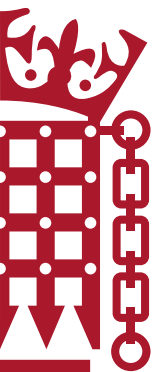


HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

41st Report of Session 2022–23



Includes information paragraphs on:

Homelessness (Suitability of Accommodation)
(England) (Amendment) Order 2023

Road Vehicles (Authorisation of Special
Types) (General) (Amendment) Order 2023

Allocation of Housing and Homelessness
(Eligibility) (England) and Persons Subject
to Immigration Control (Housing Authority
Accommodation and Homelessness)
(Amendment) Regulations 2023

Allocation of Housing and Homelessness
(Eligibility) (Amendment) Regulations
(Northern Ireland) 2023

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HL Paper 202

Secondary Legislation Scrutiny Committee

The Committee's terms of reference, as agreed on 12 May 2022, are set out on the website but are, in summary:

To report on draft instruments published under paragraph 14 of Schedule 8 to the European Union (Withdrawal) Act 2018; to report on draft instruments and memoranda laid before Parliament under sections 8 and 23(1) of the European Union (Withdrawal) Act 2018 and section 31 of the European Union (Future Relationship) Act 2020.

And, to scrutinise –

- (a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;
- (b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,

with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in the terms of reference.

The Committee may also consider such other general matters relating to the effective scrutiny of secondary legislation as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

Members

[Lord De Mauley](#)

[Baroness Harris of Richmond](#)

[Lord Hunt of Wirral](#) (Chair)

[Lord Hutton of Furness](#)

[Baroness Lea of Lymm](#)

[Lord Powell of Bayswater](#)

[Baroness Randerson](#)

[Baroness Ritchie of Downpatrick](#)

[Lord Rowlands](#)

[Lord Russell of Liverpool](#)

[Lord Thomas of Cwmgiedd](#)

Registered interests

Information about interests of Committee Members can be found in the last Appendix to this report.

Publications

The Committee's Reports are published on the internet at <https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/>

Committee Staff

The staff of the Committee are Christine Salmon Percival (Clerk), Philipp Mende (Adviser), Chris Smith (Adviser), Jane White (Adviser) and Riona Millar (Committee Operations Officer).

Further Information

Further information about the Committee is available at <https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/>

The progress of statutory instruments can be followed at <https://statutoryinstruments.parliament.uk/>

The National Archives publish statutory instruments with a plain English explanatory memorandum on the internet at <http://www.legislation.gov.uk/uksi>

Contacts

Any query about the Committee or its work, or opinions on any new item of secondary legislation, should be directed to the Clerk to the Secondary Legislation Scrutiny Committee, Legislation Office, House of Lords, London SW1A 0PW. The telephone number is 020 7219 8821 and the email address is hlseclegscrutiny@parliament.uk.

Forty First Report

INSTRUMENTS OF INTEREST

Homelessness (Suitability of Accommodation) (England) (Amendment) Order 2023 (SI 2023/509)

1. This Order extends by one year, from 1 June 2023 to 1 June 2024, temporary provisions that were first introduced in 2022¹ to make it easier for local authorities in England to find temporary accommodation for homeless families arriving from Ukraine and Afghanistan and for other new arrivals, including returning British nationals. The changes:
 - allow local authorities to use Bed and Breakfast (B&B) accommodation for households who have recently arrived in the UK for longer than six weeks; and
 - ensure that local authorities only have to consider family caring responsibilities as a factor before placing a newly arrived household out of area, but not, for example, issues around education or employment.
2. The Order also amends the definition of “B&B” to clarify that it includes accommodation where no cooking facilities are provided and where there are shared facilities. This change is not time-limited and aims to bring hotels more clearly into scope.
3. The Department for Levelling Up, Housing and Communities says that as of 24 March, 655 Ukrainian households were in temporary accommodation, and some 24,500 people had arrived from Afghanistan since the evacuation in 2021, with more arrivals expected.

