

Report on the Homelessness and Social Housing Allocation (Wales) Bill

October 2025



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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About the Committee

The Committee was established on 26 May 2021. Its remit can be found at www.senedd.wales/SeneddLJC

Current Committee membership:



**Committee Chair:
Mike Hedges MS**
Welsh Labour



Alun Davies MS
Welsh Labour



Samuel Kurtz MS
Welsh Conservatives



Adam Price MS
Plaid Cymru

The following Member attended as a substitute during the scrutiny of the Bill.



John Griffiths MS
Welsh Labour

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1. Introduction

On 19 May 2025, Jayne Bryant MS, the Cabinet Secretary for Housing and Local Government (the Cabinet Secretary), introduced the Homelessness and Social Housing Allocation (Wales) Bill (the Bill) to the Senedd.¹

1. The Cabinet Secretary also laid an accompanying Explanatory Memorandum (the EM), incorporating the regulatory impact assessment and Explanatory Notes², and issued a written statement.³
2. A Statement of Policy Intent for subordinate legislation to be made under the Bill was also issued.⁴
3. On 20 May 2025, the Cabinet Secretary made an oral statement in plenary in respect of the Bill.⁵
4. In accordance with Standing Order 26.9, the Business Committee referred the Bill to the Local Government and Housing (LGH) Committee to consider and report on its general principles, by the deadline of 17 October 2025.⁶

The purpose of the Bill

5. In the EM, the Cabinet Secretary states that the Bill reforms existing homelessness and housing legislation in Wales by amending Part 2 of the *Housing (Wales) Act 2014* (Homelessness) (the 2014 Act) and Part 6 of the *Housing Act 1996* (Allocation of housing accommodation) (the 1996 Act) to enhance the prevention and relief of homelessness in Wales. To a lesser extent,

¹ The Homelessness and Social Housing Allocation (Wales) Bill, as introduced, 19 May 2025

² Explanatory Memorandum on the Homelessness and Social Housing Allocation (Wales) Bill, as introduced, May 2025

³ Welsh Government, Written Statement: The Homelessness and Social Housing Allocation (Wales) Bill, 19 May 2025

⁴ Homelessness and Social Housing Allocation (Wales) Bill, Statement of Policy Intent for Subordinate Legislation, May 2025

⁵ Plenary, 20 May 2025

⁶ Business Committee, Timetable for consideration: Homelessness and Social Housing Allocation (Wales) Bill, May 2025

the Bill also amends the *Social Services and Well-being (Wales) Act 2014* (the 2014 SSWB Act).⁷

6. The Bill proposes to:

- reform existing legislation on homelessness and social housing allocations in support of the aim of ending homelessness in Wales;
- seek to increase the numbers of people eligible for homelessness support and encourage earlier prevention by ending the priority need and intentionality tests, and by requiring local authorities to help prevent homelessness if an applicant is within six months of losing their home;
- extend legal duties to specified public bodies to ‘ask and act’, identifying people who are homeless or at risk of homelessness and referring them for support.

7. The Cabinet Secretary states that the Bill will:

- expand access to homelessness services and provide additional support to those who need it most;
- widen responsibility to certain specified public authorities to identify individuals who are homeless or at risk of homelessness and respond effectively;
- prioritise allocation of social housing to those most in need.⁸

The Committee’s remit

8. The remit of the Legislation, Justice and Constitution Committee is to carry out the functions of the responsible committee set out in Standing Orders 21 and 26C. The Committee may also consider any matter relating to legislation, devolution, the constitution, justice, and external affairs, within or relating to the competence of the Senedd or the Welsh Ministers, including the quality of legislation.

9. In our scrutiny of Bills introduced into the Senedd, our approach is to consider:

⁷ EM, page 6, paragraph 11

⁸ EM, page 3, paragraph 1

- matters relating to the competence of the Senedd, including compatibility with the human rights protected by the European Convention on Human Rights (the ECHR);
- the balance between the information that is included on the face of the Bill and that which is left to subordinate legislation;
- whether an appropriate legislative procedure has been chosen in relation to the granting of powers to the Welsh Ministers to make subordinate legislation;
- any other matter we consider relevant to the quality of legislation.

10. We took oral evidence from the Cabinet Secretary on 23 June 2025.⁹

11. We wrote to the Cabinet Secretary on 27 June 2025¹⁰, and she replied on 17 July 2025¹¹.

Recommendation 1. The Cabinet Secretary should respond to the conclusions and recommendations we make in this report at least two working days before the Stage 1 general principles debate takes place.

⁹ [Legislation, Justice and Constitution Committee, 23 June 2025](#)

¹⁰ [Letter to the Cabinet Secretary for Housing and Local Government, 27 June 2025](#)

¹¹ [Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025](#)

2. Legislative competence

The Welsh Government is satisfied that the Bill would be within the legislative competence of the Senedd.¹²

12. On 19 May 2025 the Llywydd, the Rt Hon Elin Jones MS, stated that, in her view:

“... most of the provisions of the Homelessness and Social Housing Allocation (Wales) Bill would be within the legislative competence of the Senedd. The following provisions would not be within competence because they require the consent of the UK Government, and such consent has not been obtained at this time:

- *Section 14 – Duties to applicants in referral cases*
- *Section 21 – Duty of a public authority to ask and act*
- *Section 22 – Duty to refer persons in England to a local housing authority in Wales*
- *Section 32 – Co-operation.”¹³*

