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INSTRUMENTS

2017 Rhif 698 (Cy. 164)

2017 No. 698 (W. 164)

TAI, CYMRU

HOUSING, WALES

Rheoliadau Dyrannu Tai a
Digartrefedd (Cymhwysra)
(Cymru) (Diwygio) 2017

The Allocation of Housing and
Homelessness (Eligibility) (Wales)
(Amendment) Regulations 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) 2014 (O.S. 2014/2603 (Cy. 257)) ("Rheoliadau 2014") i adlewyrchu newidiadau i Atodiad FM i'r Rheolau Mewnfudo, sef y rheolau a ddiffinnir yn y Rheoliadau hynny fel y rheolau a osodwyd fel a grybwyllir yn adran 3(2) o Ddeddf Mewnfudo 1971. Roedd y newidiadau i Atodiad FM yn golygu bod cymhwyso darpariaethau Rheoliadau 2014 yn rheoliadau 3 a 5(1) wedi dyddio.

Mae'r Rheoliadau hyn yn dirymu rheoliad 5(1)(e) o Reoliadau 2014 (a pharagraffau diffinio ategol (2) a (3)), i ddileu darpariaethau nad oes eu hangen mwyach sy'n ymwneud â chategoriâu penodol o geiswyr lloches a hawliodd loches cyn 3 Ebrill 2000. Mae rheoliadau 3 a 5 o Reoliadau 2014 yn rhagnodi'r dosbarthiadau o berson sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai ac i gael cymorth tai, yn y drefn honno.

Mae'r Rheoliadau hyn hefyd yn diwygio rheoliad 6(2) o Reoliadau 2014 er mwyn darparu nad yw'r rheini a restrir yn rheoliad 6(2)(a) i (f) i'w trin fel personau o dramor sy'n anghymwys i gael cymorth tai (yn hytrach na llety tai) yn unol â rheoliad 6(1)(a) o Reoliadau 2014.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (S.I. 2014/2603 (W. 257)) ("the 2014 Regulations") to reflect changes to Appendix FM of the Immigration Rules, being the rules defined in those Regulations as the rules laid down as mentioned in section 3(2) of the Immigration Act 1971. The changes to Appendix FM rendered the application of provisions of the 2014 Regulations at regulations 3 and 5(1) out of date.

These Regulations revoke regulation 5(1)(e) of the 2014 Regulations (and the supporting definition paragraphs (2) and (3)), to remove provisions that are no longer required relating to certain categories of asylum seekers whose claims for asylum were made before 3 April 2000. Regulations 3 and 5 of the 2014 Regulations prescribe the classes of person subject to immigration control who are eligible for an allocation of housing accommodation and for the housing assistance respectively.

These Regulations also amend regulation 6(2) of the 2014 Regulations to provide that those listed at regulation 6(2)(a) to (f) are not to be treated as persons from abroad who are ineligible for housing assistance (as opposed to housing accommodation) pursuant to regulation 6(1)(a) of the 2014 Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with these Regulations.

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TAI, CYMRU

HOUSING, WALES

**Rheoliadau Dyrannu Tai a
Digartrefedd (Cymhwysra)
(Cymru) (Diwygio) 2017**

**The Allocation of Housing and
Homelessness (Eligibility) (Wales)
(Amendment) Regulations 2017**

Gwnaed 20 Mehefin 2017
Yn dod i rym 22 Mehefin 2017

Made 20 June 2017
Coming into force 22 June 2017

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan baragraff 1(2) a (4) o Atodlen 2 i Ddeddf Tai (Cymru) 2014(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 1(2) and (4) of Schedule 2 to the Housing (Wales) Act 2014(1).

Yn unol ag adran 142(3)(b) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

In accordance with section 142(3)(b) of that Act, a draft of these Regulations has been laid before and approved by a resolution of the National Assembly for Wales.

Enwi a chychwyn

Title and commencement

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) (Diwygio) 2017. □

1.—(1) The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2017.

(2) Daw'r Rheoliadau hyn i rym ar 22 Mehefin 2017.

(2) These Regulations come into force on 22 June 2017.

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

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

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

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

(2) Yn rheoliad 2(1) (dehongli), yn y lle priodol, mewnosoder—

(2) In regulation 2(1) (interpretation) at the appropriate place insert—

(1) 2014 dccc 7. *Gweler* O.S. 2015/1272 (Cy. 88) am ddarpariaeth arbed yn erthygl 5.
(2) O.S. 2014/2603 (Cy. 257).

