

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:	For further information contact:
Virtual – Video conference via Zoom	P Gareth Williams
Meeting date: 10 June 2024	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

## Remote

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### Public meeting

(13.30 – 13.45)

#### 1 Introductions, apologies, substitutions and declarations of interest

(13.30)

#### 2 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3

(13.30 – 13.35)

##### Affirmative Resolution Instruments

#### 2.1 SL(6)486 – The Well-being of Future Generations (Wales) Act 2015 (Public Bodies) (Amendment) Regulations 2024

(Pages 1 – 6)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-19-24 – Paper 1 – Draft report

LJC(6)-19-24 – Paper 2 – Written Statement by the Cabinet Secretary for Culture and Social Justice, 21 May 2024



**2.2 SL(6)487 – The Government of Wales Act 2006 (Devolved Welsh Authorities)  
(Amendment) Order 2024**

(Pages 7 – 8)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-19-24 – Paper 3 – Draft report

**3 Inter-Institutional Relations Agreement**

(13.35 – 13.40)

**3.1 Correspondence from the Welsh Government: Inter-Ministerial Group  
meetings**

(Page 9)

Attached Documents:

LJC(6)-19-24 – Paper 4 – Letter from the Counsel General: The Inter-Ministerial Group for Elections and Registration, 4 June 2024

**4 Papers to note**

(13.40 – 13.45)

**4.1 Correspondence between the Culture, Communications, Welsh Language,  
Sport, and International Relations Committee and the UK Government: The  
Data Protection and Digital Information Bill**

(Pages 10 – 14)

Attached Documents:

LJC(6)-19-24 – Paper 5 – Letter from the Minister for Data and Digital Infrastructure to the Culture, Communications, Welsh Language, Sport, and International Relations Committee, 16 May 2024

LJC(6)-19-24 – Paper 6 – Letter from the Culture, Communications, Welsh Language, Sport, and International Relations Committee to the Secretary of State for Science, Innovation and Technology, 19 February 2024

**4.2 Written Statement by the Cabinet Secretary for Finance, Constitution and Cabinet Office: The UK Government's Legislative Programme**

(Page 15)

Attached Documents:

LJC(6)-19-24 – Paper 7 – Written Statement by the Cabinet Secretary for Finance, Constitution and Cabinet Office, 3 June 2024

**4.3 Written Statement by the Cabinet Secretary for Housing, Local Government and Planning: Leasehold and Freehold Reform Act and the Renters (Reform) Bill**

(Pages 16 – 19)

Attached Documents:

LJC(6)-19-24 – Paper 8 – Written Statement by the Cabinet Secretary for Housing, Local Government and Planning, 6 June 2024

**5 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**

(13.45)

**Private meeting**

(13.45 – 14.10)

**6 Statutory Instrument Consent Memorandum – The Energy Act 2023 (Consequential Amendments) Regulations 2024: Draft report**

(13.45 – 13.55)

(Pages 20 – 24)

Attached Documents:

LJC(6)-19-24 – Paper 9 – Draft report

**7 Correspondence from Adam Price MS in relation to HM Prison Parc: Further consideration**

(13.55 – 14.10)

(Pages 25 – 53)

Attached Documents:

LJC(6)-19-24 – Paper 10 – Letter from Adam Price MS, 5 June 2024

LJC(6)-19-24 – Paper 11 – Letter to the Welsh Affairs Committee, 14 May 2024

LJC(6)-19-24 – Paper 12 – Letter from Adam Price MS, 8 May 2024

LJC(6)-19-24 – Paper 13 – Research Service Briefing

LJC(6)-19-24 – Paper 14 – Legal Advice Note

## **SL(6)486 – The Well-being of Future Generations (Wales) Act 2015 (Public Bodies) (Amendment) Regulations 2024**

### **Background and Purpose**

Section 6(1) of the Well-being of Future Generations (Wales) Act 2015 (the Act) lists certain persons who are “public bodies” for the purposes of Part 2 and Part 3 of the Act.

These Regulations add 8 further persons to the list of public bodies in section 6(1). These are:

- Welsh Ambulance NHS Trust;
- Digital Health and Care Wales;
- Health Education and Improvement Wales;
- Social Care Wales;
- Welsh Revenue Authority;
- Transport for Wales;
- Centre for Digital Public Services Limited; and
- Qualifications Wales.

