

Jocelyn Davies AC/AM  
Y Dirprwy Weinidog dros Dai ac Adfywio  
Deputy Minister for Housing and Regeneration



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Ein cyf/Our ref: LF/JAD/0002/10

Val Lloyd AM  
Committee Chair  
Legislation Committee No. 2  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

18 January 2010

Dear *Val*

Thank you for your letter dated 13<sup>th</sup> January requesting my views on a number of matters which have come to your attention during evidence taking in respect of the proposed National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010.

I am pleased to have the opportunity to respond. For ease of reference, I have repeated your original questions in bold ahead of my observations.

**1. Can you confirm that the term "social housing provider" is intended to cover community land trusts?**

The term "community land trusts" does not have a definition pertaining to Wales. Competence under Matter 11.2 would **only** cover community housing trusts to the extent that such trusts carry out functions of providing housing to people whose needs are not adequately served by the commercial housing market. Matter 11.2 would **not** cover current community land trusts if their activities are restricted to the acquisition and management of land, rather than the provision of housing.

**2. Does the proposed Order provide the Assembly with the competence to legislate in the future to define "community land trusts"?**

The Order will confer competence that would enable the National Assembly for Wales to consider a Measure to define "community land trusts" on the basis that such trusts are providers of social housing or have functions relating to social housing providers or social housing. Therefore, should a community land trust be established for the purpose of acquiring and holding land for the purposes of the provision of social housing within a community then it **would** fall within legislative competence. However, any definition would be limited to community land trusts in so far as they carry out functions connected

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Ffacs \* Fax 029 2089 8129

CF99 1NA Correspondence.Jocelyn.Davies@wales.gsi.gov.uk

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

*Printed on 100% recycled paper*

with social housing, rather than other functions connected with furthering the social, economic and environmental interests of a local community.

**3. In making provision for disposals, does the proposed Order cover Community Right to Buy?**

Provision for Community Right to Buy (as applying in Scotland) is set out in the Land Reform (Scotland) Act 2003. It enables a community body to apply for land to be registered in order for that body to activate a right to purchase the land in the event of a proposed transfer. The proposed Order does not extend competence over such an area.

I understand the Community Right to Buy was developed to address issues involving small communities situated on large private estates (sometimes encompassing whole islands) where the landlord was often absent. As far as I am aware, we do not have such estates in Wales. Neither have I received any representations to introduce a similar right in Wales. As a result, it has not been regarded as a priority for inclusion in the LCO and competence does not, therefore, extend to replicating this right in Wales.

If there are any examples of situations in Wales where the Community Right to Buy might provide some assistance, I would be interested to learn of them.

**4. Does the proposed Order provide the Assembly with competence to legislate in the future to implement, as and where appropriate, the recommendations of the Review of the financing arrangements for council housing in Wales (the written evidence from the WLGA refers, para. 2.5)? If not, do you think this is something that could or should be provided in either this proposed Order, or in a future order?**

No. The Review of The Housing Revenue Account and Housing Revenue Account Subsidy Regimes in Wales is currently being undertaken. The review will take into account the implications for Wales arising from the Review of Council Housing Finance in England. It will set out options for reform in Wales, set in the context of the current and future financial arrangements between the Welsh Assembly Government and HM Treasury. Any future proposals for legislative change will need to be developed taking into account the role of HM Treasury.

I trust that the above information answers the points you have raised. However, should you require any further information, please do not hesitate to contact me.

Yours sincerely,



**Jocelyn Davies AM**