13. When the Cabinet Secretary gave evidence to us on 23 June 2025, she confirmed her view that the Bill was within the Senedd's legislative competence, “[s]ubject to receiving the Minister of the Crown's consent for just a small number of provisions...”.¹⁴ We asked when she expected to get those consents, and the Cabinet Secretary replied:

“... we wrote to Secretary of State for Wales on 1 April to seek those Minister of the Crown consents for those sections, and my colleagues and my officials are working closely with the Wales Office and UK Government departments to manage the consents process.”¹⁵

¹² EM, page 4

¹³ Presiding Officer's Statement on Legislative Competence, 19 May 2025

¹⁴ LJC Committee, 23 June 2025, RoP [10]

¹⁵ LJC Committee, 23 June 2025, RoP [12]

14. We also asked what consideration was given to human rights in the preparation of the Bill. The Cabinet Secretary responded:

“... as with all Senedd Bill proposals, Welsh Government carries out a full human rights assessment before the introduction. We are satisfied that the provisions of the Bill are compliant. The provisions of the Bill have reasonable foundation, do strike a fair balance between the demands of the general interest of the community and the protection of individuals' fundamental rights.”¹⁶

Our view

15. We note the evidence in relation to matters of legislative competence from the Cabinet Secretary.

16. We further note that the Cabinet Secretary considers that Minister of the Crown consent will be required in relation to sections 14, 21, 22 and 32. We acknowledge it is the responsibility of the Cabinet Secretary to seek and obtain this consent.

17. We note the Cabinet Secretary's comments in relation to human rights. As we have stated previously¹⁷, we believe that an assessment of a Bill's engagement with the rights protected by the ECHR should be included as a matter of course within the accompanying EM, and that that assessment should also set out any steps which have been taken to make that engagement proportionate. We believe that following this approach would assist Members of the Senedd in their consideration of a Bill.

Conclusion 1. We note the Cabinet Secretary's comments in respect of the Bill's impact on human rights but believe that, as a matter of good practice, an Explanatory Memorandum should always include a commentary on the consideration given to such implications.

¹⁶ LJC Committee, 23 June 2025, RoP [14]

¹⁷ See, for example, conclusion 1 of our [Report on the Welsh Language and Education \(Wales\) Bill](#), conclusion 1 of our [Report on the Elections and Elected Bodies \(Wales\) Bill](#) and conclusion 1 of our [Report on the Environment \(Air Quality and Soundscapes\) \(Wales\) Bill](#).

3. General observations

The development of and need for the Bill

18. In 2019, the Welsh Government set up the Homelessness Action Group¹⁸ (the Action Group) to recommend the steps needed to end homelessness in Wales.

19. In 2020¹⁹, the Action Group set out recommendations to help the Welsh Government achieve its aim of making homelessness rare, brief, and unrepeatable.²⁰

20. The Group's recommendations included a number of legislative proposals. It recommended strengthening the early prevention of homelessness by requiring local authorities to assist an applicant if they are likely to lose their home within six months, rather than 56 days. The Group also called for abolition of the priority need, intentionality, and local connection tests.

21. After the Group reported to the Welsh Government, the then Cabinet Secretary for Housing, Local Government and Planning, Julie James MS, commissioned homelessness charity Crisis to convene a further group, the Expert Review Panel²¹. In September 2023 this group made detailed recommendations to the Welsh Government on how legislation should be reformed.²²

22. In October 2023 the Welsh Government then published its Ending Homelessness White Paper.²³

23. While acknowledging this White Paper, we asked why the Welsh Government didn't publish a draft of the Bill for consultation before introduction. The Cabinet Secretary told us that the Welsh Government had conducted extensive stakeholder engagement over a prolonged period, including speaking with people with lived experience. The Cabinet Secretary also said that the provisions in the Bill as introduced "closely align with the proposals set out in our White Paper". As such, in the Cabinet Secretary's view, "further consultation on a draft Bill was not considered necessary".²⁴

¹⁸ [Homelessness Action Group](#)

¹⁹ [Homelessness Action Group: reports](#)

²⁰ Welsh Government, [Ending Homelessness in Wales: A high level action plan 2021-2026](#)

²¹ [Expert Review Panel](#)

²² Expert Review Panel, [Ending homelessness in Wales: A legislative review](#), 2023

²³ [Ending Homelessness White Paper](#)

²⁴ LJC Committee, 23 June 2025, RoP [17]. See also RoP [21] to [24].

24. The Cabinet Secretary also told us that the development of the Bill “has been undertaken over a long period of time”. She added:

“In fact, it's probably approaching 10 years of discussion, but, since 2018, obviously we've had very detailed discussions. We've really been on a journey with stakeholders throughout this as well, and there's been really close engagement with officials through it.”²⁵

Accessibility of the legislation

25. It is our understanding that the Bill uses 34 sections and one Schedule to amend 41 sections in the 2014 Act and to add 12 new sections into that same Act.