Regulation 3 makes provision to specify that the additional public bodies must set and publish well-being objectives by 31 March 2025.

Regulation 4 makes provision for the examination and report by the Auditor General for Wales in relation to the additional public bodies.

### **Procedure**

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

### **Technical Scrutiny**

The following 7 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

The preamble states that “the Welsh Ministers have consulted with the Future Generations Commissioner for Wales, the Auditor General for Wales and the public bodies listed under regulation 2, as required under section 52(4) of the Act”. This is misleading as the requirement in section 52(4) is for the Welsh Ministers to consult with:



- (a) *the Commissioner;*
- (b) *such other persons as the Welsh Ministers consider appropriate;*
- (c) *if the regulations amend section 6(1) so as to add a person, that person.*

There is no requirement to consult with the Auditor General for Wales specifically. It would be clearer to state that the Welsh Ministers have consulted with “such other persons as they consider appropriate” rather than specifically referring to the Auditor General for Wales by name in the preamble.

It would also be clearer to state that the Welsh Ministers have consulted with the persons that have been added to section 6(1), rather than referring to the “public bodies” that have been “listed under regulation 2”. Paragraph 43 of the Explanatory Memorandum sets out the consultation requirements more accurately.

## **2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

The Regulations make reference to “section 6” of the Act (for example, in the headings to, and text of, regulations 3 and 4). It would be clearer to state “section 6(1)” in each case as this is the specific provision of the Act which the Welsh Ministers have the power to amend.

## **3. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

Regulation 2(2) inserts “Welsh Ambulance Services University NHS Trust” into section 6(1) of the Act. However, the legal name given by the amended article 2 of the amended Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998/678 uses “National Health Service” rather than NHS in the name. It is unclear, therefore, why “Welsh Ambulance Services University National Health Service Trust” was not used in regulation 2(2).

## **4. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

In regulation 2(3), it is unclear why the new paragraph which is inserted after paragraph (d) of section 6(1) is referenced as “(dd)”, rather than “(da)”. There is a paragraph “(ba)” that has previously been inserted after paragraph (b) (by SI 2021/1360 (W.356)). The use of “(dd)” may create an expectation that there are already paragraphs (da) to (dc) in section 6(1).

## **5. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

The heading of regulation 4 should refer to the “Auditor General for Wales” instead of referring to the “Auditor General”.

## **6. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

It is unclear why there are references to “public bodies added to section 6 of the Act”. The enabling powers allow the Welsh Ministers to add “persons” to section 6(1) so that they will be included within the meaning of public body for the purposes of Part 2 and 3 of the Act.



Both Transport for Wales and the Centre for Digital Public Services Limited are registered companies which are being added to section 6(1). Parts 2 and 3 of the Act will only apply to their functions of a public nature.

**7. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

In regulation 4(2), the description of the modification would be clearer if the words “of section 15” were repeated after the reference to “for subsection (6)” because there are references to both section 6 and 15 in regulation 4(2).

## Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

**8. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

Paragraphs 4 to 8 of the Explanatory Memorandum include “matters of special interest to the Legislation, Justice and Constitution Committee”. These paragraphs state as follows:

4. *The Legislation, Justice and Constitution Committee will wish to note:*
5. *The Public Accounts Committee (fifth Senedd) carried out an inquiry Barriers to the successful implementation of the Well-being of Future Generations (Wales) Act 2015 between May 2020 and March 2021. The Committee’s report Delivering for Future Generations: the story so far was published on 17 March 2021 and a Plenary Debate was held on 24 March 2021. The report included a recommendation (Recommendation 7) for the Welsh Government to carry out a review of the public bodies that are subject to the Act. The work of the Public Accounts Committee in 2020-21 outlined that acting in accordance with the sustainable development principle is an alternative, better way of working rather than an additional way of working. In practice this means enhancing existing arrangements for objective setting, monitoring, reporting, and decision making, as well as training and development for decision makers.*
6. *The remit of the Senedd’s Equality and Social Justice Committee includes the examination of legislation and scrutiny of expenditure, administration and policy for matters encompassing the implementation of the Act. In their Report on the annual scrutiny of the Future Generations Commissioner (An Update April 2022), the Committee were pleased that the Welsh Government is taking forward the Public Accounts Committee’s recommendation to review the number of bodies that are subject to the Act.*
7. *The Senedd Public Accounts and Public Administration Committee recently published a report Scrutiny of Accounts: The Future Generations Commissioner for Wales 2022-23 (March 2024), which included a recommendation for the Future Generations Commissioner to advise whether he will be able to continue to provide reassurances*



