

**Explanatory Memorandum
to the Regulation of Registered Social Landlords (Wales) Act 2018
(Consequential Amendment) Regulations 2018**

This Explanatory Memorandum has been prepared by the Welsh Government's Education and Public Services Group and is laid before the National Assembly for Wales in conjunction with the above Regulations and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Regulation of Registered Social Landlords (Wales) Act 2018 (Consequential Amendment) Regulations 2018.

Rebecca Evans
Minister for Housing and Regeneration

20 June 2018

1. Description

- 1.1 The Regulation of Registered Social Landlords (Wales) Act 2018 (“the 2018 Act”) amends or removes those powers which are deemed by the Office for National Statistics (ONS) to demonstrate central and local government control over Registered Social Landlords (RSLs).
- 1.2 These changes will enable ONS to consider reclassifying RSLs as private sector organisations for the purpose of national accounts and other ONS economic statistics. The regulatory reform provided for by the 2018 Act is the minimum required for that purpose. Reclassification to the private sector will allow RSLs to access private sector borrowing to enable them to build new social housing, and continue to make a significant contribution to delivery of Welsh Government’s existing commitment of 20,000 new affordable homes.
- 1.3 This Explanatory Memorandum relates to the Regulation of Registered Social Landlords (Wales) Act 2018 (Consequential Amendment) Regulations 2018.
- 1.4 These Regulations make amendments to both the Local Government and Housing Act 1989 and the Housing Act 1996 and the Land Registration Rules 2003 SI (S.I. 2003/1417) consequential upon the commencement of provisions within the 2018 Act.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

- 2.1 No specific matters identified.

3. Legislative Background

- 3.1 These Regulations are made under section 18 of the 2018 Act and are subject to the National Assembly for Wales’ affirmative procedure. It is intended that they are made in order to come into force on 15 August 2018.

4. Purpose and intended effect of the legislation

- 4.1 The amendments are necessary to ensure that primary legislation accurately reflects legislative changes made by the Act, therefore ensuring clarity and consistency of the law. Principally, they remove statutory references to the requirement to obtain the Welsh Ministers’ consent to disposals of land by RSLs, rendered otiose by the 2018 Act.
- 4.2 Regulations 2 and 3 respectively amend the Local Government and Housing Act 1989 and the Housing Act 1996 cross-references to “exempt disposals” as a result of changes made by the 2018 Act which repeal the requirement to obtain the Welsh Ministers’ consent to disposals of land by RSLs.

- 4.3 Regulation 4 amends the Land Registration Rules 2003 SI (S.S. 2003/1417) as a result of the repeal of requirements to obtain the Welsh Minister's consent to disposals of land by RSLs.

5. Consultation

- 5.1 No consultation has taken place as these Regulations make only consequential amendments as a result of the implementation of the Act.
- 5.2 The Land Registry has had an opportunity to review the Regulations and to comment in so far as they amend the Land Registration Rules 2003 (as amended). They have confirmed they are content with the Regulations.

6. Regulatory Impact Assessment

- 6.1 A regulatory impact assessment has not been prepared in respect of these Regulations as they simply make consequential amendments to statute to reflect regulatory reform made by the 2018 Act and do not impose or reduce costs for those concerned.