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WELSH STATUTORY  
INSTRUMENTS

**2022 Rhif 485 (Cy. 121)**

**2022 No. 485 (W. 121)**

## **TAI, CYMRU**

## **HOUSING, WALES**

**Rheoliadau Dyrannu Tai a  
Digartrefedd (Cymhwysra)  
(Cymru) (Diwygio) 2022**

**The Allocation of Housing and  
Homelessness (Eligibility) (Wales)  
(Amendment) Regulations 2022**

### **NODYN ESBONIADOL**

### **EXPLANATORY NOTE**

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

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

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 adran 160A(5) caiff Gweinidogion Cymru ragnodi dosbarthau o bersonau o dramor sydd, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo, yn anghymwys i gael dyraniad o lety tai.

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 section 160A(5) the Welsh Ministers may prescribe classes of persons from abroad who, whilst not subject to immigration control, are ineligible for an allocation of housing accommodation.

O dan baragraff 1(2) o Atodlen 2 i Ddeddf Tai (Cymru) 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 gan Weinidogion Cymru (neu'r Ysgrifennydd Gwladol). O dan baragraff 1(4) caiff Gweinidogion Cymru (neu'r Ysgrifennydd Gwladol) ragnodi dosbarthau o bersonau o dramor sydd, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo, yn anghymwys i gael cymorth tai.

Under paragraph 1(2) of Schedule 2 to the Housing (Wales) Act 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). Under paragraph 1(4) the Welsh Ministers (or the Secretary of State) may prescribe classes of persons from abroad who, whilst not subject to immigration control, are ineligible for housing assistance.

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 ac i gael cymorth tai. Mae Rheoliadau 2014 hefyd yn gwneud darpariaeth o ran personau o dramor nad ydynt yn ddarostyngedig i reolaeth fewnfudo ond sy’n anghymwys i gael dyraniad o lety tai a chymorth tai.

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, subject to immigration control, are eligible for an allocation of housing accommodation and for housing assistance. The 2014 Regulations also make provision in regard to persons from abroad who are not subject to immigration control but are ineligible for an allocation of housing accommodation and housing assistance.

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

Mae Dosbarth L yn gymwys i bersonau penodol yr effeithir arnynt gan y rhyfel yn Wcráin yn dilyn yr ymosodiad gan Rwsia a ddigwyddodd ar 24 Chwefror 2022 ac y rhoddwyd caniatâd iddynt i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn unol ag Atodiad Cynllun Wcráin yn y Rheolau Mewnfudo a wnaed o dan adran 3(2) o Ddeddf Mewnfudo 1971 (p. 77).

Mae rheoliad 4 yn diwygio rheoliad 4(2) o Reoliadau 2014 i ddarparu bod personau penodol o dramor nad ydynt yn ddarostyngedig i reolaeth fewnfudo ond y byddent yn anghymwys i gael dyraniad o lety tai oherwydd nad ydynt yn preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon yn gymwys i gael dyraniad o lety tai. Y personau y mae'r diwygiad hwn yn gymwys iddynt yw'r rheini a oedd yn preswyllo yn Wcráin yn union cyn 1 Ionawr 2022 ac a adawodd Wcráin mewn cysylltiad â'r ymosodiad gan Rwsia a ddigwyddodd ar 24 Chwefror 2022.

Mae rheoliad 5 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 ("Dosbarth M") sy'n gymwys i gael cymorth o'r fath. Mae'r dosbarth hwn yn cyfateb i Ddosbarth L a fewnosodir gan reoliad 3.

Mae rheoliad 6 yn diwygio rheoliad 6(2) o Reoliadau 2014 fel bod personau penodol o dramor nad ydynt yn ddarostyngedig i reolaeth fewnfudo, ond y byddent yn anghymwys i gael cymorth tai oherwydd nad ydynt yn preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon yn gymwys. Y personau y mae'r diwygiad hwn yn gymwys iddynt yw'r un personau ag ar gyfer rheoliad 4.

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

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 ("Class L") subject to immigration control who are eligible for an allocation of housing accommodation under the 1996 Act.