*regarding the support provided by the public bodies team to the additional public bodies to be added to the Act, for which his office used its reserves to fund in 2022-23.*

8. *The Senedd Finance Committee in their scrutiny of the then Social Partnership and Public Procurement (Wales) Bill, which places a social partnership duty on the public bodies listed in section 6(1) of the Act, included in their Stage 1 Report (November 2022) a recommendation (Recommendation 10) asking the Welsh Government to report back on the outcome of the review of the bodies subject to the Act. These regulations implement, in part, recommendations of Senedd Committees.*

**9. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

The title of the instrument may confuse some readers. The use of the word “(Amendment)” in the title may make some readers think that there may be previous instrument, “The Well-being of Future Generations (Wales) Act 2015 (Public Bodies) Regulations XXXX” which has been amended by these Regulations.

### **Welsh Government response**

A Welsh Government response is required.

#### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**5 June 2024**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Pack Page 4**

**Legislation, Justice and Constitution Committee**





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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>The Well-being of Future Generations (Wales) Act 2015 (Public Bodies) (Amendment) Regulations 2024</b>
<b>DATE</b>	<b>21 May 2024</b>
<b>BY</b>	<b>Lesley Griffiths MS Cabinet Secretary for Culture and Social Justice</b>

Today I am pleased to [lay regulations](#) to extend the sustainable development and well-being duty (Part 2) of the [Well-being of Future Generations \(Wales\) Act 2015](#) (the WFG Act) to eight additional public bodies:

- Qualifications Wales
- Social Care Wales
- Health Education and Improvement Wales,
- Welsh Revenue Authority,
- Transport for Wales,
- Centre for Digital Public Services Ltd,
- Digital Health and Care Wales,
- Welsh Ambulance Services University NHS Trust.

The regulations add the eight additional public bodies to section 6(1) of the WFG Act, making them subject to Part 2 and 3 of the Act. The regulations also make required provision in relation to section 9 and section 15 of the WFG Act. The provisions provide that the additional bodies must set and publish well-being objectives no later than 31 March 2025 and extend the Auditor General for Wales examination period, in relation to the additional bodies.

An [Explanatory Memorandum](#), including a Regulatory Impact Assessment has also been laid, and a [summary of the Integrated Impact Assessment](#) published alongside the regulations. The well-being duty requires named public bodies to carry out sustainable development, which is the process of improving the economic, social, environmental, and cultural well-being of Wales by acting in accordance with the sustainable development principle, aimed at achieving the well-being goals as set out in the WFG Act.

In doing so, public bodies must set and publish well-being objectives designed to maximise their contribution to achieving each of the well-being goals and take all reasonable steps to

meet those objectives. They must also act in accordance with the sustainable development principle.

Subject to approval by the Senedd, the regulations will add the additional public bodies to section 6(1) on 30 June 2024, bringing the total number of devolved public bodies under the WFG Act to 56. The inclusion of these additional public bodies will increase the scope and breadth of the sustainable development agenda in Wales, which is central to how we work in Wales for a more sustainable future.

## **SL(6)487 – The Government of Wales Act 2006 (Devolved Welsh Authorities) (Amendment) Order 2024**

### **Background and Purpose**

The Government of Wales Act 2006 (Devolved Welsh Authorities) (Amendment) Order 2024 (“the Order”) amends the list of devolved Welsh authorities in Schedule 9A to the Government of Wales Act 2006 (“GOWA”).

The Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”) establishes the Commission for Tertiary Education and Research and provides for the dissolution of the Higher Education Funding Council for Wales.

Section 157A(5) GOWA provides that His Majesty may by Order in Council amend the list in Schedule 9A by adding or removing an entry.

In consequence of the 2022 Act, the Order inserts a new entry into Schedule 9A GOWA for “The Commission for Tertiary Education and Research or Comisiwn Addysg Drydyddol ac Ymchwil” and omits the existing entry for “The Higher Education Funding Council for Wales or Cyngor Cyllido Addysg Uwch Cymru”.

