

# NATIONAL ASSEMBLY FOR WALES

## Report of the Proposed Affordable Housing LCO Committee

### The National Assembly for Wales (Legislative Competence) (Housing) Order 2008

#### Background

1. The Proposed Affordable Housing LCO Committee ("the Committee") was established to consider and report on *The National Assembly for Wales (Legislative Competence) (No. 5) Order 2008* ("No. 5 Order").

2. We reported on 18 April 2008.

3. On 13 May 2008, the Secretary of State for Wales, The Rt Hon Paul Murphy MP published *The National Assembly for Wales (Legislative Competence) (Housing) Order 2008* ("the revised proposed Order") and a revised Explanatory Memorandum for pre-legislative scrutiny in the UK Parliament.<sup>1</sup> The revised proposed Order was not laid before the National Assembly.

#### The National Assembly for Wales (Legislative Competence) (Housing) Order 2008

4. We took further evidence from the Deputy Minister for Housing, Jocelyn Davies AM on 8 July 2008.

5. We welcome the fact that the revised proposed Order has been amended to make it broader in scope than the No. 5 Order laid before the National Assembly.

6. However, we consider that the changes do not go far enough and that the revised proposed Order is not broad enough in scope to ensure that the National Assembly has the necessary legislative powers to enable all affordable housing issues in Wales to be addressed, something we consider to be desirable.

#### The LCO Process

7. As regards the process that has been followed in relation to this Legislative Competence Order, we are concerned that the Welsh Affairs

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<sup>1</sup> As Command Paper Cm 7379

Committee in the House of Commons and the Constitution Committee in the House of Lords have been invited to scrutinise a version of the proposed Order which is different to the version scrutinised by the Committee. While we note and acknowledge the explanation for this provided by the Deputy Minister, we do not consider this to be good practice.

8. We consider that, as a general principle, committees of the National Assembly and the Houses of Parliament should scrutinise the same version of a proposed Order.

9. However, we recognise that there may be circumstances where the Member in charge of the proposed Order does not secure Whitehall agreement before it is laid in the National Assembly and considered by an LCO Committee. As a result, there may be occasions when the Member in charge, having secured Whitehall agreement, may wish to revise the proposed Order, and possibly take account of recommendations made by an LCO Committee, before it is published in the UK Parliament for pre-legislative scrutiny. In these or similar circumstances, we consider that any revisions to the proposed Order should be brought to the attention of the LCO Committee, so that it is given the opportunity to scrutinise those revisions before the proposed Order is published in the UK Parliament.

10. This will enable the LCO Committee to incorporate its views on the revisions either within its original report or in a supplementary report, and thereby provide UK Parliamentary committees with a complete and up-to-date picture of an LCO Committee's conclusions prior to embarking on their own scrutiny.

Leanne Wood  
Chair  
July 2008