

Jocelyn Davies AC/AM
Y Dirprwy Weinidog dros Dai
Deputy Minister for Housing



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Our ref: LF/JAD/009/08

Leanne Wood AM
Chair
Proposed Affordable Housing LCO Committee
Cardiff Bay
Cardiff
CF99 1NA

2nd May 2008

Dear Leanne,

I should like to express my thanks to you and the other members of the Affordable Housing LCO Committee for the detailed report submitted on 18 April 2008.

I shall give careful consideration to the points raised in your report. My purpose in writing to you now is to inform you that as a result of comments received from the UK Government, some revisions have been made to the LCO prior to the UK Government sending it for pre-legislative scrutiny in Parliament.

The main changes to the LCO flesh out on the face of the Order the matters in relation to which the National Assembly for Wales will have enhanced legislative competence and clarifies the scope of the LCO. An Annex highlighting the differences between the proposed LCO laid before the Assembly on 3 December 2007 and the version of the LCO which will be laid before Parliament is enclosed.

Yours Sincerely

A handwritten signature in blue ink that reads "Jocelyn Davies". The signature is written in a cursive, flowing style.

Jocelyn Davies AM

Summary of the main changes to The National Assembly for Wales (Legislative Competence) (Housing) Order 2008

As a consequence of ongoing consultation with Whitehall, the LCO has been amended. The main effect of the changes is to define more precisely on the face of the LCO the statutory provisions in relation to which the National Assembly for Wales will have enhanced competence and amends the meaning of “social landlord”.

In summary the main changes are:

1. The previous draft Order referred to disposal by a social landlord of:
(a) a dwelling-house within the meaning of Part 5 of the Housing Act 1985;
(b) a dwelling within the meaning of section 63 of the Housing Act 1996..
In the latest draft, this has been changed to “Disposal by a social landlord of land held or used for housing purposes”. For the purposes of Matter 11.1, a disposal of land held or used for housing purposes includes, in particular, a disposal of land to which any of the following provisions apply:
Part 2 of the Housing Act 1985;
Part 5 of the Housing Act 1985;
Chapter 2 of Part 1 of the Housing Act 1996;
Chapter 4 of Part 1 of the Housing Act 1996.
Voluntary disposals are included within competence.
2. Under the definition of “social landlord”:
 - To include specific reference to a social landlord registered under Part 1 of the Housing Act 1996 (ie a Registered Social Landlord);
 - To change the references to the “Relevant Authority” in both the 1985 and 1996 Housing Acts to the Welsh Ministers;
 - To include a manager appointed under Chapter 4 of Part 1 of the Housing Act 1996 following insolvency of an RSL in financial difficulties (where the Welsh Ministers have the power to appoint a manager to implement proposals).
3. Minor drafting changes include adding “in Wales” in paragraph (a) after a county or county borough Council and in paragraph (h), adding “under” before section 135 of the Local Government, Planning and Land Act 1980. Alto the title has changed from “The National Assembly for Wales (Legislative Competence) (No. 5) Order 2008” to “The National Assembly for Wales (Legislative Competence) (Housing) Order 2008”.
4. The revisions do not affect delivery of the commitment outlined in *One Wales*.