### **Procedure**

Draft Affirmative

A draft of the Order has been laid before the Senedd and the UK Parliament. No recommendation may be made to His Majesty in Council to make the Order unless the draft is approved by a resolution of the Senedd and each House of Parliament.

### **Technical Scrutiny**

The following two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **1. Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh.**

The Order is in English only. According to paragraph 2.1 of the Explanatory Memorandum:

*The Order in Council is UK Government legislation, consequently the draft Order is being laid in English only.*

#### **2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**



The italic headnote at the top of the Order provides that the draft is laid before Parliament under section 157A(6) of GOWA for approval by resolution of each House of Parliament.

The Welsh Government is asked why the headnote does not also refer to the draft being laid before the Senedd.

## Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

### **3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

A draft of the Order was laid before the UK Parliament on 21 May 2024.

Following the Prime Minister's announcement that a general election would be held on 4 July 2024, the UK Parliament was prorogued on 24 May 2024 before being dissolved on 30 May 2024. Neither House had approved the draft Order before dissolution.

The Welsh Government is therefore asked to provide an update on the future of the draft Order, and an indication of when it may be considered by a future UK Parliament. The Committee acknowledges that such an update may not be possible until after the general election.

## Welsh Government response

A Welsh Government response is required to the second and third reporting points only.

### **Legal Advisers**

#### **Legislation, Justice and Constitution Committee**

**4 June 2024**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Pack Page 8**

**Legislation, Justice and Constitution Committee**

Mick Antoniw AS/MS  
Y Cwnsler Cyffredinol  
Counsel General



Ein cyf/Our ref: DC/CG/05015/24

Llywodraeth Cymru  
Welsh Government

Mike Hedges MS,  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

4 June 2024

Dear Mike,

Further to my letter dated 22 May, I write to confirm that the Inter-Ministerial Group for Elections and Registration, previously scheduled to meet on 23 May, has been postponed.

I will update the committee of future dates for this Inter-Ministerial Group in due course.

I have copied this letter to Rebecca Evans MS, Cabinet Secretary for Finance, Constitution and Cabinet Office.

Yours sincerely



**Mick Antoniw AS/MS**  
Y Cwnsler Cyffredinol  
Counsel General

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@gov.Wales)

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.

# Agenda Item 4.1

  
Department for  
Science, Innovation  
& Technology

Julia Lopez MP  
Minister of State for Data and Digital Infrastructure  
Department for Science, Innovation & Technology  
100 Parliament Street  
London SW1A 2BQ

[www.gov.uk/dsit](http://www.gov.uk/dsit)

## **Delyth Jewell MS**

Committee Chair  
Culture, Communications, Welsh Language, Sport,  
and International Relations Committee

16 May 2024

Dear Delyth,

Thank you for your letter of 19 February 2024, my apologies for my delayed response. However, I am pleased to advise that during this time, my Department has been in close communication with Welsh Government Officials to reach an agreed position on the Data Protection and Digital Information ('DPDI') Bill. This dialogue remains on-going.

The Data Protection and Digital Information Bill is an essential piece of legislation that will make the UK's data laws among the most effective in the world, by maintaining high data protection standards and making common sense changes to put in place a pro-growth, innovation friendly data protection framework. Since the introduction of the DPDI Bill, we have added a number of amendments to the Bill. Whilst many of the Government's amendments are technical in nature, others are key to unlocking the immense possibilities of data use to improve the lives of everyone in the UK.

### National Underground Asset Register

The National Underground Asset Register (NUAR), as you are aware, is a new digital map built in partnership with Welsh and NI government officials to improve the way we install, maintain, operate and repair the pipes and cables buried beneath our feet. Approximately 1 in every 65 holes dug results in an accidental asset strike (c. 60,000 a year), which is far too high, causing around £2.4 billion worth of economic cost, putting workers' lives at risk and disrupting our day-to-day lives. We estimate NUAR will generate in excess of £400m in total benefits per annum through increased efficiency, reduced accidental damage and reduced disruptions for citizens and businesses. Immediate access to data in a digital, standardized format will also help improve worker safety.

