
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

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

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

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

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

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

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

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.