26. We asked the Cabinet Secretary if she considered that the Bill is easy for a reader to understand. We also inquired as to whether Welsh Government legislative drafters had been asked to consider substituting Part 2 of the 2014 Act with a new Part 2 rather than amend each section in the way the Bill has been drafted. The Cabinet Secretary stated that “amending the existing legislation just makes it clear what the proposed changes are and what will stay the same”. She added:

“Replacing Part 2 of the Housing (Wales) Act was considered, but, on balance, a drafting choice, really, was made to amend that Part 2. But, once the legislation is in force, all readers will be able to access a comprehensive version of Part 2 as amended. So, we have really looked at this, and, as I say, it was mainly a drafting choice that was made there.”²⁶

27. A Welsh Government official accompanying the Cabinet Secretary added:

“... just to add to what the Cabinet Secretary was saying, local authorities are familiar with the existing legislation, so having an amending Bill we think should enable smoother implementation, because it's easier to see where the amendments have been made. But, as the Cabinet Secretary has said as well, once the legislation is in force, then everyone—readers, local authorities et cetera—will be able to access a

²⁵ LJC Committee, 23 June 2025, RoP [20]

²⁶ LJC Committee, 23 June 2025, RoP [26]. See also RoP [28].

comprehensive version of the legislation on the legislation.gov website.”²⁷

Balance between the detail on the face of the Bill and delegated powers

28. The Bill contains 12 powers for the Welsh Ministers to make regulations and one power to make orders. The powers are summarised in Table 5.1 of the EM.

29. In paragraph 14 of the EM the Cabinet Secretary states:

“The Bill provides powers to make subordinate legislation in a number of areas. Subordinate legislation making powers are necessary in certain areas to provide a more flexible and nuanced approach that is sustainable. These subordinate legislation powers will, in the majority of instances, be subject to the affirmative procedure.”

30. The majority of regulation-making powers in the Bill when exercised will be subject to the Senedd approval procedure, including three Henry VIII powers in sections 21(2), 32(2), and 41. There are powers in the Bill which will be subject to the Senedd annulment procedure, which include powers in:

- section 23(4) - the meaning of “suitable accommodation” for the purposes of section 108A and 109 of the 2014 SSWB Act;
- section 35(4) - a power to prescribe classes of persons who may or may not be treated as qualifying persons owed reasonable preference in allocations, and to prescribe criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons;
- section 38 - a power to make provision for and in connection with common housing registers;
- section 41 - a power to make consequential and transitional provision (annulment procedure unless making changes to primary legislation in which case, approval procedure).

²⁷ LJC Committee, 23 June 2025, RoP [29]

31. The Bill also provides the Welsh Ministers with powers to issue guidance. These powers are summarised in Table 5.2 of the EM. The guidance to be issued by the Welsh Ministers will not be subject to a Senedd procedure.

The proposed implementation of the Bill

32. Given the Cabinet Secretary's statements about the Bill's development having taken "10 years of discussion"²⁸, the Cabinet Secretary was asked to confirm that some of the main elements of the new legislation would not commence until 2030-31. The Cabinet Secretary told us that the structural reform requires the entire system to be ready for everyone who presents as homeless. She went on to say:

"So, there's still a lot to do there, and I do understand we all want things to happen as quickly as possible. It's definitely saying this system really needs change. Doing nothing isn't an option. But there is time within that, and that's what some of the discussions that we've had with the sector more widely as to how we can implement this have been really important.

Just to say, we're not waiting for 2031 either to start everything. We've already been working with local authorities to prepare for the change, and there have been some really, really good examples that I've seen when I've been out and about in Wales, listening to local authorities who've restructured internally within their system, which has been really effective. They're preparing for this legislation. And one of the benefits of the long development of this has been that local authorities and others have seen what we're trying to get to, and importantly, taking them with us.

But I do recognise there's need for a phased approach with this legislation. So, I've been really clear, and that's come through with discussions we have had with local authorities. The first point I see would be embedding those preventative duties and multi-agency working at the start, and then moving on to more of those areas such as full removal of priority need and intentionality tests coming a bit later, but again, working with local authorities.

²⁸ LJC Committee, 23 June 2025, RoP [20]

But I just want to be clear that the 2031 date within the regulatory impact assessment is not about delaying anything. It's about making sure that we've got that effective way of doing it in a properly balanced way in that phased approach, so that we have got the time to do this and to take those authorities with us.”²⁹

33. When asked if the proposed implementation could be delayed further and, therefore, whether there should be a fixed and clear timetable for implementation of the Bill's main provisions, the Cabinet Secretary responded:

“We've used the 2030-31 dates just to aid in planning the cost implementation of the Bill, but exact timescales and the phased approach that I mention still needs to be agreed, and that's in discussion with our local authorities as well. As I said, I feel that, as I mentioned, we should do that preventative side to start off within terms of the priority need, and remove intentionality later. That's what I'm minded to do. But it's just important to look at it in that way, to try to tackle the pressures in the system at the moment, because the system that we have is pushing everybody to that crisis point. We need to try and take the pressure out of the system, and that's why that preventative side would come in first. But just to confirm that the 2030-31 date is just helping with the planning cost, but the exact timescale and the phasing of it does need to be agreed with local authorities, who are our key delivery partners in this.”³⁰

34. In the evidence session with the Cabinet Secretary we highlighted that the Government's planned implementation of the new legislation would stretch beyond the Seventh Senedd and into the Eighth Senedd. We asked the Cabinet Secretary whether she therefore accepted the argument that the legislation should include a duty that requires a future government to evaluate the success of the legislation. The Cabinet Secretary responded:

“Work is going on at the moment to ensure that we've got improvement around our data collection and that that aligns to the Bill and to strengthen the data that we currently have.

