

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Our ref: JJ/PO/420/23

Huw Irranca-Davies MS
Chair, Legislation, Justice and Constitution Committee
Cardiff
CF99 1SN
SeneddLJC@senedd.cymru

6th December 2023

Dear Huw

Thank you for your letter of 7 November regarding working with the UK Government to explore joint working to outlaw discriminatory blanket “no DSS” and “no children” practices (‘blanket ban’) in residential lettings in Wales.

The amendments which seek to outlaw this practice were laid on 14 November, and my officials are currently working on a Legislative Consent Motion which I hope to be able to lay as soon as possible.

In answer to your specific questions, I can confirm that I am pursuing the blanket ban proposals in an England and Wales Bill. Whilst the blanket ban proposals would have been something which could have been included in a Senedd Bill, there is no opportunity within the current Legislative Programme to do so. I consider prohibiting such discriminatory practices cannot wait until the next Senedd term and given there is an opportunity to address this in an England and Wales Bill currently proceeding through Parliament, I am keen we take the opportunity. This is in line with the principles set out by the First Minister, as to when it is appropriate to pursue a joint legislative approach. Not to do so when the opportunity presents itself would mean that tenants in Wales would still be subject to such practices for simply being a benefits claimant, or having children live with or visit them at a dwelling which is to be subject to an occupation contract.

The details of the Welsh ban provisions will be fully set out in the Legislative Consent Memorandum, but there are major differences in the Welsh approach. For example, enforcement in Wales follows that already in place under the Renting Homes (Fees etc.) (Wales) Act 2019, with the addition of the local Weights and Measures Authority being an additional enforcement body. It will be a criminal offence for a landlord or person acting, or purporting to act on a landlord’s behalf to discriminate in relation to occupation contracts against persons who would have children live with or visit them, or who are benefits claimants, whereas such breaches will be by way of a financial penalty in England.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I fully agree with your comments in relation to aligning these measures with the wider Renting Homes legislation in Wales. This is why the approach taken in the amendments in the Renters (Reform) Bill is to amend both the Renting Homes (Wales) Act 2016, as well as the Renting Homes (Fees etc.) (Wales) Act 2019, so that they are integrated, rather than sitting outside of our Renting Homes framework. The 2016 Act is being amended to ensure that the contract-holder under an occupation contract may permit a person who has not reached the age of 18 to live in or visit the dwelling (subject to any interference by the landlord being a proportionate means of achieving a legitimate aim), and a right to claim benefits. These are being made fundamental terms of all occupation contracts.

On your second point regarding the timing of the proposed amendments and consultation, the Renters (Reform) Bill is currently at Report Stage in the House of Commons, and these amendments were agreed by the Bill Committee during their Stage Two considerations. We don't have set dates for the next stages, but both Report Stage and the Third Reading of the Bill are scheduled for later this winter.

Whilst I do not have any plans to consult on these changes, as this has not been possible due to the speed at which the blanket ban amendments needed to be made, I would stress that the concerns being addressed by the amendments are in no way new. I also have no reason to believe that the position in Wales in relation to these practices is significantly different to that identified in the consultation carried out in England. Therefore, I am firmly of the view that to increase protection for tenants in the manner proposed is entirely appropriate and should be undertaken at the same time as such discriminatory practices are banned in England.

Yours sincerely



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change