

Julie James AC/AM
Arweinydd y Tŷ a'r Prif Chwip
Leader of the House and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-L-LG-0624-18

Elin Jones AM
Presiding Officer
National Assembly for Wales

19 October 2018

Dear Elin,

THE TOWN AND VILLAGE GREENS (LANDOWNER STATEMENTS) (WALES) (NO.2) REGULATIONS 2018

I am notifying you the 21 day rule will be breached in relation to the above Regulations. The Regulations will be laid on 19 October and are due to come into force on 22 October 2018. They replace and revoke the Town and Village Greens (Landowner Statements) (Wales) Regulations 2018.

The Town and Village Greens (Landowner Statements) (Wales) Regulations 2018 (S.I. 2018/1021 (W. 212)) were made on 21 September and laid before the National Assembly for Wales on 24 September. The Regulations were due to come into force on 22nd October.

In reviewing the Regulations, the Constitutional and Legislative Affairs Committee identified and reported a potential breach of Article 8 of the European Convention on Human Rights in relation to the inclusion of personal details in a public register, where their inclusion could not be justified, thereby raising doubt as to the power to make the Regulations.

Both sets of Regulations are made under section 15A of the Commons Act 2006. Section 15A relates to the registration of greens. It allows a landowner to bring to an end any period during which persons have indulged as of right in lawful sports and pastimes on their land, by depositing a statement with the commons registration authority. The statement must be in the prescribed form. Amendments to section 15A, made by section 52 of the Planning (Wales) Act 2015 (anaw 4) have the legal effect of applying section 15A to land in Wales.

Section 52 comes into force on 22nd October 2018 by virtue of article 2 of the Planning (Wales) Act 2015 (Commencement No. 5 and Transitional Provisions) Order 2018 (S.I. 2018/1022 (W. 213)). It is essential that the form of landowner statements is prescribed in Regulations under section 15A on 22 October 2018. Failure to prescribe the form as at that date will render section 15A ineffective in relation to Wales.

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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.

The Cabinet Secretary for Energy, Planning and Rural Affairs has reflected on comments made by CLAC and reconsidered the inclusion of personal details in a public register. The replacement Regulations remove the requirement to include email addresses and telephone numbers of landowners in a public register. The Cabinet Secretary considers that the inclusion of landowners' names and postal addresses has a legitimate aim sufficient to justify any possible infringement of rights under Article 8.

It is essential that the form of landowner statements is prescribed as the day in which section 15A comes into force, in order to give full effect to this section. For this reason it is considered necessary to breach the 21 day rule, such as the earlier Regulations are revoked on 22 October 2018 and the replacement Regulations come into force on this day.

An Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee and Sian Wilkins, Head of Chamber and Committee Service.

Yours sincerely,



Julie James AC/AM
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