²⁹ LJC Committee, 23 June 2025, RoP [38] to [41]

³⁰ LJC Committee, 23 June 2025, RoP [43]

We are looking to replace aggregate data collection with individual level data collection as well, which will help us to follow an individual's journey through the homelessness system and will also help us in terms of monitoring and evaluating the impacts of our reforms, and hopefully to see how we will help with the prevention rates and relief for homelessness. It's also going to provide us with a rolling mechanism with which to assess the implementation of the Bill, particularly in relation to our RIA core scenario. But I am obviously very happy to reflect on any additional measures necessary through the next stages of scrutiny in terms of evaluation as well. I do recognise how important that is and, as you say, the length of time taken. So, I'm happy to reflect on that as well, after the committee has as well.”³¹

General matters

35. The Schedule to the Bill contains a number of changes to the language across several existing legislative duties. For example, it substitutes “person with whom the applicant lives or might reasonably be expected to live”, with “member of the applicant's household”. We asked the Cabinet Secretary to clarify why these changes are being made, to which the Cabinet Secretary responded:

“... the scope hasn't been narrowed, so there's no change to the people who are being captured. But, as you rightly say, the language has been updated and it's also meant to simplify the language to make sure that it's consistent terminology as well. So, the legislation refers to people who live or reside with an applicant and people who might reasonably be expected to live or reside with them. So, instead, the Bill refers to a member of a person's household, which is defined in the Bill to capture all variations, which I think better describes what is meant.”³²

36. We also asked the Cabinet Secretary why the 1996 Act and the 2014 Act have been defined on two separate occasions in the Bill, at sections 14 and 39, and sections 1 and 39 respectively. The Cabinet Secretary told us that this drafting choice has been made “to assist those who are just going to pick the sections that

³¹ LJC Committee, 23 June 2025, RoP [46] and [47]

³² LJC Committee, 23 June 2025, RoP [146]

are relevant, and those who might want to sit up and read the whole thing through diligently”.³³

37. In the EM the Cabinet Secretary states that amendments will be made to the Homelessness (Suitability of Accommodation) (Wales) Order 2015 to address issues regarding the suitability of accommodation provided under homelessness functions. We asked the Cabinet Secretary to confirm when the Welsh Government will make these amendments. The Cabinet Secretary told us that she would be working with local authorities to inform the timing of secondary legislative changes.³⁴

38. We asked the Cabinet Secretary if there are any amendments concerning drafting or otherwise that she is already considering tabling, should the Senedd agree to the general principles of the Bill. While confirming that she is not in a position to confirm any amendments at the moment, the Cabinet Secretary told us that the Welsh Government “might be willing to make some clarification amendments at Stage 2, but we can update the committee when we have details”.³⁵

39. The Cabinet Secretary also confirmed that the EM would be updated to reflect the change in terminology used to describe Senedd scrutiny procedures for subordinate legislation, as per the recently-enacted *Legislation (Procedure, Publication and Repeals) (Wales) Act 2025*.³⁶

Our view

40. We note the Cabinet Secretary’s evidence regarding the development of the Bill. We acknowledge that the Welsh Government undertook a public consultation on its Ending Homelessness White Paper in 2023. Nonetheless, the Cabinet Secretary will be aware of our longstanding preference for the Welsh Government to consult on draft Bills, where appropriate.

41. We have some concerns about the accessibility of the Bill as drafted and introduced to the Senedd. While we acknowledge that the EM does provide a Keeling Schedule demonstrating how the statute book will look if the Bill is passed, we do not consider that the Bill is easy to follow and as a result it is not easy to understand what changes are being made by the Bill by reading the Bill on its own.

³³ LJC Committee, 23 June 2025, RoP [148]

³⁴ LJC Committee, 23 June 2025, RoP [132]

³⁵ LJC Committee, 23 June 2025, RoP [116]

³⁶ LJC Committee, 23 June 2025, RoP [137] and [138]

42. We note the comments of the Cabinet Secretary and her officials that “once the legislation is in force, all readers will be able to access a comprehensive version of Part 2 as amended” and that having an amending Bill “should enable smoother implementation, because it’s easier to see where the amendments have been made”. We also note the Cabinet Secretary’s statement that “amending the existing legislation just makes it clear what the proposed changes are and what will stay the same”. We do not find this reasoning to be convincing.

43. In part, our concern stems from our knowledge that it is only paid-for services, such as Westlaw and LexisNexis, that provide comprehensive versions of Acts as amended in a timely fashion. Such services are unlikely to be easily accessible and available to Welsh citizens who may need to understand the framework for homelessness and housing legislation in Wales and therefore their rights under this legislation. In the Welsh Government’s Annual Report for the 2023-24 period on its future of Welsh law programme it acknowledges that 6.5% of Welsh Acts and Measures available on legislation.gov.uk are out-of-date.³⁷ This may appear a small figure, but it demonstrates that there is a level of unreliability when it comes to assessing whether or not the law that may be accessed free of charge on that website is current and therefore accurate.

44. We also have concerns about the Welsh Government’s plans for implementing the Bill’s provisions (should it be passed by the Senedd and enacted). The Government’s planned implementation of the new legislation will stretch beyond the Seventh Senedd and into the Eighth Senedd, a fact which we highlighted in our evidence session with the Cabinet Secretary.

45. Given our remit and the focus of our scrutiny, we do not feel like we can comment on the readiness of the sector and its ability to manage the requirements of the new legislation, and therefore the pace at which full implementation can be achieved. However, it is our role to help ensure the Senedd makes good law that does not over-delegate power to the executive to be used at an undetermined point in the future. It is for this reason we believe the Bill should be strengthened to protect the Senedd and the role of its democratically elected members.

