

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



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Ein cyf/Our ref JAD/00204/08

Leanne Wood AM  
Chair  
Proposed Affordable Housing LCO Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

( 0 June 2008

Dear *Leanne*

Thank you for your letter of 14 May concerning the revisions to the proposed LCO on Affordable Housing.

You asked for more information about the changes and I am happy to enclose a note which expands upon the information provided in my letter of 2 May. The reasons for the revisions and an explanation of their effect are set out in the summary, but overall, I would stress that the changes have been made to clarify the scope of the competence being conferred on the Assembly and do not alter its purpose or narrow its coverage. The changes ensure complete coverage of the different categories of social landlord that we wish to include and ensure that there will be no gap in the Assembly's legislative competence regarding the disposal of land held or used for housing purposes under the Right to Buy, Right to Acquire and voluntary disposals.

In line with the process laid down in Standing Orders, a full explanation of changes made to the proposed LCO will be included in the Explanatory Memorandum which will accompany the final draft LCO once we have considered the reports of both the National Assembly LCO Committee and the Welsh Affairs Committee. Members will then have a full opportunity to debate those changes in Plenary before voting to formally agree the draft Order to be sent to Parliament.

You mentioned the possibility of the Committee reconvening to consider the changes that have been made. I understand that the Presiding Officer has indicated that he will determine whether changes made to a draft LCO after an LCO Committee has reported are sufficiently significant to warrant referring the revised draft back to the original LCO Committee.

Bae Caerdydd • Cardiff Bay  
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I am therefore copying this letter to the Presiding Officer.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Jocelyn".

**Jocelyn Davies AM**

## **Further details of the amendments to The National Assembly for Wales (Legislative Competence) (Housing) Order 2008**

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”.

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.

***The effect of the amendments is to broaden the scope of the LCO. In the previous version, Stock Transfer was only “partially” included within competence, eg a disposal of land with a dwelling-house. In the latest version, Stock Transfer (ie a consent which may be sought for a disposal of land under section 32 of the Housing Act 1985) is included within competence.***

2. Under the definition of “social landlord”:

- The latest version makes specific reference to a social landlord registered under Part 1 of the Housing Act 1996 (ie a Registered Social Landlord). ***This amendment was one of the recommendations contained in the report of Proposed Affordable Housing LCO Committee;***
- To change the references to the “Relevant Authority” in both the 1985 and 1996 Housing Acts to the Welsh Ministers. ***This is a technical change to make specific reference 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). ***This provision has been included to cover the possibility of a manager being appointed following the insolvency of an RSL.***

3. Minor drafting changes include adding “in Wales” in paragraph (a) of article 2(2) under the heading “Interpretation of this field”, 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. Also, 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”. ***These are minor drafting changes to refine the LCO.***

