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CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2021 Rhif 353 (Cy. 105)**

**2021 No. 353 (W. 105)**

## TAI, CYMRU

## HOUSING, WALES

Rheoliadau Dyrannu Tai a  
Digartrefedd (Cymhwysra)  
(Cymru) (Diwygio) 2021

The Allocation of Housing and  
Homelessness (Eligibility) (Wales)  
(Amendment) Regulations 2021

### 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 baragraff 1(2) o Atodlen 2 i Ddeddf Tai (Cymru) 2014 (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).

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (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 a chymorth tai.

Mae rheoliad 3 yn diwygio rheoliad 3 o Reoliadau 2014 sy'n ymwneud â chymhwysra personau sy'n ddarostyngedig i reolaeth fewnfudo i gael dyraniad o lety tai o dan Ddeddf 1996. Mae'n rhagnodi dosbarth ychwanegol o bersonau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai o dan Ddeddf 1996.

### 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 paragraph (1)2 of Schedule 2 to the Housing (Wales) Act 2014 (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 by the Welsh Ministers (or the Secretary of State).

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 who are subject to immigration control are eligible for an allocation of housing accommodation and for housing assistance.

Regulation 3 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 an additional class of persons subject to immigration control who are eligible for an allocation of housing accommodation under the 1996 Act.

Mae Dosbarth I yn gymwys i bersonau sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon ac y rhoddyd caniatâd cyfyngedig iddynt i aros yn y Deyrnas Unedig o dan baragraff 405 o'r Rheolau Mewnfudo ar y sail eu bod yn berson diwladwriaeth.

Mae rheoliad 4 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 dosbarth ychwanegol o bersonau sy'n gymwys i gael cymorth o'r fath: Dosbarth J – personau diwladwriaeth (sy'n cyfateb i Ddosbarth I a fewnosodir gan reoliad 3).

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 gael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru ar [www.llyw.cymru](http://www.llyw.cymru).

Class I applies to persons who are habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who have been given limited leave to remain in the United Kingdom under paragraph 405 of the Immigration Rules on the basis that they are a stateless person.

Regulation 4 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 an additional class of persons who are eligible for such assistance: Class J - stateless persons (equivalent to Class I inserted by regulation 3).

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](http://www.gov.wales).

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**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Dyrannu Tai a  
Digartrefedd (Cymhwysra)  
(Cymru) (Diwygio) 2021**

**The Allocation of Housing and  
Homelessness (Eligibility) (Wales)  
(Amendment) Regulations 2021**

*Gwnaed* 18 Mawrth 2021  
*Yn dod i rym* 19 Mawrth 2021

*Made* 18 March 2021  
*Coming into force* 19 March 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 160A(3)(1) o Ddeddf Tai 1996(2) a pharagraff 1(2) o Atodlen 2 i Ddeddf Tai (Cymru) 2014(3).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 160A(3)(1) of the Housing Act 1996(2) and paragraph 1(2) of Schedule 2 to the Housing (Wales) Act 2014(3).

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(4).

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(4).

**Enwi a chychwyn**

1. Enw'r Rheoliadau hyn yw Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) (Diwygio) 2021 a deuant i rym ar 19 Mawrth 2021.

**Title and commencement**

1. The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2021 and they come into force on 19 March 2021.

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- (1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 160A(3) o Ddeddf Tai 1996, 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, fel y'i darllenir yn unol ag adran 17(1) o Ddeddf Digartrefedd 2002. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weindogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).
- (2) 1996 p. 52. Mewnosodwyd adran 160A gan adran 14(2) o Ddeddf Digartrefedd 2002; diwygiwyd is-adran (3) gan adran 146(2) o Ddeddf Lleoliaeth 2011.
- (3) 2014 decc 7.
- (4) Gweler hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (decc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