Recommendation 2. The Bill should be amended so that the Welsh Ministers are required to report to the Senedd, by no later than the end of 2028, on the steps taken by the Welsh Government in progressing towards full implementation of the Act. The Bill should also be amended so that a further report is required to be

³⁷ Welsh Government, [The future of Welsh law: A programme for 2021 to 2026 - Annual Report 2023-2024](#), December 2024, paragraph 18. Figure accurate as of the end of September 2024.

laid before the Senedd by the end of 2029 which provides an update on the progress being made in implementing the Act. This progress report must include details of any delays to implementation that were outlined in the first report and the reasoning for these delays.

Recommendation 3. The Bill should be amended so that the Welsh Ministers are required to evaluate the Act, including its effectiveness in delivering its objectives, by the end of 2033.

46. We welcome the Cabinet Secretary's commitment to update the EM to reflect the new descriptions for Senedd scrutiny procedures used in the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025, following stage 2 proceedings on the Bill (should the Senedd agree to its general principles at stage 1).

47. Finally, we note that the Bill contains 13 powers for the Welsh Ministers to make regulations and orders, three of which are Henry VIII powers, and several powers that will enable the Welsh Minister to issue guidance. Subject to our comments on specific powers and provisions in the Bill, we are content with the balance between what is on the face of the Bill and what is left to subordinate legislation. We discuss specific delegated powers in the Bill in more detail in Chapter 4 of our report.

4. Specific observations

48. The Bill (as introduced) has 43 sections, arranged into three Parts, and has one Schedule.

- Part 1 focuses on homelessness;
- Part 2 focuses on social housing allocation;
- Part 3 makes general provision.

Part 1 of the Bill

49. Part 1 of the Bill makes provision about homelessness.

Section 1 – Meaning of “threatened with homelessness”

50. Section 1 of the Bill amends section 55 of the 2014 Act so that a person is defined as “threatened with homelessness” if it is likely that the person will become homeless within six months, rather than the current 56 days. The amendment also specifies that a person is threatened with homelessness if they have received written notice requiring them to give up occupation of their accommodation, or if an application has been made to the High Court or County Court for possession. This is intended to clarify to local authorities that possession notices are a threat of homelessness.

51. Evidence given to the LGH Committee by a panel of legal practitioners suggested that this would not apply to some possession notices, such as a serious rent arrears notice or breach of contract notice, and the language should be assessed to ensure it is as inclusive as it is intended to be.³⁸ In a letter to the Cabinet Secretary following her evidence session with us, we asked if she was content that new section 55(4)(a) to be inserted into the 2014 Act meets the Welsh Government’s policy intention and if so how. We also asked the Cabinet Secretary to confirm her understanding of whether the new provision covers notices other than “no fault” eviction notices under section 173 of the *Renting Homes (Wales) Act 2016*.³⁹

52. In response the Cabinet Secretary stated that she was of the view that new section 55(4)(a), when considered together with paragraphs (b) and (c) of that section, meet the policy intention. She added that they “allow not only people

³⁸ Local Government and Housing Committee, 19 June 2025, RoP [205]

³⁹ Letter to the Cabinet Secretary for Housing and Local Government, 27 June 2025, question 1

who are required to leave their homes to access help under the Act, but also those who may be required to leave their homes in the near future”.⁴⁰

53. To reach this view, the Cabinet Secretary provided the following explanation:

“New section 55(4)(a) of the Housing (Wales) Act 2014 (“2014 Act”) is intended to capture notices that require a person to give up occupation of their accommodation, whether fault-based or not. “Notice” in new section 55(4)(a) of the 2014 Act includes not only notices that may be served in relation to occupation contracts under the Renting Homes (Wales) Act 2016 (“2016 Act”) but also notices that require a person to give up occupation of their accommodation, whatever the underlying arrangements. For example, it includes notices ending arrangements where a person resides with a landlord (which fall outside the definition of “occupation contracts” for the purposes of the 2016 Act) and it includes notices for possession served under Schedule 10 to the Local Government and Housing Act 1989 to end a long lease.

New sections 55(4)(b) and (c) of the 2014 Act, on the other hand, deal with scenarios where a person may be required to give up occupying their accommodation. Under section 55(4)(b), a person is “threatened with homelessness” if an application to the court has been made for a possession order. And under section 55(4)(c), a person is threatened with homelessness if it likely that the person will become homeless within 6 months.

In relation to notices under the 2016 Act that do not of themselves require a person to give up occupation (e.g. a serious rent arrears notice), neither new section 55(4)(a) nor (b) of the 2014 Act will apply. Instead, under new section 55(4)(c) of that Act, a local housing authority would need to assess whether it is likely that the person will become homeless within 6 months, and if a notice has been served under the 2016 Act, that would be a relevant consideration for that purpose.

I am therefore of the view that new section 55(4)(a) when considered together with paragraphs (b) and (c) of that section

⁴⁰ Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025, page 1

meet the policy intention. They allow not only people who are required to leave their homes to access help under the Act, but also those who may be required to leave their homes in the near future.”⁴¹

Section 12 – Meaning of local connection

54. Sections 11 to 17 of the Bill amend the 2014 Act and make provision relating to local connection referrals.

55. Section 12 empowers Welsh Ministers to make regulations to specify the circumstances in which a person is to be treated as having met the local connection criteria. The current criteria for determining local connection at local authority level will remain the same. The Welsh Government’s intention is to provide more certainty and clarity as to when someone has established a local connection, which is currently set out in guidance. Section 6 of the Bill includes the duty on local housing authorities to secure accommodation for eligible homeless persons with a local connection to Wales.