Class L applies to certain persons who are affected by the conflict in Ukraine following the Russian invasion which took place on 24 February 2022 and who have been granted leave to enter or remain in the United Kingdom in accordance with Appendix Ukraine Scheme in the Immigration Rules made under section 3(2) of the Immigration Act 1971 (c. 77).

Regulation 4 amends regulation 4(2) of the 2014 Regulations to provide that certain persons from abroad who are not subject to immigration control but would be ineligible for an allocation of housing accommodation due to not being habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland are eligible for an allocation of housing accommodation. The persons to whom this amendment applies are those who were residing in Ukraine immediately before 1 January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24 February 2022.

Regulation 5 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 ("Class M") who are eligible for such assistance. This class is equivalent to Class L inserted by regulation 3.

Regulation 6 amends regulation 6(2) of the 2014 Regulations so that certain persons from abroad who are not subject to immigration control, but would be ineligible for housing assistance due to not being habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, are eligible. The persons to whom this amendment applies are the same as for regulation 4.

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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**Rheoliadau Dyrannu Tai a  
Digartrefedd (Cymhwysra)  
(Cymru) (Diwygio) 2022**

**The Allocation of Housing and  
Homelessness (Eligibility) (Wales)  
(Amendment) Regulations 2022**

*Gwnaed* 27 Ebrill 2022  
*Yn dod i rym* 28 Ebrill 2022

*Made* 27 April 2022  
*Coming into force* 28 April 2022

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 160A(3) a (5) a 172(4)(1) o Ddeddf Tai 1996(2) ac adran 142(2)(a) a (b) o Ddeddf Tai (Cymru) 2014(3) a pharagraff 1(2) a (4) o Atodlen 2 iddi.

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 160A(3) and (5) and 172(4)(1) of the Housing Act 1996(2) and section 142(2)(a) and (b) of, and paragraph 1(2) and (4) 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).

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(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 160A(3) a (5) a 172(4) o Ddeddf Tai 1996 (p. 52), 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 (p. 7). Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion 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-adrannau (3) a (5) gan adran 146(2)(d) ac (e) yn y drefn honno o Ddeddf Lleoliaeth 2011 (p. 20).

(3) 2014 deccc 7. Gweler adran 99 am y diffiniad o "rhagnodedig".

(4) Mae'r cyfeiriad yn adran 142(3) at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006. Gweler hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 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 sections 160A(3) and (5) and 172(4) of the Housing Act 1996 (c. 52) 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 (c. 7). 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); subsections (3) and (5) amended by the Localism Act 2011 (c. 20), section 146(2)(d) and (e) respectively.

(3) 2014 anaw 7. See section 99 for the definition of "prescribed".

(4) The reference in section 142(3) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006. See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

## Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Dyranu Tai a Digartrefedd (Cymhwysra) (Cymru) (Diwygio) 2022 a deuant i rym ar 28 Ebrill 2022.

## Diwygio Rheoliadau Dyranu Tai a Digartrefedd (Cymhwysra) (Cymru) 2014

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

### Diwygiadau i reoliad 3

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

- (a) hepgorer yr "a" yn union ar ôl paragraff (j);
- (b) ar ddiwedd paragraff (k), yn lle "." rhodder "ac";
- (c) ar ôl paragraff (k) mewnosoder—  
“(l) Dosbarth L – person y rhoddwyd caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn rhinwedd Atodiad Cynllun Wcráin y Rheolau Mewnfudo(2).”

### Diwygiadau i reoliad 4

4. Yn rheoliad 4(2) (personau eraill o dramor sy'n anghymwys i gael dyraniad o lety tai)—

- (a) hepgorer yr "ac" ar ôl is-baragraff (h);
- (b) ar ddiwedd is-baragraff (i), yn lle "." rhodder "a";
- (c) ar ôl is-baragraff (i) mewnosoder—  
“(j) person a oedd yn preswyllo yn Wcráin yn union cyn 1 Ionawr 2022 ac a adawodd Wcráin mewn cysylltiad â'r ymosodiad gan Rwsia a ddigwyddodd ar 24 Chwefror 2022.”

