



Our Ref: JJ/PO/113/2024

Chair
Legislation, Justice and Constitution Committee
Cardiff Bay
Cardiff
CF99 1SN
SeneddLJC@senedd.cymru

11 April 2024

Dear Chair,

I am writing in response to your report on the first two legislative consent memoranda on the Leasehold and Freehold Reform Bill, published on 14 March, and your letter, sent on 19 March.

In my response, references to the Bill refer to the latest version available, which was published following House of Commons Report stage, and may be found at this link: [Leasehold and Freehold Reform Bill \(parliament.uk\)](#)

Thank you for your consideration of the first two LCMs. In response to points raised in your report:

Recommendation 1:

My view, as set out in the LCM, is that all provisions of the Bill make provision for a purpose within the legislative competence of the Senedd, namely housing. The LCM has been laid in recognition of the relevant test in Standing Order 29, which I recognise differs from the tests for legislative competence should these provisions be sought in a Senedd Bill. As such, the LCM does not contain an analysis of the ability of the Senedd to pass similar provision.

Recommendation 2:

As the Committee will be aware, our final position on recommending consent will involve consideration of a range of constitutional, policy, political and other factors. As indicated in the legislative consent memoranda, there are outstanding issues of discussion that I will confirm the Welsh Government's position on in due course.

Recommendation 3 is for the consideration of the Business Committee.

Recommendations 4 and 5:

The UK Government has initially extended regulation making powers to Welsh Ministers only where their own devolution analysis indicated provisions are neither reserved nor restricted. It has always been the intention for the distribution of powers to be revisited, as

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.

has been indicated in the LCMs laid to date. All provisions in the Bill where powers are extended only to the Secretary of State are subject to discussion. There is currently no agreement for UK Government to make regulations in devolved areas.

I expect amendments to be brought forward in due course which address the balance of conferred powers in the Bill, and will draw the attention of the Senedd to these changes in the LCM which deals with those amendments.

Recommendation 6:

The power in Gov 57 was initially conferred on the Secretary of State as per the initial distribution of powers as described above in response to recommendation 4. It is the subject of further discussion, as with all the powers in the Bill.

The Leasehold Valuation Tribunal (acting under the umbrella of the Residential Property Tribunal Wales) deals with a variety of leasehold cases on devolved matters. The Bill will amend the underpinning legislation which determines in which areas the tribunal may act and will extend and enhance the powers of the tribunal in related areas in ways which are of benefit to homeowners in Wales. The amended remit of the tribunal will of course be taken into account when developing proposals for tribunal reform legislation.

Recommendation 7: The possibility of pursuing a section 109 order has not been explored as there has been no immediate need for one. We have no planned Senedd legislation in the housing space that would necessitate such an order.

In response to points raised in your letter of 19 March:

- i) The assessment of the impact of the Bill on the devolved Leasehold Valuation Tribunal is ongoing. It, among other matters, will form part of the analysis which will inform my consideration of whether to recommend that the Senedd give its consent to the Bill. I do not intend to publish any of this material.
- ii) The UK Government prepared the impact analysis of the Bill. Officials were engaged by counterparts prior to the publication of the impact assessment, but, as is commonly the case, Ministerial consent was not sought.
- iii) The impact assessment prepared and published by UK Government fulfils their obligation to publish an assessment of the impact of primary legislation being introduced to UK Parliament. The work referred to under financial implications in the LCMs is outlined above.
- iv) Welsh Government assessment of the likely impact is ongoing in light of amendments to the Bill.

I hope you find this response helpful in your further consideration of the Bill.

Yours sincerely



Julie James AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
Cabinet Secretary for Housing, Local Government and Planning