

Explanatory Memorandum to The Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) (Amendment) Regulations 2025

This Explanatory Memorandum has been prepared by the Agriculture – Sustainable Development Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Deputy First Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) (Amendment) Regulations 2025.

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

28 February 2025

PART 1

1. Description

- 1.1 These Regulations make minor amendments to the Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) Regulations 2024.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 These Regulations respond to matters reported on by the Legislation, Justice and Constitution Committee in points 3, 5, 6 and 7 of their report on The Agricultural Tenancies (Requests for Landlord's Consent or Variation of Terms) (Wales) Regulations 2024 (see [SL\(6\)507](#)).

3. Legislative background

- 3.1 The Regulations are made pursuant to section 8A(7) of the Agricultural Tenancies Act 1995.
- 3.2 Section 8A provides that Welsh Ministers may make provision through regulations to enable tenants to refer to arbitration requests for landlord's consent to activities that are restricted under the terms of their tenancy agreement or requests for a variation of terms, where that request relates the tenant applying for financial assistance under the power of support provisions under the Agriculture (Wales) Act 2023 or meeting a statutory obligation.
- 3.3 The Regulations are subject to the negative procedure.

4. Purpose and intended effect of the legislation

- 4.1 These Regulations amend the timeframe in regulation 3(8) from two months to four months, aligning with the original policy intent.
- 4.2 They also amend Regulation 2 (interpretation) to add the word "neu" to the Welsh text in the definition of "relevant financial support" and replace "retained direct EU legislation" with "assimilated direct legislation" in the definition of "statutory duty".
- 4.3 Additionally, Regulation 4 (awards or determinations by the arbitrator) is amended to add "or determination" after "award".

5. Consultation

- 5.1 No consultation has been undertaken as these regulations make a minor amendment to reflect the original policy intent. They do not reflect a wider change of policy.

6. Regulatory Impact Assessment

- 6.1 A Regulatory Impact Assessment has not been prepared for these Regulations, as they correct existing regulations. The regulations do not achieve a change of policy. This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.