Road Vehicles (Authorisation of Special Types) (General) (Amendment) Order 2023 (SI 2023/524)

4. This Order allows the use on roads within Great Britain of longer semi-trailers (LSTs), with a maximum length of 15.65 metres, which is 2.05 metres longer than the maximum length of a normal semi-trailer. The use of LSTs has been trialled since 2012 under a Vehicle Special Order, which required a permit for each journey. According to the Department for Transport, the trial has indicated environmental and safety benefits, as fewer journeys are required to move the same total volume of product. The use of LSTs will however be subject to certain conditions including following a route plan for which a risk assessment has been completed. There is also a requirement for an operator of an LST to notify the Secretary of State before it is first used on a road, which will apply for an initial five-year period after the Order comes into force.

¹ Homelessness (Suitability of Accommodation) (Amendment) (England) Order 2022 ([SI 2022/521](#)), see: [2nd Report](#) (Session 2021–22, HL Paper 6).

Allocation of Housing and Homelessness (Eligibility) (England) and Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2023 (SI 2023/530)

Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2023 (SR 2023/79)

5. These two sets of Regulations ensure that those arriving from Sudan following the outbreak of violence on 15 April 2023 can more easily access housing and homelessness assistance. **SI 2023/530** ensures that certain persons who are subject to immigration control and arrive from Sudan are eligible for the provision of housing and homelessness assistance in England. This applies to people who have been given leave to enter or remain in the UK in accordance with the immigration rules, provided that their leave is not subject to the condition that there must be ‘no recourse to public funds’. The instrument also enables housing authorities in England, Scotland and Northern Ireland to provide housing and homelessness assistance to these persons.
6. The instrument further ensures that those not subject to immigration control who arrive from Sudan, including British nationals, do not have to satisfy the Habitual Residence Test to be eligible for provision of housing and homelessness assistance in England. **SR 2023/79** disapplies the Habitual Residence Test in Northern Ireland. The Welsh Government will introduce equivalent legislation separately, while Scotland does not apply the Habitual Residence Test to those who are not subject to immigration control.
7. The Department for Levelling Up, Housing and Communities says that, as of 5 May 2023, some 2,025 individuals have been evacuated from Sudan and arrived in the UK. No data is available on the number of people who arrive on commercial flights. Other departments have also laid instruments that make provisions for arrivals from Sudan; for example, to waive residency tests both for Child Benefit and for certain income-related and disability and carer benefits.²

² Child Benefit (General) (Amendment) Regulations 2023 ([SI 2023/533](#)) and Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2023 ([SI 2023/532](#)), also referred to in this Report.

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Instruments subject to affirmative approval

- Draft Building Safety Act 2022 (Consequential Amendments etc) Regulations 2023
- Draft Judicial Appointments (Amendment) Order 2023

Draft instruments subject to annulment

- Draft Basildon (Electoral Changes) Order
- Draft Brentwood (Electoral Changes) Order

Instruments subject to annulment

- SI 2023/509 Homelessness (Suitability of Accommodation) (England) (Amendment) Order 2023
- SI 2023/515 National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) Regulations 2023
- SI 2023/520 Building etc. (Amendment) (England) Regulations 2023
- SI 2023/521 Education (Student Finance) (Miscellaneous Amendments) Regulations 2023
- SI 2023/522 Local Government Pension Scheme (Amendment) (No 2) Regulations 2023
- SI 2023/524 Road Vehicles (Authorisation of Special Types) (General) (Amendment) Order 2023
- SI 2023/525 National Health Service (Performers Lists) (England) (Amendment) Regulations 2023
- SI 2023/530 Allocation of Housing and Homelessness (Eligibility) (England) And Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2023
- SI 2023/532 Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2023
- SI 2023/533 Child Benefit (General) (Amendment) Regulations 2023
- SR 2023/79 Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2023

APPENDIX 1: INTERESTS AND ATTENDANCE

Committee Members' registered interests may be examined in the online Register of Lords' Interests at <https://members.parliament.uk/members/lords/interests/register-of-lords-interests>. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 23 May 2023 and included in this report, Members declared no interests.

Attendance:

The meeting was attended by Lord De Mauley, Baroness Harris of Richmond, Lord Hunt of Wirral, Baroness Lea of Lymm, Lord Powell of Bayswater, Baroness Randerson, Lord Rowlands and Lord Thomas of Cwmgiedd.