56. We asked the Cabinet Secretary to explain the changes that she intends to make to the local connection to Wales test, and she told us:

“The Bill, as you’ll know, will enable Welsh Ministers to prescribe categories of people who are not subject to that local connection test, and the Bill retains the current definition of local connection, but section 12 of the Bill contains regulation-making powers that will help us add detail to definitions in partnership with stakeholders. So, the powers allow us to reconsider the scope and function of local connection over time, and I do hope that that will offer a route for assisting particular groups who encounter connections in the future, such as, potentially, veterans or care leavers. Currently, local connection should only be considered where a local authority is of the view that an individual should be referred to another local authority for assistance. It is not used to determine whether someone is owed a duty by an authority. So, they are the changes.”⁴²

57. When asked if it would not be better to identify on the face of the Bill some of the additional categories that she foresees will be exempted from that local

⁴¹ Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025, page 1

⁴² LJC Committee, 23 June 2025, RoP [85]

connection provision for the purpose of clarity and certainty, the Cabinet Secretary said that there are “complexities of how the system works across border”. She went on to say:

“Historically, the system has been very similar between the rest of the UK. Obviously, we've got a long and porous border, and I just believe that this way will enable local authorities, and the system that we have, to protect people and to support people that we have here in our communities in Wales. We believe that we've got changes to make in relation to the tests around prevention, allocations. They are really transformative ways forward. They're going to make a real difference. But I've got to ensure that our system can sustain our intended practice.”⁴³

58. The Cabinet Secretary added:

“Our White Paper did consider the impact of local connection tests for certain groups, including young people, for example. But, just to be clear, the White Paper didn't propose particular exemptions for those groups as specific exemptions to a local connection referral; it did propose further consideration how special circumstances criteria could be applied to those groups. But I think, this way, we've been able to listen to the feedback from local authorities throughout the development of the Bill, which I think has been really important in how we've been able to take the Bill forward. As I said, there's been a lot going on in terms of the development of this, but I think it's also important we listen to the feedback from that, and this came across very clearly from the feedback.”⁴⁴

59. We then asked the Cabinet Secretary if she had considered adding specific groups to the face of the Bill, testing those provisions in practice, while having the power to remove those exemptions if necessary. The Cabinet Secretary told us that the regulation-making power will allow the Welsh Government to reconsider the scope and function of local connection over time but that has to be done carefully.⁴⁵

⁴³ LJC Committee, 23 June 2025, RoP [87]

⁴⁴ LJC Committee, 23 June 2025, RoP [88]

⁴⁵ LJC Committee, 23 June 2025, RoP [93]. See also ROP [95].

60. The Cabinet Secretary also confirmed that the special circumstances connecting a person to an area will be the same throughout Wales.⁴⁶

Sections 21 and 22 – Duty to ask and act

61. Section 21 of the Bill inserts two new sections into the 2014 Act – sections 94A and 94B. New section 94A creates a new duty on specified public authorities to identify where individuals may be homeless or at risk of homelessness, and then seek their consent to make a referral to the local housing authority on their behalf. The specified authorities would also be required to provide information about other sources of help, and consider whether they could reasonably take any other steps to help the individual secure or retain accommodation.

62. New section 94B specifies the following public authorities:

- a social services authority;
- a Local Health Board, but only in relation to individuals to whom it provides or arranges health care services that are not primary care services;
- the Welsh Ambulance Services University National Health Service Trust;
- a registered social landlord;
- a new town corporation for an area in Wales;
- a private registered provider of social housing that provides housing in Wales;
- a housing action trust for an area in Wales;
- the governor of a prison in Wales;
- the director of a contracted out prison in Wales;
- the governor of a young offender institution in Wales;
- the governor of a secure training centre in Wales;
- the director of a contracted out secure training centre in Wales;
- the principal of a secure college in Wales;

⁴⁶ LJC Committee, 23 June 2025, RoP [97]

- a youth offending team established under section 39(1) of the Crime and Disorder Act 1998 (c. 37) for an area in Wales;
- the manager of a secure children's home in Wales;
- a provider of probation services in Wales;
- an officer employed by the Secretary of State at an office in Wales known as a Jobcentre Plus office;
- the Secretary of State for Defence, but only in relation to members of the regular armed forces of the Crown.

63. The Bill provides a regulation-making power for the Welsh Ministers to amend the list. In the EM the Cabinet Secretary states that the Welsh Government expects the list to grow over time.⁴⁷

64. Section 22 amends the 1996 Act so that specified public bodies already subject to a similar “duty to refer” in England will also refer a person to Wales where the person specifies a local housing authority in Wales and consents to being referred.