The Geospatial Commission, part of the Department for Science, Innovation & Technology, has been working closely with Welsh Government officials to develop the NUAR platform from the onset in 2021, which is why Wales was one of the first areas to benefit from the new services in 2022. Officials have and continue to actively contribute to the platform's development, ensuring that it aligns with the specific needs and requirements of Welsh Government, asset owners and excavators. They have played a crucial role in getting asset owners across Wales involved with the NUAR, facilitating the inclusion of data related to underground pipes and cables in the register. Additionally, Welsh Government are actively sharing relevant data through the NUAR, ensuring that workers can access this through the new register. Most recently, officials participated in a discovery project to explore the technical feasibility of sharing data between NUAR and DataMapWales, a digital platform that provides access to public sector data in Wales, including through a map interface. Furthermore, officials have been informed about legislative reforms related to operationalizing the NUAR service, which will ensure the benefits are realized across all areas of operation. However, these benefits can only be achieved with the proposed legislative provisions.

The majority of respondents to a 2022 public consultation on the future of NUAR stated new legislative reforms would be required to ensure workers have access to all the data they need, when they need it, through the new service. The requirement for legislation has been further reinforced in the current development phase of NUAR, where it has become increasingly clear that whilst a number of asset owners will voluntarily share their asset data, a proportion of asset owners will not do so in a timely manner, or keep it up to date, without new legislation being in place.

New reforms are required to establish NUAR as a statutory register for the sharing of buried utility data, to allow government to specify the data that is to be shared, who can access the data and the terms under which access may be granted, and to grant powers to charge fees to ensure the service is operationally viable and financially self-sustaining in future years without requiring use of public funds, as well as criminal offences for non-compliance.

Careful consideration was given as to the most appropriate legislative approach for bringing forward the necessary reforms to fully operationalise the digital service and realise the estimated benefits. It is our view that the best approach for introducing these new reforms is by updating existing data sharing obligations, rather than creating them afresh. Individual apparatus owners in England and Wales are already required to record information, maintain their own records and share information from those records with others as per the New Roads and Street Works Act 1991. With NUAR now live across England and Wales, it is appropriate to update these obligations to require the sharing of data through NUAR among other things.

We have adopted this approach after careful consideration and for important practical reasons; for NUAR to operate efficiently it is crucial that the legislative framework underpinning it is consistent in its approach across England and Wales. For example, for NUAR to be as effective and useful as possible, the information entered into it and then shared with others, must be consistent in content and format in respect of all apparatus. This also supports asset owners who operate across both nations, such as Virgin Media O2, Welsh and West Utilities and Openreach. Of course, we recognise the very keen interest that Welsh Ministers and the people of Wales will have in the content of any regulations made by the Secretary of State in relation to the devolved matter of street works, hence the inclusion of a clear requirement, prior to making such regulations, for the Secretary of State to have to consult Welsh Ministers.

Lastly, we have also taken care to ensure the provisions that are being taken forward do not prevent the Senedd from taking forward similar legislation in the future; for example, should Welsh Government wish to create their own version of NUAR, these provisions do not restrict the competency of the Senedd to do so.

We look forward to continuing our engagement with Welsh Ministers as we work to fully operationalise this high value service to improve worker safety and the resiliency of our critical services.

With best wishes,



Julia Lopez MP

**Minister for Data and Digital Infrastructure**

Pack Page 11







Rt Hon Michelle Donelan MP  
Secretary of State for Science, Innovation and  
Technology  
HM Government

19 February 2024

## **National Underground Asset Register**

Dear Michelle,

I am writing to you following the Committee's consideration of a [Supplementary Legislative Consent Memorandum](#) related to the Data Protection and Digital Information (No.2) Bill ("the Bill"). During the reporting stage of legislative proceedings in the House of Commons, you introduced amendments to the Bill relating to establishing a National Underground Asset Register.

As you will be aware, there are hundreds of owners of underground assets across the country, ranging from local government to utility companies. All these owners will have their processes for holding such data. Whilst we do not have a specific position on the establishment of such a register, we do have concerns that the amended Bill transfers powers to the Secretary of State, through regulation-making powers, to make decisions on a National Underground Asset Register as it relates to Wales.

The Welsh Government has expressed "constitutional policy concerns" around regulation-making powers under the New Roads and Street Works Act 1991 being transferred from Welsh Ministers back to the Secretary of State (as set out in paragraph 22 of the [Supplementary Legislative Consent Memorandum No.3](#)). We are not sure, however, about its view or involvement on this policy matter more generally.