(1) 2014 anaw 7. *See* S.I. 2015/1272 (W. 88) for savings provision at article 5.
(2) S.I. 2014/2603 (W. 257).

“ystyr “y Confensiwn Hawliau Dynol” (“*the Human Rights Convention*”) yw’r Confensiwn ar Amddiffyn Hawliau Dynol a Rhyddidau Sylfaenol, a gytunwyd gan Gyngor Ewrop yn Rhufain ar 4 Tachwedd 1950 fel y mae’n cael effaith am y tro mewn perthynas â’r Deyrnas Unedig.”.

(3) Yn rheoliad 3 (personau sy’n ddarostyngedig i reolaeth fewnfudo sy’n gymwys i gael dyraniad o lety tai)—

- (a) ym mharagraff (d) ar y diwedd hepgorer “ac”;
- (b) ym mharagraff (e) ar y diwedd yn lle “.” rhodder “; ac”; ac
- (c) ar ôl paragraff (e) mewnosoder—

“(f) Dosbarth F – person sydd â chaniatâd cyfyngedig i ddod i mewn i’r Deyrnas Unedig neu i aros ynddi ar seiliau bywyd teuluol neu breifat o dan Erthygl 8 o’r Confensiwn Hawliau Dynol, a’r fath ganiatâd wedi ei roi o dan baragraff 276BE(1), paragraff 276DG neu Atodiad FM i’r Rheolau Mewnfudo(1), ac nad yw’n ddarostyngedig i amod sy’n ei gwneud yn ofynnol i’r person hwnnw ei gynnal a’i letya ei hun, ac unrhyw berson sy’n ddibynnol arno, heb ddibynnu ar gronfeydd cyhoeddus.”

(4) Yn rheoliad 5 (personau sy’n ddarostyngedig i reolaeth fewnfudo sy’n gymwys i gael cymorth tai)—

- (a) hepgorer paragraff (1)(e);
- (b) ym mharagraff (1)(f) ar y diwedd yn lle “.” rhodder “; ac”;
- (c) ar ôl paragraff (1)(f) mewnosoder—

“(g) Dosbarth G - person sydd â chaniatâd cyfyngedig i ddod i mewn i’r Deyrnas Unedig neu i aros ynddi ar seiliau bywyd teuluol neu breifat o dan Erthygl 8 o’r Confensiwn Hawliau Dynol, a’r fath ganiatâd wedi ei roi o dan baragraff 276BE(1), paragraff 276DG neu Atodiad FM i’r Rheolau Mewnfudo, ac nad yw’n ddarostyngedig i amod sy’n ei gwneud yn ofynnol i’r person hwnnw ei gynnal a’i letya ei hun, ac unrhyw berson sy’n ddibynnol arno, heb ddibynnu ar gronfeydd cyhoeddus.”; a

- (d) hepgorer paragraffau (2) a (3).

““the Human Rights Convention” (“*y Confensiwn Hawliau Dynol*”) means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom;”.

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

- (a) in paragraph (d) at the end omit “and”;
- (b) in paragraph (e) at the end for “.” substitute “; and”; and
- (c) after paragraph (e) insert—

“(f) Class F – a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules(1), and who 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.”

(4) In regulation 5 (persons subject to immigration control who are eligible for housing assistance)—

- (a) omit paragraph (1)(e);
- (b) in paragraph (1)(f) at the end for “.” substitute “; and”;
- (c) after paragraph (1)(f) insert—

“(g) Class G - a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and who 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.”; and

- (d) omit paragraphs (2) and (3).

(1) Gosodwyd y Rheolau fel a grybwyllir yn adran 3(2) o Ddeddf Mewnfudo 1971.

(1) Rules laid down as mentioned in section 3(2) of the Immigration Act 1971.

(5) Yn rheoliad 6 (personau eraill o dramor sy'n anghymwys i gael cymorth tai), ym mharagraff (2) yn lle'r geiriau "dyraniad o lety tai" rhodder y geiriau "cymorth tai".

(5) In regulation 6 (other persons from abroad who are ineligible for housing assistance), in paragraph (2), for the words "an allocation of housing accommodation" substitute the words "housing assistance".

Llofnodwyd gan

Signed by

Carl Sargeant

Ysgrifennydd y Cabinet dros Gymunedau a Phlant, un o Weinidogion Cymru

Cabinet Secretary for Communities and Children, one of the Welsh Ministers

20 Mehefin 2017

20 June 2017

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