

Changes to legislation: There are currently no known outstanding effects for the Housing (Wales) Act 2014, SCHEDULE 2. (See end of Document for details)

SCHEDULE 2

(introduced by section 61)

ELIGIBILITY FOR HELP UNDER CHAPTER 2 OF PART 2

Persons not eligible for help

- 1 (1) A person is not eligible for help under section 66, 68, 73 or 75 if he or she is a person from abroad who is ineligible for housing assistance.
- (2) A person who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is not eligible for housing assistance unless the person falls within a class of persons prescribed by regulations made by the Welsh Ministers or the Secretary of State.
- (3) No person who is excluded from entitlement to universal credit or housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) may be included in any class prescribed under sub-paragraph (2).
- (4) The Welsh Ministers or the Secretary of State may by regulations provide for other descriptions of persons who are to be treated for the purposes of Chapter 2 of Part 2 as persons from abroad who are ineligible for housing assistance.
- (5) A person who is not eligible for housing assistance is to be disregarded in determining for the purposes of Chapter 2 of Part 2 whether a person falling within sub-paragraph (6)—
- (a) is homeless or threatened with homelessness, or
 - (b) has a priority need for accommodation.
- (6) A person falls within this subsection if the person—
- (a) falls within a class prescribed by regulations made under sub-paragraph (2), and
 - [^{F1}(b) is not a person who, immediately before IP completion day, was—
 - (i) a national of an EEA State or Switzerland, and
 - (ii) within a class prescribed by regulations made under sub-paragraph (2) which had effect at that time.]

Textual Amendments

- F1** Sch. 2 para. 1(6)(b) substituted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **21(2)(a)**

Commencement Information

- I1** Sch. 2 para. 1 in force at 1.12.2014 for specified purposes by [S.I. 2014/3127](#), art. 2(b), **Sch. Pt. 2**
- I2** Sch. 2 para. 1 in force at 27.4.2015 in so far as not already in force by [S.I. 2015/1272](#), art. 2, **Sch. para. 52** (with art. 5)

Asylum-seekers and their dependants: transitional provision

- 2 (1) Until the commencement of the repeal of section 186 of the Housing Act 1996 (asylum-seekers and their dependants), that section applies to Chapter 2 of Part 2 of this Act as it applies to Part 7 of that Act.

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- (2) For this purpose, in section 186 of the Housing Act 1996—
- (a) the reference to section 185 of that Act is to be interpreted as a reference to paragraph 1, and
 - (b) the reference to “this Part” is to be interpreted as a reference to Chapter 2 of Part 2 of this Act and not Part 7 of that Act.

Commencement Information

I3 Sch. 2 para. 2 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 52 (with art. 5)

Provision of information by Secretary of State

- 3 (1) The Secretary of State must, at the request of a local housing authority, provide the authority with such information as it may require—
- (a) as to whether a person is a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies, and
 - (b) to enable it to determine whether such a person is eligible for help under Chapter 2 of Part 2.
- (2) Where that information is given otherwise than in writing, the Secretary of State must confirm it in writing if a written request is made to the Secretary of State by the authority.
- (3) If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was previously provided to a local housing authority under this paragraph, the Secretary of State must inform the authority in writing of that fact, the reason for it and the date on which the previous information became inaccurate.

Commencement Information

I4 Sch. 2 para. 3 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 52 (with art. 5)

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