

Pwyllgor Deddfwriaeth Rhif.2
Legislation Committee No.2



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

8 December 2009

Dear Sir / Madam

Consultation on proposed Legislative Competence Order relating to housing and local government

As part of our scrutiny work, the National Assembly for Wales' Legislation Committee No. 2 is calling for evidence on the *proposed National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010*, relating to social housing and the housing needs of vulnerable people.

What is a [Legislative Competence Order](#)?

A Legislative Competence Order ("Order") is a piece of legislation which transfers specific powers (or 'competence') from Parliament to the Assembly.

In practice, this will mean that each new Order will add a new 'Matter' (or Matters) into the relevant field in [Schedule 5](#) of the Government of Wales Act 2006, giving the Assembly the power to make Measures (laws) within the policy areas defined by the matter.

In the Assembly, there is a two stage process for considering an Order, involving:

- scrutiny of and reporting on a [proposed Order](#) by a legislation committee; and
- the approval, by the Assembly, of a [draft Order](#).

What does this proposed Order seek to achieve?

The National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010 proposes enhancing the Assembly's current legislative competence by inserting 7 new matters into Field 11 of Schedule 5 to the Government of Wales Act 2006 - Matters 11.2 - 11.8; and 1 new matter into Field 12 - Matter 12.18.

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The Explanatory Memorandum that accompanies the proposed Order states:

“The primary purpose of the [proposed] LCO is to provide the National Assembly with the competence in relation to... social housing and meeting the housing needs of vulnerable people. These are devolved policy areas where the Welsh Ministers currently have extensive executive functions but where the Assembly does not have the corresponding legislative competence.

The LCO will assist the Welsh Assembly Government to deliver on its ambitions... of ensuring that housing need is met and that there is improved access to housing.”

Further details of the proposed Order and the accompanying Explanatory Memorandum can be found on the Assembly’s website at:

<http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-legislative-competence-orders/bus-legislation-lco-2009-hlg-2.htm>

What is the committee’s role?

Our role is to scrutinise and report on the proposed Order - the first part of the two-stage process outlined above.

In doing so, we have agreed to work within the following framework:

To consider –

- (i) the general principles of the proposed LCO and whether legislative competence in the areas identified in Matters 11.2 - 11.8, and Matter 12.18, should be conferred on the Assembly; and
- (ii) whether the terms of the proposed LCO are too broadly or too narrowly defined.

In conducting our scrutiny work, we will avoid engaging in detailed discussions on possible Measures that might arise out of this proposed Order. In providing evidence to us, we would be grateful if you did not include detailed information that would be more relevant to any future Measure.

How you can help - the consultation questions

We would like to invite you to submit written evidence to assist in its scrutiny of the proposed Order. In particular, we would welcome your views on the questions listed in Annex 1.

If you wish to submit evidence, please send an electronic copy of your submission to legislationoffice@wales.gsi.gov.uk and entitle the e-mail *Consultation - Proposed Housing and Local Government Order*.

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Alternatively, you can write to: Sarah Sargent, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay, CF99 1NA.

We are required to report no later than 29 January 2010. In order to allow us adequate time to analyse written responses and take oral evidence in January, our consultation will be open for 5 weeks. **Submissions should arrive by Friday 8 January 2010. It may not be possible to take into account responses received after this date.**

Further information on the legislative process can be found at:

<http://www.assemblywales.org/bus-home/bus-legislation/bus-legislation-guidance/bus-legislation-guidance-lco.htm>

When preparing your submission, please keep the following in mind:

- your evidence should address the issues before the Committee. Please reference your response using the title applied above;
- the National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at committee meetings. **If you do not want your response or name published, it is important that you clearly specify this in your submission.** However you should be aware that it may not be given the same weight by the Committee when considering the evidence. You should also be aware that the information you have provided in your response to this consultation, including company information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA);

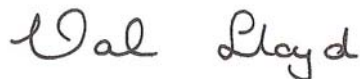
Please also:

- indicate whether you are responding on behalf of an organisation, or as an individual, and provide a brief explanation of your area of expertise;
- provide a summary of the main points made in your submission; and
- indicate whether or not you would be prepared to give oral evidence to the Committee.

The Committee welcomes contributions in English and Welsh and will consider responses to the written consultation in January.

If you have any queries, please contact Sarah Beasley, Committee Clerk on 029 2089 8032 or Sarah Sargent, Deputy Clerk on 029 2089 8408.

Yours faithfully



Val Lloyd AM
Committee Chair

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Proposed National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010

Consultation Questions

1. What are your views on the general principle that legislative competence in the areas identified in Matters 11.2 - 11.8, and Matter 12.18 be conferred on the Assembly?
2. What are your views on the terms or scope of the proposed Order? For example, is it too narrowly or too broadly drawn?
3. What are your views on each of the eight Matters contained in the proposed Order? *(Further information about each of the Matters is provided on pages 11-13 of the Explanatory Memorandum)*
4. What are your views on the 'Interpretation of this field' paragraph?
5. Do you have any other additional comments relating to the proposed Order?

(Further information on the scope of the proposed Order can be found in the Explanatory Memorandum)