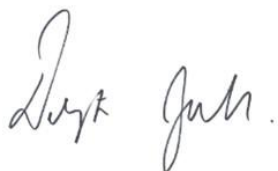
We would like to know what discussions you, or your officials, have had with the Welsh Government regarding the establishment of a National Underground Asset Register. We would like particularly to know what considerations are being given to devolved competencies and how they will be managed.

We would also welcome an outline from you about the Welsh Government's involvement in developing the policy for such a register.

As it stands, the lack of detail and transparency in the Welsh Government's Supplementary Legislative Consent Memorandum about the amendments to the Bill (identified as requiring the legislative consent of the Senedd) has hindered our ability to assess the policy implications of these changes. We would therefore welcome clarity about your discussions with the Welsh Government to assist our considerations.

As the Bill is proceeding through the House of Lords, we would be grateful to receive an urgent response to this matter. I am copying this letter to the Chairs of the Senedd's Climate Change and Environment Committee and Legislative, Justice and Constitution Committee for their information.

Yours sincerely,



**Delyth Jewell MS**  
**Committee Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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**TITLE**        **The UK Government’s Legislative Programme**

**DATE**        **3 June 2024**

**BY**            **Rebecca Evans MS, Cabinet Secretary for Finance, Constitution  
and Cabinet Office**

On Wednesday 22 May 2024, the Prime Minister announced that a general election would be held on 4 July. A two day ‘wash-up period’ then took place prior to the prorogation of Parliament on Friday 24 May. Parliament was then dissolved on Thursday 30 May.

The following Parliamentary Bills were subject to the legislative consent process within the Senedd prior to the dissolution of Parliament—

- Criminal Justice Bill
- Data Protection and Digital Information Bill
- Dogs (Protection of Livestock) (Amendment) Bill
- Economic Activities of Public Bodies (Overseas Matters) Bill
- Leasehold and Freehold Bill Reform Bill
- Renters (Reform) Bill
- Tobacco and Vapes Bill
- Victims and Prisoners Bill

The Leasehold and Freehold Bill Reform Bill and the Victims and Prisoners Bill both received Royal Assent on 24 May 2024. All other Bills listed above fell following the dissolution of Parliament.

Welsh Government will share further information with the Senedd in due course on the implications for Wales of those Bills which received Royal Assent during the wash-up period.



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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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<b>TITLE</b>	<b>Leasehold and Freehold Reform Act and the Renters (Reform) Bill</b>
<b>DATE</b>	<b>06 June 2024</b>
<b>BY</b>	<b>Julie James, Cabinet Secretary for Housing, Local Government and Planning</b>

Members will wish to be aware that, as part of the expedited consideration of legislation by the UK Parliament due to the calling of the General Election, also known as ‘wash-up’, the [Leasehold and Freehold Reform Act](#) was granted Royal Assent on 24 May.

The Act brings substantial improvements to the law and significant new rights for homeowners in Wales. These include:

- Increasing the standard lease extension term for houses and flats to 990-years (up from 90 years for flats, and 50 years for houses), with ground rent reduced to a peppercorn (zero financial value) upon payment of a premium.
- Introducing a new right to remove the ground rent from an existing lease without extending its term, upon payment of a premium.
- Removing the so-called ‘marriage value’ used in calculation of the premium payable to extend or buy out a lease.
- Removing the requirement for a leaseholder to have owned their house or flat for 2 years before they can extend or buy out a lease.
- Increasing the 25% ‘non-residential’ limit which applies to mixed use properties, and which may prevent leaseholders in buildings with a mixture of homes and other uses such as shops and offices, from buying their freehold or taking over management of their buildings.
- Banning the use of leasehold for most new houses.
- Requiring transparency over leaseholders’ service charges.
- Replacing buildings insurance commissions for managing agents and landlords with transparent administration fees.
- Scrapping the presumption that leaseholders must pay their landlords’ legal costs when challenging poor practice.

- Setting a maximum fee and time for the provision of information required to support the sale of a leasehold property or freehold property subject to estate management charges, to make sales of such properties quicker.
- Granting freehold homeowners on private and mixed tenure estates the same enhanced rights of redress as leaseholders, including a right to apply to the tribunal to appoint a manager in place of an estate charge manager.

It is regrettable that the expedited passage of the Bill meant that it was passed without the opportunity for the Senedd to consider legislative consent; without further amendments to improve the law in relation to leasehold forfeiture and ground rent; and without the amendments I was seeking to delegate further powers to the Welsh Ministers. Minor amendments which were made to the Bill during its final stages are explained in the annex below.

