Draft Order laid before Parliament under section 95(5) of the Government of Wales Act 2006, for approval by resolution of both Houses of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2010 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

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

Made - - - - [ ]

Coming into force in accordance with Article 1(2)

At the Court at Buckingham Palace, the day of 2010

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act 2006(**a**), a draft of this Order has been laid before, and approved by resolution of, the National Assembly for Wales and each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:–

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Assembly for Wales (Legislative Competence) (Housing and Local Government) Order 2010.

(2) This Order comes into force on the day after the day on which it is made.

(3) In this Order "2006 Act" means the Government of Wales Act 2006.

Amendments relating to the field of housing

2.—(1) Field 11 (housing) of Part 1 of Schedule 5 to the 2006 Act is amended as follows.

(2) After matter 11.1(**b**) insert—

(**a**) 2006 c.32.

(**b**) Matter 11.1 was inserted by article 2 of the National Assembly for Wales (Legislative Competence) (Housing) (Fire Safety) Order 2010 (S.I. 2010/).

"*Matter 11.2*

Social housing providers.

Matter 11.3

Relevant social housing bodies.

Matter 11.4

Tenure of rented social housing and other arrangements under which social housing is provided.

Matter 11.5

Disposals of—

(a) social housing,

(b) land held or used for the purposes of, or in connection with, social housing, and

(c) land to which a provision of any of the following enactments applies—

(i) Part 2 of the Housing Act 1985(**a**);

(ii) Part 5 of the Housing Act 1985;

(iii) Chapter 2 of Part 1 of the Housing Act 1996(**b**);

(iv) Chapter 4 of Part 1 of the Housing Act 1996;

(v) Chapter 4 of Part 2 of the Housing and Regeneration Act 2008(**c**)

(insofar as the disposal does not fall within paragraph (a) or (b) of this matter).

Matter 11.6

Provision of advice and non-financial assistance to individuals in respect of their obtaining, and living in, housing.

This matter includes, in particular, advice and non-financial assistance in respect of skills that are relevant to the ability to live independently, or more independently, in housing.

Matter 11.7

Provision by local authorities of caravan sites for use by Gypsies and Travellers.

Matter 11.8

Homelessness.

Interpretation of this field

In this field—

"caravan site" means—

(a) land on which a caravan or other mobile accommodation (apart from a tent) is stationed for the purposes of human habitation, and

(b) land which is used in conjunction with land falling within paragraph (a) of this definition;

"local authority" means a county council or a county borough council in Wales;

"relevant social housing body" means a person (if, or insofar as, it is not a social housing provider) which has functions relating to—

(a) social housing providers, or

(b) social housing;

but such a person is a relevant social housing body only insofar as the person has functions relating to social housing providers or social housing;

"social housing" means any housing provided by a social housing provider;

(**a**) 1985 c.68.
(**b**) 1996 c.52.
(**c**) 2008 c.17.

"social housing provider" means—

(a) a local authority, and

(b) a person (other than a local authority) which—

(i) provides housing to, or

(ii) has functions relating to allocation of housing to,

people whose needs are not adequately served by the commercial housing market;

but a local authority or such other person is a social housing provider only insofar as it provides, or has functions relating to allocation of, housing.".

Amendments relating to the field of local government

3.—(1) Field 12 (local government) of Part 1 of Schedule 5 to the 2006 Act is amended as follows.

(2) After matter 12.17(**a**) insert—

"*Matter 12.18*

Council tax payable in respect of dwellings that are not the main residence of an individual.".

Name

Clerk of the Privy Council

(**a**) Matters 12.1 to 12.5 were inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), section 235, Schedule 17, paragraphs 1 and 2. Matters 12.6 and 12.7 were inserted by section 32 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20). Matters 12.8 to 12.17 were inserted by the National Assembly for Wales (Legislative Competence) (Local Government) Order 2010 (S.I. 2010/).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Government of Wales Act 2006 ("the 2006 Act"). The Order extends the legislative competence of the National Assembly for Wales to make laws known as Measures of the National Assembly for Wales (referred to in the 2006 Act as "Assembly Measures"). The legislative competence conferred by this Order is subject to general limitations on the exercise of that legislative competence, which apply by virtue of section 94 of, and Schedule 5 to, the 2006 Act.

Article 2 inserts matters 11.2 to 11.8 and interpretation provisions into field 11 (housing) of Part 1 of Schedule 5 to the 2006 Act.

Matter 11.2 is about social housing providers.

Matter 11.3 is about specified social housing bodies.

Matter 11.4 is about tenure of social housing and other arrangements under which social housing is provided.

Matter 11.5 is about disposals of social housing and land held or used for connected purposes.

Matter 11.6 is about the provision of advice and non-financial assistance to people in respect of their obtaining, and living in, housing.

Matter 11.7 is about provision by local authorities of caravan sites for use by Gypsies and Travellers.

Matter 11.8 is about homelessness.

Article 3 inserts matter 12.18 into field 12 (local government) of Part 1 of Schedule 5 to the 2006 Act. The matter is about council tax payable in respect of dwellings that are not the main residence of an individual.

A full regulatory impact assessment has not been prepared for this Order since the effect of this Order is only to confer competence on the National Assembly for Wales to legislate.

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