

Jayne Bryant MS,
Cabinet Secretary for Housing and Local Government

27 November 2024

Dear Jayne

The Legislative Consent Memorandum on the Renters' Rights Bill

Thank you for appearing before the Committee on 18 November in relation to the Welsh Government's Legislative Consent Memorandum (LCM) on the UK Government's Renters' Rights Bill.

We have some further questions that we were not able to reach during the session, in the attached Annex.

We would be grateful for your response by 16 December so that we can take your responses into account within our report on the LCM.

Yours sincerely,



Mike Hedges
Chair

ANNEX

Question 1: Why were resources an issue for the Welsh Government in preventing you from introducing your own Bill into the Senedd to legislate, if you had Bill provisions already drafted, and bilingually?

Question 2: In evidence to us on the Welsh Government's Legislative Consent Memorandum on the Renters (Reform) Bill, the then Cabinet Secretary told us that:

"According to the Welsh Government legislation handbook outline of what factors are considered for an expedited or fast-tracked Bill, we don't think this would meet the criteria. But, I mean, I'm quite happy to explore that".

Please can you confirm if you explored introducing a Bill to the Senedd and seeking an expedited process rather than pursuing provisions in the Renters' Rights Bill. If so, please would you provide details of the exploratory work, including any correspondence with the Business Committee and why you chose not to pursue this outcome?

Question 3: The Welsh Government's legislation handbook suggests that a Bill usually takes between six and eight months to pass through the Senedd - do you believe that this is an accurate reflection?

Question 4: You mentioned in your oral evidence to the Committee that stakeholders had been "briefed". Can you please explain why you chose to brief stakeholders about the Bill rather than consult stakeholders? What form did the briefing take, and will you undertake to publish any briefing material or correspondence arising from the briefing?

Question 5: You also stated in your evidence to the Committee that "there's nothing dissimilar between Wales, Scotland and England in terms of the issues" other than the existing difference in enforcement regimes. Given that no Welsh Members of Parliament sit on the House of Commons Public Bill Committee, and that there appears to have been little evidence received from bodies based in Wales, what impact will this have on Parliamentary scrutiny of the Bill's provisions as they apply to devolved matters in Wales?

Question 6: Clause 46 of the Bill gives powers to Welsh Ministers to bring forward further regulations to introduce further provisions to add to the groups of people protected from rental discrimination. In the evidence you said you "can't speculate how and when that would be used" but you did provide some limited information. Please can you provide further information and clarity about how you will use the power and therefore why you are taking it?

Question 7: Given the discussions with the UK Government, which you outlined in your oral evidence, can you explain:

- why clause 47 has been included,
- who requested its inclusion in the Bill,
- in what circumstances could it be used, and
- the likely timing of its use?

Question 8: Clause 47 is not listed in the LCM as requiring consent, presumably because it asserts that the power only applies where provision would relate to reserved matters and fall outside of the legislative competence of the Senedd. However, if regulations were made under clause 47 (including in the passing reference to the example of financial services given to the Committee), those would make relevant provision for a purpose in housing law by extending rental discrimination provisions to additional groups in Wales, which is within the legislative competence of the Senedd. Therefore, can you give us a further example of where regulations would be required in relation to housing provisions that would be non-devolved.

Question 9: Please could you, with regards to the Welsh provisions in the Bill, detail how they have changed from the Renters (Reform) Bill and explain how those changes were identified?

Question 10: The Bill is at an early stage of the legislative process in the UK Parliament. Do you foresee any further changes being made to the Bill that would require consent, and have you asked or approached the UK Government about any other matters that you wish to include in the Bill that would affect Wales?

Question 11: The Explanatory Memorandum says that “no financial implications have been identified to date should these provisions apply in Wales”. But landlords may need to instruct legal advisers to ensure that all documentation including written statements are updated alongside the occupation contracts. Have you assessed this potential cost on landlords or have you put measures in place which means that they will not be obliged to change anything to coincide with these legal changes? Will you publish the relevant assessment?

Question 12: The changes brought forward by these amendments to Welsh housing law will change the fundamental terms contained in all occupation contracts retrospectively. Why has it been deemed necessary to change occupation contracts retrospectively and what impact assessments have you undertaken?