65. We asked the Cabinet Secretary why the regulation-making power in section 21 is needed and why a final list of public bodies was not already specified on the face of the Bill. The Cabinet Secretary said:

“Public services change over time, so that's why we have the flexibility so that list of public bodies remains current and does reflect the changing profile of public services. The regulation-making power will be subject to the approval procedure, and, as such, the Senedd will be provided with the opportunity to consider and vote on any proposed regulations.”⁴⁸

66. Primary care contracted services are not listed in section 21 of the Bill. The Cabinet Secretary told us

“... NHS Wales has a different contractually based relationship with this element of the health service. But we do recognise how important a role primary care services do play in

⁴⁷ EM, page 23, paragraph 94

⁴⁸ LJC Committee, 23 June 2025, RoP [60]

homelessness, and work is under way with health services to meet our policy objectives outside of that legislation.”⁴⁹

67. Following our evidence session, the Cabinet Secretary provided us with a briefing paper in relation to applying the duty to “ask and act” to primary care contractors.⁵⁰ In summary, the Cabinet Secretary states in the briefing paper:

“Primary Care contracted services are not included in the Bill because they are not public bodies and NHS Wales has a different, contractual based relationship with this element of health services. We do, however recognise the important role primary care services play in homelessness, and work is underway with health services to meet our policy objectives outside of the legislation.”⁵¹

68. Police forces and officers are also not listed in section 21 of the Bill. In evidence to the LGH Committee, an official accompanying the Cabinet Secretary said police officers carry an individual duty that is different to that of a social worker or a probation officer, and the Welsh Government had yet to work through the implications of these differences on the drafting of legislative provisions.⁵² The LGH Committee was also told that the Cabinet Secretary hoped to bring forward amendments to the Bill at a later stage.⁵³ We asked the Cabinet Secretary to provide clarity on these matters. She responded:

“In terms of the police, officials continue to develop our policy. Again, that’s in discussion with UK Government in relation to the role of policing and ‘ask and act’, and that’s including our work on Minister of the Crown consents, so those discussions, as I say, are ongoing. At the moment, I’m unable to indicate when we might be in a position to make potential amendments, but I can assure you that we’ll work as quickly and as effectively as we can on the matter.”⁵⁴

69. The Cabinet Secretary also confirmed that Welsh Government officials are having discussions about these matters with Police and Crime Commissioners.⁵⁵ A Welsh Government official accompanying the Cabinet Secretary told us:

⁴⁹ LJC Committee, 23 June 2025, RoP [62]

⁵⁰ Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025, Annex A

⁵¹ Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025, Annex A

⁵² Local Government and Housing Committee, 4 June 2025, RoP [116]

⁵³ Local Government and Housing Committee, 4 June 2025, RoP [123]

⁵⁴ LJC Committee, 23 June 2025, RoP [74]

⁵⁵ LJC Committee, 23 June 2025, RoP [76]

*"We have done some testing and engagement with operational policing in Wales, and we also run a long-standing post-custody accommodation working group on which the police are represented. But we have specifically, on the provisions in the Bill, engaged with policing in Wales, and we'll continue to do so."*⁵⁶

70. We noted that no Senedd scrutiny procedure is in place for the guidance that the Welsh Ministers may issue under section 21(3). We asked if the Cabinet Secretary considers that this guidance should be subject to the draft annulment procedure. The Cabinet Secretary stated:

*"The guidance procedure in relation to the duty to 'ask and act' will provide operational or practical assistance; it will not impose a new legal obligation. So, the absence of Senedd scrutiny reflects the nature of the guidance as an administrative tool rather than a legislative instrument, and that is consistent."*⁵⁷

71. In our letter to the Cabinet Secretary dated 27 June 2025, we asked a further question regarding section 21 of the Bill, as follows. The "ask and act" duty applies if a specified public authority "considers" that a person in Wales in relation to whom the authority exercises functions is or may be homeless or threatened with homelessness. In evidence to the LGH Committee, legal practitioners highlighted that more suitable language might be "has reason to believe" as this is the language used in the 2014 Act in relation to local authorities' duties. It has also been suggested in evidence to the LGH Committee that the duty on specific public authorities to "consider" in new section 94A(5)(b) and (c) could be stronger, and a duty "to provide" would be more robust from an enforcement perspective.⁵⁸ We therefore asked the Cabinet Secretary if she considered that the term "consider" is appropriate to use in section 21, and whether other language could be used instead to ensure consistency with the 2014 Act.⁵⁹ The Cabinet Secretary responded:

"Within the context of new section 94A of the 2014 Act, I do not believe that there would be a significant difference in meaning had we used 'has reason to believe' instead of 'considers'. The reason for using 'considers' in this provision is for consistency

⁵⁶ LJC Committee, 23 June 2025, RoP [77]

⁵⁷ LJC Committee, 23 June 2025, RoP [79]

⁵⁸ Local Government and Housing Committee, 19 June 2025, RoP [237] to [240]

⁵⁹ Letter to the Cabinet Secretary for Housing and Local Government, 27 June 2025, question 2

with the language of section 213B of the Housing Act 1996, as (broadly) the same bodies will be subject to the duty to “ask and act” under new section 94A of the 2014 Act in relation to Wales and the duty to refer under section 213B of the Housing Act 1996 (“the 1996 Act”) in relation to England. There is, therefore, value in using the same language in both provisions.

You also note evidence suggesting that the duty on specific public authorities to “consider” in new section 94A(5)(b) and (c) could be stronger, and a duty “to provide” would be more robust from an enforcement perspective.

The duty in section 94A(5)(b) requires more than consideration of whether to take steps. Under that section, if a specified public authority considers that there are any other steps it could reasonably take to help the person secure or retain accommodation, it must take those steps. This allows the specified public authority to decide what steps might be appropriate to take. This is important as the actions required in relation to an individual will need to be considered on a case-by-case basis and the specified public authorities are best placed to make the assessment as to what steps should be taken (if any) in relation to a particular individual.

