

Government Response: The Agricultural Holdings (Requests for Landlord's Consent or Variation of Terms and the Suitability Test) (Wales) Regulations 2024

Technical Scrutiny point 1: The Welsh Government notes the points raised, but do not consider them to have any practical impact on the operation of the provision or instrument and will not seek to amend the instrument.

Technical Scrutiny point 2: The Welsh Government notes the points raised, however, in mind of the shared reference to the correct section in the 2023 Act and element of shared text in the description in parentheses, we do not consider them to have any practical impact on the operation of the provision or instrument and will not seek to amend the instrument.

Technical Scrutiny point 3: The Welsh Government notes the point raised but do not consider it to have any practical impact on the operation of the provision or instrument and will not seek to amend the instrument.

Technical Scrutiny point 4: The Welsh Government notes the point raised but do not consider it to have any practical impact on the operation of the provision or instrument and will not seek to amend the instrument. The meaning of the term 'third party' (the third party appointed to determine the matter) is plain in the context of its use in the instrument.

Technical Scrutiny point 5: The Welsh Government notes the point raised but do not consider it to have any practical impact on the operation of the provision or instrument and will not seek to amend the instrument. The meaning of the term 'tenancy' (the tenancy of the holding) is plain in the context of its use in the instrument.

Technical Scrutiny point 6: The Welsh Government notes the points raised but do not consider them to have any practical impact on the operation of the provision or instrument and will not seek to amend the instrument. The meaning of the term 'holding' (agricultural holding) is plain in the context of its use in the instrument.

Technical Scrutiny point 7: The reference to "period of 4 months" in regulation 3(9) is as intended. We will introduce regulations to amend the Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) Regulations 2024 to address corresponding reporting point 6 in report SL(6)507.

Technical Scrutiny point 8: The reference to "at which the award or determination takes effect" in regulation 4(2)(d) is as intended. We will introduce regulations to amend the Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) Regulations 2024 to address corresponding reporting point 7 in report SL(6)507.

Technical Scrutiny point 9: The Welsh Government notes the points raised but do not consider them to have any practical impact on the operation of the provision or instrument and will not seek to amend the instrument. Regulation 4 provides for awards and determinations and makes the same provision for both.

Merit Scrutiny point 10: The Welsh Government notes the point raised and confirms the correct title is that used in the Regulations. The Explanatory Memorandum has been amended accordingly.

Merit Scrutiny point 11: The Welsh Government notes the point raised however as section 94 of the 1986 Act is not an enabling power, we have followed both our usual drafting practice, and section 3.11.23 of The National Archives' Statutory Instrument Practice, which clearly states "You should not cite provisions that merely specify the relevant Parliamentary procedure".