## Title and commencement

1. The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2022 and they come into force on 28 April 2022.

## 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" immediately following paragraph (j);
- (b) at the end of paragraph (k), for "." substitute "and";
- (c) after paragraph (k) insert—  
“(l) Class L – a person who has been granted leave to enter or remain in the United Kingdom by virtue of Appendix Ukraine Scheme of the Immigration Rules(2).”

### Amendments to regulation 4

4. In regulation 4(2) (other persons from abroad who are ineligible for an allocation of housing accommodation)—

- (a) omit the "and" after sub-paragraph (h);
- (b) at the end of sub-paragraph (i), for "." substitute "and";
- (c) after sub-paragraph (i) insert—  
“(j) a person who was residing in Ukraine immediately before 1 January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24 February 2022.”

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(1) O.S. 2014/2603 (Cy. 257) (fel y'i harbedwyd ac y'i haddaswyd gan erthygl 5 o O.S. 2015/1272 (Cy. 88) (C. 73)), a ddiwygiwyd gan O.S. 2017/698 (Cy. 164), O.S. 2019/1041 (Cy. 183), O.S. 2019/1149 (Cy. 199), rheoliad 76 o O.S. 2020/1309, reoliad 26 o O.S. 2020/1372, O.S. 2021/353 (Cy. 105) ac O.S. 2021/1147 (Cy. 282).

(2) Gosodwyd gerbron Senedd y DU ar 23 Mai 1994 (HC 395), fel y'i diwygiwyd. Cyflwynwyd Atodiad Cynllun Wcráin gan y datganiad o newidiadau i'r Rheolau Mewnfudo: HC 1220, a osodwyd gerbron Senedd y DU ar 29 Mawrth 2022.

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(1) S.I. 2014/2603 (W. 257) (as saved and modified by S.I. 2015/1272 (W. 88) (C. 73), article 5), amended by S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183), S.I. 2019/1149 (W. 199), S.I. 2020/1309 regulation 76, S.I. 2020/1372 regulation 26, S.I. 2021/353 (W. 105) and S.I. 2021/1147 (W. 282).

(2) Laid before Parliament on 23 May 1994 (HC 395), as amended. Appendix Ukraine Scheme was introduced by the statement of changes in the Immigration Rules: HC 1220, which was laid before Parliament on 29 March 2022.

## Diwygiadau i reoliad 5

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

- (a) hepgorer yr “ac” yn union ar ôl is-baragraff (k);
- (b) ar ddiwedd is-baragraff (l), yn lle “.” rhodder “; ac”;
- (c) ar ôl is-baragraff (l) mewnosoder—  
“(m) Dosbarth M – person y rhoddwyd caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn rhinwedd Atodiad Cynllun Wcráin y Rheolau Mewnfudo.”

## Diwygiadau i reoliad 6

6. Yn rheoliad 6(2) (personau eraill o dramor sy'n anghymwys i gael cymorth tai)—

- (a) hepgorer yr “ac” ar ôl is-baragraff (h);
- (b) ar ddiwedd is-baragraff (i), yn lle “.” rhodder “; a”;
- (c) ar ôl is-baragraff (i) mewnosoder—  
“(j) person a oedd yn preswyllo yn Wcráin yn union cyn 1 Ionawr 2022 ac a adawodd Wcráin mewn cysylltiad â'r ymosodiad gan Rwsia a ddigwyddodd ar 24 Chwefror 2022.”

## Amendments to regulation 5

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

- (a) omit the “and” immediately following sub-paragraph (k);
- (b) at the end of sub-paragraph (l), for “.” substitute “; and”;
- (c) after sub-paragraph (l) insert—  
“(m) Class M – a person who has been granted leave to enter or remain in the United Kingdom by virtue of Appendix Ukraine Scheme of the Immigration Rules.”

## Amendments to regulation 6

6. In regulation 6(2) (other persons from abroad who are ineligible for housing assistance)—

- (a) omit the “and” after sub-paragraph (h);
- (b) at the end of sub-paragraph (i), for “.” substitute “; and”;
- (c) after sub-paragraph (i) insert—  
“(j) a person who was residing in Ukraine immediately before 1 January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24 February 2022.”

*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
27 Ebrill 2022

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Minister for Climate Change, one of the Welsh  
Ministers  
27 April 2022

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