

## **Agenda Supplement – Legislation, Justice and Constitution Committee**

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Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 17 March 2025	Committee Clerk
Meeting time: 13.00	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

### **Remote – Supplementary Pack**

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Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

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#### **6 Papers to note**

(13.20 – 13.25)

##### **6.3 The Welsh Government's response to the Legislation, Justice and Constitution Committee's report on the Welsh Government's Legislative Consent Memorandum on the Renters' Rights Bill**

(Pages 1 – 4)

Attached Documents:

LJC(6)-10-24 – Paper 32 – Welsh Government response

#### **9 Visitor Accommodation (Register and Levy) Etc. (Wales) Bill:**

##### **Consideration of draft report**

(13.30 – 13.50)

(Pages 5 – 51)

Attached Documents:

LJC(6)-10-25 – Paper 19 – Draft report

#### **10 Disused Mine and Quarry Tips (Wales) Bill: Consideration of draft report**

(13.50 – 14.35)

(Pages 52 – 104)



Attached Documents:

LJC(6)-10-25 – Paper 20 – Draft report

**12 Legislative Consent Memorandum on the Public Authorities  
(Fraud, Error and Recovery) Bill**

(14.50 – 15.00)

(Pages 105 – 120)

Attached Documents:

LJC(6)-10-25 – Paper 23 – Legal Advice Note

**14 Briefing for Members on Senedd legislative processes: Draft  
correspondence**

(15.10 – 15.20)

(Pages 121 – 125)

Attached Documents:

LJC(6)-10-25 – Paper 26 – Draft letter

**18 Legislative Consent Memorandum on the Bus Services (No. 2) Bill**

(15.40 – 15.45)

(Pages 126 – 127)

Attached Documents:

LJC(6)-10-25 – Paper 33 – Letter from the Llywydd to the Cabinet Secretary  
for Transport and North Wales, 14 March 2025

## **The Welsh Government's Legislative Consent Memorandum on the Renters' Rights Bill**

### **Welsh Government Response to the Legislation, Justice and Constitution Committee's report**

**13 March 2025**

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The Legislation, Justice and Constitution Committee produced a report on the Legislative Consent Memorandum for the UK Government's Renters' Rights Bill.

The report contained six recommendations and 13 conclusions. This is a government response to the recommendations.

### **Responses to recommendations**

#### **Recommendation 1 - The Welsh Government should:**

- 1. provide an update on the provisions in the Renters' Rights Bill for which agreement on consent remains outstanding;**
- 2. explain the implications should agreement on those provisions not be reached.**

#### **Welsh Government response: Accept**

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The Welsh Government sought the Senedd's consent for clause 73 (housing activities under social rented sector scheme) in respect of amendments to the Housing Act 1996; clause 141 (power of Welsh Ministers to make consequential provision); for part of clause 140 subsections (1), (3) and (7) (Regulations); and for amendments being made in clause 31 and Schedule 2 of the Bill to section 1A(3) of the Housing Act 1988 and new paragraph 29A of Schedule 12 to the Renting Homes (Wales) Act 2016.

The UK Government's conclusions on whether the LCM process is engaged was set out in Annex A of the Explanatory Notes to the Bill as Introduced on 11 September 2024 (note that Annex A is omitted from a later version of the Notes as there was an error in it).

Whilst we are continuing to engage with the UK Government on these issues, our position remains that the Senedd's consent is required, and we have therefore sought consent in line with Standing Order 29.

**Recommendation 2 - The Cabinet Secretary should explain how the use of the Renters' Rights Bill to legislate in the devolved area of housing is in line with its original principles for using UK Government Bills to legislate in devolved areas.**

**Welsh Government response: Accept**

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If these provisions were instead introduced in a discrete Senedd Bill, that would have meant making sacrifices and would therefore impact delivery on legislation elsewhere. It was clear to me that supporting a UK Bill would enable these important reforms to go ahead and benefit the people of Wales, while maintaining other key legislative work.

**Recommendation 3 - The Cabinet Secretary should provide a regulatory impact assessment including its financial impact assessment to Committees scrutinising the Memorandum.**

**Welsh Government response: Reject**

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We have already included an assessment within the published LCM that no financial implications have been identified. As such, and according to the defined rules around the legislative consent procedure for UK Government Bills, I will not be producing a Regulatory Impact Assessment for these provisions.

