
STATUTORY INSTRUMENTS

2020 No. 1309

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

PART 3

Access to benefits and services

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

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

(2) In regulation 2 (interpretation)—

(a) in the English language text —

(i) in paragraph (1), in the definition of “the EEA Regulations” for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”;

(ii) after paragraph (2)(a) insert—

“(ab) “frontier worker” (“gweithiwr trawsffiniol”) means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations;”;

(iii) in paragraph (2)(b)—

(aa) for “or worker” substitute “, worker or frontier worker”;

(bb) for “those Regulations” substitute “the EEA Regulations”;

(iv) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “and (h)”;

(b) in the Welsh language text—

(i) in paragraph (1), in the definition of “Rheoliadau yr AEE” for “Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2006” substitute “Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2016 ac mae cyfeiriadau at Reoliadau yr AEE i’w darllen gydag Atodlen 4 i Reoliadau Deddf Mewnfudo a Chydlynu Nawdd Cymdeithasol (Ymadael â’r UE) 2020 (Darpariaethau Canlyniadol, Darpariaethau Arbed, Darpariaethau Trosiannol a Darpariaethau Darfodol) 2020”;

(ii) after paragraph (2)(a) insert—

(1) S.I. 2014/2603 (W. 257), relevant amending instruments are S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183) and S.I. 2019/1149 (W. 199).

- “(ab) ystyr “gweithiwr trawsffiniol” yw person sy’n weithiwr trawsffiniol o fewn ystyr “frontier worker” yn rheoliad 3 o Reoliadau Hawliau Dinasyddion (Gweithwyr Trawsffiniol) (Ymadael â’r UE) 2020;”;
- (iii) in paragraph (2)(b)—
- (aa) for “neu weithiwr” substitute “, gweithiwr neu weithiwr trawsffiniol”;
- (bb) for “o’r Rheoliadau hynny” substitute “o Reoliadau yr AEE”;
- (iv) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “ac (h)”.
- (3) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) –
- (a) in the English language text —
- (i) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1)”;
- (ii) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;
- (iii) omit paragraph (1)(b)(iv);
- (iv) for paragraph (1)(c) substitute “the person’s only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”;
- (v) after paragraph (2)(f) insert—
- “(g) a frontier worker; and
- (h) a person who—
- (i) is a family member of a person specified in sub-paragraph (g); and
- (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”;
- (b) in the Welsh language text—
- (i) in paragraph (1)(b)(iii), for “reoliad 15A(1)” substitute “reoliad 16(1)”;
- (ii) in paragraph (1)(b)(iii), for “rheoliad 15A(4A)” substitute “rheoliad 16(5)”;
- (iii) omit paragraph (1)(b)(iv);
- (iv) for paragraph (1)(c) substitute “os yw unig hawl y person i breswyllo yn Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon yn hawl sy’n gyfwerth ag un o’r rhai hynny a grybwyllir yn is-baragraff (b)(i),(ii) neu (iii)”;
- (v) after paragraph (2)(f), insert—
- “(g) gweithiwr trawsffiniol; ac
- (h) person—
- (i) sy’n aelod o deulu person a bennir yn is-baragraff (g); a
- (ii) sydd â hawl i breswyllo oherwydd bod caniatâd cyfyngedig i ddod i mewn i’r Deyrnas Unedig neu i aros ynddi wedi ei roi iddo o dan Ddeddf Mewnffudo 1971 yn rhinwedd Atodlen EU i’r rheolau mewnffudo a wnaed o dan adran 3 o’r Ddeddf honno.”.
- (4) In regulation 6 (other persons from abroad who are ineligible for housing assistance)—
- (a) in the English language text—
- (i) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1)”;
- (ii) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;

- (iii) omit paragraph (1)(b)(iv);
 - (iv) for paragraph (1)(c) substitute “the person’s only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;
 - (v) after paragraph (2)(f), insert—
 - “(g) a frontier worker; and
 - (h) a person who—
 - (i) is a family member of a person specified in sub-paragraph (g); and
 - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”;
- (b) in the Welsh language text—
- (i) in paragraph (1)(b)(iii), for “reoliad 15A(1)” substitute “reoliad 16(1)”;
 - (ii) in paragraph (1)(b)(iii), for “rheoliad 15A(4A)” substitute “rheoliad 16(5)”;
 - (iii) omit paragraph (1)(b)(iv);
 - (iv) for paragraph (1)(c) substitute “os yw unig hawl y person i breswyllo yn Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon yn hawl sy’n gyfwerth ag un o’r rhai hynny a grybwyllir yn is-baragraff (b)(i),(ii) neu (iii)”;
 - (v) after paragraph (2)(f), insert—
 - “(g) gweithiwr trawsffiniol; ac
 - (h) person—
 - (i) sy’n aelod o deulu person a bennir yn is-baragraff (g); a
 - (ii) sydd â hawl i breswyllo oherwydd bod caniatâd cyfyngedig i ddod i mewn i’r Deyrnas Unedig neu i aros ynddi wedi ei roi iddo o dan Ddeddf Mewnfudo 1971 yn rhinwedd Atodlen EU i’r rheolau mewmfudo a wnaed o dan adran 3 o’r Ddeddf honno.”.