewnfudo a Lloches 1999 p.33. 2 Hydref 2000 oedd y dyddiad dod i rym at ddibenion penodol yn unig (OS 2000/2444).

(2) OS 2005 Rhif 1379.

(1) Section 22 was amended by S.I. 1987/465; there are other amendments not relevant to these Regulations. Section 22 of the 1971 Act was repealed by the Immigration and Asylum Act 1999 c.33. Date in force 2 October 2000 for certain purposes only SI 2000/2444.

(2) SI 2005 No. 1379.

- (a) person sy'n weithiwr at ddibenion Rheoliad y Cyngor (EEC) Rhif 1612/68 neu (EEC) Rhif 1251/70;
- (b) person sy'n weithiwr i wladwriaeth sydd wedi'i derbyn ac y mae arno angen cael ei gofrestru ac sy'n cael ei drin fel gweithiwr at ddibenion y diffiniad o berson cymwysedig ("qualified person") yn rheoliad 6 o Reoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2006(1) yn unol â rheoliad 5 o Reoliadau Ymaelodi (Mewnfudo a Chofrestru Gweithwyr) 2004(2);
- (c) person sydd â hawl i breswyllo yn unol â Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2006(3), a honno'n hawl sy'n deillio o Gyfarwyddeb y Cyngor Rhif 68/360/EEC, Rhif 73/148/EEC neu Rif 75/34/EEC;
- (ch) person a adawodd diriogaeth Montserrat ar ôl 1 Tachwedd 1995 oherwydd effaith ffrwydriad llosgfynyddol ar y diriogaeth honno.

(3) Ni fydd person yn cael ei drin fel un sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw, neu Weriniaeth Iwerddon at ddibenion paragraff (1)(a) os nad oes ganddo hawl i breswyllo yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw, neu Weriniaeth Iwerddon.

#### Darpariaethau trosiannol

5. Ni fydd y diwygiadau a wneir gan y Rheoliadau hyn yn effeithiol o ran ceisydd yr oedd ei gais am gymorth tai o dan Ran VII o Ddeddf 1996 wedi'i wneud cyn 9 Hydref 2006.

#### Dirymu

6. Dirymir drwy hyn Reoliadau Digartrefedd (Cymru) 2000(4).

- (a) a person who is a worker for the purposes of Council Regulation (EEC) No. 1612/68 or (EEC) No. 1251/70;
- (b) a person who is an accession state worker requiring registration who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6 of the Immigration (European Economic Area) Regulations 2006(1) pursuant to regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(2);
- (c) a person with a right to reside pursuant to the Immigration (European Economic Area) Regulations 2006(3), which is derived from Council Directive No. 68/360/EEC, No. 73/148/EEC or No. 75/34/EEC;
- (d) a person who left the territory of Montserrat after 1 November 1995 because of the effect on that territory of a volcanic eruption.

(3) A person will not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for the purposes of paragraph (1)(a) if he does not have a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

#### Transitional Provisions

5. The amendments made by these Regulations do not have effect in relation to an applicant whose application for housing assistance under Part VII of the 1996 Act was made before 9 October 2006.

#### Revocation

6. The Homelessness (Wales) Regulations 2000(4) are hereby revoked.

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(1) O.S. 2006 Rhif 1003.

(2) O.S. 2004 Rhif 1219.

(3) O.S. 2006 Rhif 1003.

(4) O.S. 2000 Rhif 1079 (Cy.72).

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(1) S.I. 2006 No. 1003.

(2) S.I. 2004 No.1219.

(3) S.I. 2006 No. 1003.

(4) S.I. 2000 No.1079 (W.72).



Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

3 Hydref 2006

3 October 2006

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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**2006 Rhif 2646 (Cy.227)**

**TAI, CYMRU**

**Rheoliadau Digartrefedd (Cymru)  
2006**

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STATUTORY INSTRUMENTS

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**2006 No. 2646 (W.227)**

**HOUSING, WALES**

**Homelessness (Wales) Regulations  
2006**

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W404/10/06

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