**Recommendation 4 - The Cabinet Secretary should explain why there are no costs for landlords associated with the provisions in the Bill.**

**Welsh Government response: Accept**

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Landlords and/or their agents will need to review their contracts to ensure they are updated in light of changes being made in the Bill concerning the discrimination provisions. This will be done through Rent Smart Wales and the Welsh Government will be providing landlords with documentation free of charge. Social landlords will also be provided with documentation free of charge through the Welsh Government.

We will also be updating all private landlords and agents about their obligations under the new law through Rent Smart Wales, at no cost to them. Landlords and agents who manage private rental properties in Wales are required, by law to become licensed to operate. Part of becoming licensed involves mandatory

training. The discrimination provisions in this Bill will also form part of that training, again at no extra cost.

Any change in business practice will be minimal – landlords and agents will simply be prohibited from discriminating against people claiming benefits or those with children. We do not believe that this will incur any costs to any contract-holder or landlord.

**Recommendation 5 - The Cabinet Secretary should write to the Secretary of State to ascertain the circumstances in which the powers under clause 47 are likely to be exercised and to provide that information to the Committee.**

**Welsh Government response: Accept**

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Clause 47 of the Bill as Introduced is now Clause 50 in the latest version of the Bill published on the UK Parliament website on 15 January 2025.

The purpose of the power under clause 50 is to enable the Secretary of State to extend the provisions in Chapter 4 of Part 1 to additional groups in Wales in circumstances where it relates to a reserved matter and would fall outside the legislative competence of the Senedd (paragraphs 346 and 347 of the Explanatory Notes).

I have written to the Secretary of State to ascertain the circumstances under which they are likely to exercise the power under clause 50. I will update the Committee when that information is received.

**Recommendation 6 - The Welsh Government should seek the Senedd's consent for clause 47 of the Renters' Rights Bill.**

**Welsh Government response: Reject**

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Following further consideration and engagement with UK Government, I remain of the view the Senedd's consent is not required for this Clause which I understand will only be exercisable in relation to reserved matters which fall outside the legislative competence of the Senedd Cymru.

I will, therefore, not be seeking legislative consent for Clause 50 of the Renters' Rights Bill.

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# Agenda Item 10

By virtue of paragraph(s) vi of Standing Order 17.42

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Ken Skates MS  
Cabinet Secretary for Transport and North Wales  
Welsh Government  
Cardiff Bay  
Cardiff  
CF99 1SN

14 March 2025

Dear Ken,

**Bus Services (No. 2) Bill**

Thank you for your letter of 5 March in relation to the UK Government's Bus Services (No. 2) Bill ("the Bill") and the possible need for legislative consent.

I note that a legislative consent memorandum ("LCM") has now been laid in relation to the Bill. However, I am concerned that you have taken the decision not to include provisions in that LCM which may later be disapplied in relation to Wales.

You will be aware that Standing Order 29.2 requires a member of the government to lay a memorandum where any UK Government Bill makes relevant provision on its introduction to the first House. I recognise that you are currently in discussions with the UK Government about the appropriateness of the provisions that would apply and have effect in Wales. Despite this, under Standing Orders you are required to lay an LCM that specifies the extent to which the Bill makes (or would make) relevant provision, in order to allow the Senedd the opportunity to scrutinise those provisions. This includes provisions which may be disapplied in relation to Wales at a later time during the Bill's passage through the UK Parliament.

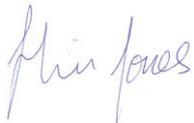
Standing Orders provide that an LCM must be laid before the Senedd normally no later than two weeks after a relevant Bill has been introduced to the UK Parliament. I note that 12 weeks passed between the Bill being introduced by the UK Government in the House of Lords on 17 December 2024, and an LCM being laid before the Senedd on 11 March 2025.

I am also concerned that an LCM relating to the Bill that does not include some relevant provisions may have an impact on the Senedd's ability to effectively scrutinise the Bus Services (Wales) Bill during its early stages. Standing Order 29.3 requires the memorandum to set out whether the government considers it appropriate for relevant provision to be made by means of the Bill, and this may provide important contextual information for the Senedd when it comes to consider the general principles of the Bus Services (Wales) Bill.

If, following discussions, the Bill is amended, you will need to lay a supplementary LCM in accordance with Standing Orders to allow appropriate scrutiny by the Senedd.

I am copying this letter to the Business Committee, and the Chairs of the Legislation, Justice and Constitution Committee and the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Elin Jones', is positioned below the closing text.

The Rt. Hon Elin Jones MS/AS  
Llywydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English