



Ein cyf/Our ref: MA-MDFWL-3074-25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

9 January 2026

Dear Mike,

Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

Thank you for your scrutiny of the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, your report, and the accompanying recommendations. Those recommendations included requests for further information ahead of the Senedd debate on the general principles of the Bill scheduled for 13 January. I have included responses to those requests in this letter.

The Committee asked me to explain how I had assessed the Bill as compatible with Article 1 of Protocol 1 to the European Convention on Human Rights (A1P1), including the basis for concluding that the interference with property rights is justified as being in the public interest, and that the provisions of the Bill have a reasonable foundation and strike a fair balance between the public interest and the protection of an individual's rights.

As you know, every Senedd bill has to be compatible with rights under the European Convention on Human Rights for it to be within the Senedd's legislative competence and therefore law. Accordingly, in the development of any Government Bill the effects upon Convention rights are taken into account.

As set out in the Equality Impact Assessment and Explanatory Memorandum for the Bill, our conclusion was that the Bill is compatible with Convention rights, including the rights to peaceful enjoyment of property under A1P1.

The Explanatory Memorandum to the Bill sets out its purpose: to promote the development of tourism in Wales, the mechanism by which it achieves that purpose, the background to

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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.

the Bill and the case for change. This explains the need for this Bill, what it is intended to achieve and why this in the public interest.

I was pleased that the Economy, Trade and Rural Affairs Committee, in their Stage 1 report on the Bill and consideration of its interaction with A1P1, agreed that “these proposals have a clear basis in seeking to promote tourism and improve standards of visitor accommodation in Wales.”

Some of form of regulation of property is axiomatic to achieving this purpose. Critical to the regulation being compatible with A1P1, is the question of whether the interference with property is proportionate, including whether the provisions strike a fair balance between the public interest and the property rights of individuals.

We have developed the Bill to ensure the interference with property is proportionate. That proportionality has been fundamental to some of the core policy questions for the Bill, including what the licensing scheme is assessing, what should be asked of providers, and what reassurance it offers visitors about the standards met in regulated visitor accommodation in Wales. This has shaped the decisions we have made about the nature of the licensing scheme.

As I have discussed during Stage 1 scrutiny, in relation to the specific fitness standards, the Bill imposes only modest additional requirements on visitor accommodation providers beyond existing guidance and obligations. The Bill will promote accommodation in Wales without requiring significant additional investment for providers who are already doing what is expected of them.

We have deliberately chosen the specific fitness standards, which are assessed at the point of application, as requirements which should not be difficult for providers to evidence and which will offer reassurance to visitors that key standards are met. This choice highlights the balance the Bill strikes of not, for example, requiring an inspection for all applications to confirm the general fitness standard is met; or conversely undermining the reassurance the scheme offers visitors by licensing accommodation without checking documentation to confirm certain standards are met. If regulations are made to modify or extend the requirements of the scheme in future, these regulations will need to be subject to their own human rights analysis and will need to be compatible with A1P1 as well.

This highlights how, for those doing the right things, the Bill achieves its objectives with a modest imposition on accommodation providers. I have also set out in Committee during scrutiny that the aim of this Bill is to support compliance with the standards it sets out, not to have enforcement as a first port of call. However, the Bill also includes protections for providers in those cases where enforcement proves necessary.

To take powers of entry as an example, as we discussed in Committee, there are a series of protections in the Bill which limit the circumstances in which they can be used. First, the Welsh Ministers need reasonable grounds to believe that a condition of a licence has been breached or an accommodation provider is providing false or misleading information. Then they need to consider that entry to the premises is necessary or expedient for the purpose of determining whether this is the case. Reasonable notice must be given and entry cannot be by force. Then, if the accommodation provider is unwilling to grant an authorised officer entry to the premises, or the premises is not licensed, an application would have to be made to a magistrates' court for a warrant. This shows, in this aspect of the Bill, how we have again sought to make the Bill robust enough to be effective, but proportionate in its impact on providers.

The balance between the imposition on accommodation providers and ensuring the Bill is sufficiently robust to achieve its objective has been a central consideration throughout its development, and I was pleased that the Economy, Trade and Rural Affairs Committee reached the same conclusion as I did in their report: that “the Bill appropriately balances the rights of visitor accommodation providers with the general interest and is therefore compliant with A1P1”.

The Committee also asked me to explain whether I feel any need to revise my conclusions on human rights as a result of evidence received during Stage 1. I’m happy to confirm this is not the case, and I remain satisfied that the Bill is compliant with Convention rights.

I hope this explanation helps the Committee, and Members across the Senedd, in their consideration of the Bill ahead of the debate on the Bill’s general principles on 13 January and I hope it will encourage Members to support the Bill to progress to the next stage of scrutiny. I look forward to discussing the Bill further at the debate.

I am copying this letter to the Chairs of the Economy, Trade, and Rural Affairs Committee, and the Finance Committee for information.

Yours sincerely,

A handwritten signature in dark ink, reading "Mark Drakeford". The signature is written in a cursive, slightly slanted style. The first name "Mark" is written with a large, looped 'M'. The last name "Drakeford" is written in a more continuous, flowing script.

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language