Notwithstanding these concerns, the passing of the Bill enables the delivery of the benefits listed above, as well as our Programme for Government commitment to enact the recommendations of the Law Commission in relation to leasehold reform. It also represents significant progress towards a second commitment to ensure that estate charges for public open spaces and facilities are paid for in a way that is fair.

I will now turn my attention to implementation of the Act and making the necessary Welsh subordinate legislation regarding enhancing the transparency of leasehold service charges, replacing unfair commissions in the arrangement of leasehold buildings insurance with fairer and more transparent fees and setting out the maximum fee and time within which responses must be given to requests for information required to support a sale. Exercise of these powers will be subject to appropriate engagement, consultation, and Senedd processes, and I will update members on progress in due course.

### *Renters (Reform) Bill*

Members will also wish to be aware that the Renters (Reform) Bill was not included in the wash-up, and so has fallen. The Bill included provisions preventing landlords operating 'blanket bans' on renting to households with children or people in receipt of benefits. The ban on these discriminatory practices would have applied to Wales, and I am considering options on how we can achieve this policy aim. I will update members further on this in due course.

### *Annex: explanation of final amendments made to the Leasehold and Freehold Reform Bill prior to Royal Assent*

The UK Government tabled 30 minor and technical amendments to the Bill during its closing stages which took place on 24 May. Amendments are referred to by the reference number on the marshalled list, available at this link: [HL Bill 76—I \(parliament.uk\)](https://www.parliament.uk/handout/hl-bill-76-i). The effect of the

amendments made are set out below. Clause numbers refer to the Bill as amended at House of Lords Committee stage, which is available at this link: [Leasehold and Freehold Reform Bill \(parliament.uk\)](https://www.parliament.uk/bills/2021/leasehold-and-freehold-reform).

#### *House ban*

Amendments 1, 2 and 3 to Schedule 1 ('Categories of permitted lease') clarify the definitions of retirement housing and National Trust property which are exempt from the ban on new leasehold houses and add a new exemption for certain Crown properties. Amendments 4, 5 and 6 to clause 12 ('Restriction on title') make a correction to terminology used to ensure that restriction on title to enforce the house ban applies in the intended circumstances. Amendment 7 adds a new clause before clause 24 which applies the house ban to Crown (save for exceptions set out by amendment 3).

#### *Enfranchisement*

Amendments 12, 14 and 27 to Schedule 4 ('Determining and sharing the market value') clarify the application of the new regime to tenants with the right to hold over under Local Government and Housing Act 1989. Amendment 10 is consequential on these amendments.

Amendments 11, 18, 26 and 28, also to Schedule 4, and amendments 42 and 43 to Schedule 8 ('Leasehold enfranchisement and extension: miscellaneous amendments') are technical and ensure the correct leases are under consideration during enfranchisement.

Amendment 39 to Schedule 6 ('Schedule 4 and 5: interpretation'), makes a minor amendment to valuation in circumstances where there is a deemed single lease (as defined in Schedule 6 para 2). Amendments 38 and 41 are consequential on amendment 39.

#### *Litigation costs*

Amendments 55 and 58 to clause 61 ('Limitation on rights of landlords to claim litigation costs from tenants') add in a new power to the Landlord and Tenant Act 1985 and Commonhold and Leasehold Reform Act 2002 respectively for the appropriate authority (Welsh Ministers for Wales) to make regulations to provide for exemptions to the new restriction in this clause on landlords reclaiming litigation costs. Amendments 54, 56 and 57 are consequential on 55 and 58.

#### *Estate charges*

Amendments 60 and 61 update clauses 88 ('Notices of complaint') and 91 ('Criteria for determining whether to make appointment order) to correct an error in drafting to reflect that the Welsh Ministers already have powers to approve a code of practice under the existing section 87 of LRHUDA 1993. This power is extended by the amendment made by clause 87 ('Codes of management practice: extension to estate managers').

Amendment 59 to clause 84 ('Enforcement of section 83') confirms that the negative procedure should be used for exercise of existing powers in that clause to vary the limit for damages which may be ordered by the tribunal enforcing the new duty to publish estate management administration charges.