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- (1) The functions of the Secretary of State under section 160A(3) of the Housing Act 1996 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and the entry in relation to that Act in Schedule 1, 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 paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (2) 1996 c. 52. Section 160A inserted by the Homelessness Act 2002, section 14(2); subsection (3) amended by the Localism Act 2011, section 146(2).
- (3) 2014 anaw 7.
- (4) 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 (Cymhwysra) (Cymru) 2014

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

### Diwygio rheoliad 3

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

- (a) hepgorer “ac” ar ôl is-baragraff (f);
- (b) hepgorer “ac” ar ôl is-baragraff (g);
- (c) ar ddiwedd is-baragraff (h), yn lle “.” rhodder “; ac”;
- (d) ar ôl is-baragraff (h) mewnosoder—

“(i) Dosbarth I – person sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon ac y rhoddwyd caniatâd cyfyngedig iddo i aros yn y Deyrnas Unedig fel person diwladwriaeth o dan baragraff 405 o'r Rheolau Mewnfudo(2).”

### Diwygio rheoliad 5

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

- (a) hepgorer “ac” ar ôl is-baragraff (g);
- (b) hepgorer “ac” ar ôl is-baragraff (h);
- (c) ar ddiwedd is-baragraff (i), yn lle “.” rhodder “; ac”;
- (d) ar ôl is-baragraff (i) mewnosoder—

“(j) Dosbarth J – person sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon ac y rhoddwyd caniatâd cyfyngedig iddo i aros yn y Deyrnas Unedig fel person diwladwriaeth o dan baragraff 405 o'r Rheolau Mewnfudo.”

## 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.

### Amendments to regulation 3

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

- (a) omit the “and” after sub-paragraph (f);
- (b) omit the “and” after sub-paragraph (g);
- (c) at the end of sub-paragraph (h), for “.” substitute “; and”;
- (d) after sub-paragraph (h) insert—

“(i) Class I – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to remain in the United Kingdom as a stateless person under paragraph 405 of the Immigration Rules(2).”

### Amendments to regulation 5

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

- (a) omit the “and” after sub-paragraph (g);
- (b) omit the “and” after sub-paragraph (h);
- (c) at the end of sub-paragraph (i), for “.” substitute “; and”;
- (d) after sub-paragraph (i) insert—

“(j) Class J – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to remain in the United Kingdom as a stateless person under paragraph 405 of the Immigration Rules.”

(1) O.S. 2014/2603 (Cy. 257) (fel y'i harbedwyd ac y'i haddaswyd gan O.S. 2015/1272, erthygl 5), a ddiwygiwyd gan O.S. 2017/698 (Cy. 164), 2019/1041 (Cy. 183), 2019/1149 (Cy. 199), 2020/1209, 2020/1309 a 2020/1372.

(2) Gosodwyd gerbron Senedd y DU ar 23 Mai 1994 (HC 395), fel y'u diwygiwyd. Cyflwynwyd y rheolau mewn perthynas â phersonau diwladwriaeth yn 2013 gan y datganiad o newidiadau i'r Rheolau Mewnfudo: HC1039 a osodwyd gerbron Senedd y DU ar 14 Mawrth 2013.

(1) S.I. 2014/2603 (W. 257) (as saved and modified by S.I. 2015/1272, article 5), amended by S.I. 2017/698 (W. 164), 2019/1041 (W.183), 2019/1149 (W. 199), 2020/1209, 2020/1309 and 2020/1372.

(2) Laid before Parliament on 23 May 1994 (HC 395), as amended. The rules in relation to stateless persons were introduced in 2013 by the statement of changes to the Immigration Rules: HC1039 which was laid before Parliament on 14 March 2013.

*Julie James*

Y Gweinidog Tai a Llywodraeth Leol, un o  
Weinidogion Cymru  
18 Mawrth 2021

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Minister for Housing and Local Government, one of  
the Welsh Ministers  
18 March 2021

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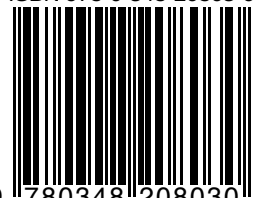




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