*Amendments which do not make provision for Wales*

Amendments 64 and 65 relate to the redress scheme provisions in clause 110 ('Interpretation of Part 6'), which only apply in England.

# Agenda Item 6

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

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05.06.2024

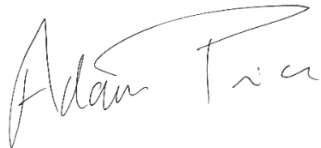
Annwyl Mike

Firstly, may I congratulate you on your appointment as chair of the Legislation, Justice and Constitutional Committee.

I wrote to your predecessor regarding my concerns about HM Prison Parc – concerns which I am sure you share. I have attached a copy of the original letter which I sent to Sarah Murphy MS in her capacity as chair.

In light of recent and ongoing events, I would like to re-emphasise the urgency of G4S' appearing to face the scrutiny of and answer questions from the Committee. I hope you can consider this possibility at the earliest juncture.

Diolch



Adam Price AS / MS,  
Dwyrain Caerfyrddin a Dinefwr  
Carmarthen East and Dinefwr

Rt Hon Stephen Crabb MP  
Chair, Welsh Affairs Committee

14 May 2024

Dear Stephen

## Parc Prison

As you expressed in your supplementary to the urgent question asked by Chris Elmore MP in the Commons Chamber yesterday, the current situation in HM Prison Parc is deeply concerning.

We expressed our concerns at the position that has emerged during our Committee yesterday following correspondence from Adam Price, a member of our Committee.

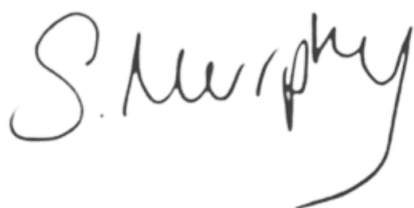
We are aware that prisons and offender management is a reserved matter under Schedule 7A of the *Government of Wales Act 2006*. However, by virtue of an exception to that reservation, the provision in prisons of health care, social care, education, training or libraries are devolved matters. We are therefore exploring options for any work that we could undertake, including with other Senedd Committees, given the gravity of the situation at the prison.

We are aware that your Committee is undertaking an inquiry into prisons in Wales, and you will be taking evidence from the Minister for Prisons, Parole and Probation tomorrow. We will therefore follow the work of your Committee on this issue and look forward to seeing your final report and recommendations.

As the committees responsible for the respective scrutiny of the provision of healthcare and education to prisoners in Wales, and for considering equality and human rights issues, I am copying

this letter to the chairs of the Health and Social Care Committee, the Children, Young People and Education Committee, and the Equality and Social Justice Committee.

Yours sincerely,

A handwritten signature in black ink that reads "S. Murphy". The signature is written in a cursive style with a long, sweeping underline.

Sarah Murphy

Chair

**Adam Price AS/MS**  
Dwyrain Caerfyrddin a Dinefwr  
Carmarthen East and Dinefwr

**37 Wind Street**  
**Ammanford**  
**SA18 3DN**

08.05.2024

Annwyl Cadeirydd,

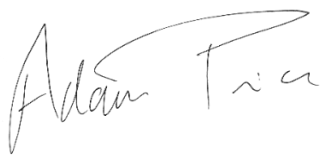
I know that you share my concern about recent events at HM Prison Parc. Indeed, I am sure that these concerns are shared by all members of the Legislation, Justice and Constitution Committee.

Two deaths within hours of each other at the prison on Tuesday are the latest in what has become a profoundly worrying trend. Nine inmates have died at the prison in just over two months, and the Prisons and Probation Ombudsman has confirmed that he is investigating a total of 13 deaths.

Parc Prison is the only private prison in Wales, and it is operated by G4S, whose delivery of publicly-funded services has long been marked by controversy. In 2018, G4S' contract to run Birmingham Prison – awarded in 2011 – was revoked after the Chief Inspector of Prisons reported that the prison had fallen into a state of crisis under the company's management.

It is clear to me that G4S now has questions to answer over recent events at Parc Prison, and as such, I am writing to request that representatives of the company be asked to appear in front of the Committee as a matter of urgency, to face scrutiny and be held to account on their management of the prison.

Gyda diolch, a chofion cynnes,



Adam Price AS / MS,  
Dwyrain Caerfyrddin a Dinefwr  
Carmarthen East and Dinefwr



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