The duty in section 94(5)(c) is a duty to consider whether the specified public authority’s opinion that a person is homeless or threatened with homelessness affects the exercise of its functions in relation to the person. Again, how functions should be exercised in relation to an individual who may be homeless or threatened with homelessness will need to be assessed on a case-by-case basis and so, again, prescribing the particular things that should be provided or done in particular scenarios under this section would not be appropriate. The specified public authorities themselves are best placed to make this assessment and guidance will be provided to assist these considerations.”⁶⁰

⁶⁰ Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025, page 2

Section 33 – Co-operation between social landlords and local housing authorities

72. Section 33 of the Bill inserts a new section 96A into the 2014 Act which creates a new duty on social landlords to comply with a request from a local housing authority to provide suitable accommodation to an applicant owed the main section 75 housing duty. The section requires social landlords to comply with such a request within a reasonable period unless it has good reasons for not doing so.

73. The section defines ‘social landlords’ as registered social landlords (RSLs) or private registered providers of social housing.

74. New section 96A also enables Welsh Ministers to issue guidance, and states that local authorities and social landlords must be consulted in the development of that guidance.

75. In cases where a social landlord does not comply, new section 96B empowers local authorities to refer the matter to Welsh Ministers, who may direct the social landlord to comply with the request.

76. We asked the Cabinet Secretary why it was considered appropriate that a social landlord could be directed to provide accommodation under new section 96B when the Welsh Ministers will not be required to issue that guidance. The Cabinet Secretary told us:

“So, provisions were made to enable Welsh Ministers to give guidance because we recognise that it will assist social landlords and local housing authorities to have clarity about what's expected. It is our intention to issue guidance. Generally, legislation confers power to issue guidance, rather than imposes a duty to do so, so that's the approach taken. The approach is not intended to suggest that guidance will not be issued; it's done to provide that degree of flexibility. But if it would provide assurance to the committee that this guidance will be provided, I am content to bring forward an amendment to change the guidance power to a 'must'.”⁶¹

⁶¹ LJC Committee, 23 June 2025, RoP [118]

Our view

77. We note the Cabinet Secretary's evidence as regards section 1 of the Bill, and are content.

78. We note the Cabinet Secretary's evidence as regards section 12 of the Bill. In particular we note that the section will empower the Welsh Ministers to make regulations to specify the circumstances in which a person is to be treated as having met the local connection criteria. We also acknowledge the Cabinet Secretary's confirmation that the special circumstances connecting a person to an area will be the same throughout Wales.

79. We note the Cabinet Secretary's evidence as regards sections 21 and 22 of the Bill. In particular, we note that the Bill provides a Henry VIII regulation-making power for the Welsh Ministers to amend the list and that the Cabinet Secretary expects the list to grow over time.

Conclusion 2. While we acknowledge the reasoning provided by the Cabinet Secretary as to why a full and final list of public bodies expected to be subject to the 'ask and act duty' is not already specified on the face of the Bill, we consider this to be regrettable from an accessibility of law point of view.

80. We note the Cabinet Secretary's evidence as regards section 33 of the Bill. In particular we note that new section 96A of the 2014 Act will enable the Welsh Ministers to issue guidance to local authorities and social landlords. As currently drafted, the legislation will not require the Welsh Ministers to produce and issue this guidance. We acknowledge the Cabinet Secretary's assurance that the guidance will be issued, and further acknowledge her suggestion that the Bill could be amended so that the Welsh Ministers are required to provide the guidance rather than being enabled to do so. This is welcomed.

Part 2 of the Bill

81. Part 2 of the Bill makes provision about social housing allocation.

Section 35 – Allocation of housing accommodation under Part 6 of the Housing Act 1996

82. Section 35 gives local housing authorities the discretion to decide what classes of person are or are not 'qualifying persons' for social housing in their area, provided they are not ineligible for allocation. This is intended to manage waiting list figures and increase accessibility to housing for those in most housing need.

83. The section also creates a new regulation-making power for Welsh Ministers to prescribe classes of people who may or may not be treated as qualifying persons owed reasonable preference in allocations.

84. The section also amends section 160A(7) of the 1996 Act, which enables a local housing authority to disqualify a person from allocation if they, or a member of their household, has been guilty of ‘unacceptable behaviour’ serious enough to make them unsuitable as a tenant. The amendment seeks to clarify that the local authority must take into account the likelihood of that behaviour reoccurring, so that where a person has taken steps to change their behaviour, their past history does not continue to impact their housing stability.

Section 36 – No preference for persons who try to manipulate the housing system

85. Section 36 introduces a new deliberate manipulation test – via new section 167A being inserted into the 1996 Act – to apply when local authorities find that an applicant has tried to deliberately manipulate the homelessness system to gain advantage when applying for social housing.

86. The test would not affect access to statutory homelessness assistance but would mean the applicant has no preference for an allocation of social housing. This is intended to replicate the disincentive effect of the intentionality test.

87. New section 167A(2)(b)(ii) does not require the individual to have had any intent to deliberately manipulate the system. Legal practitioners giving evidence to the LGH Committee queried whether the new test is too broad and questioned whether the new test is any different to the intentionality test being removed by section 10 of the Bill. We asked the Cabinet Secretary whether she had any concerns that there may be unintended consequences from the way new section 167A(2)(b)(ii) has been drafted, or that its drafting may not meet the Welsh Government’s policy intention.⁶² The Cabinet Secretary responded:

“The new deliberate manipulation test and the existing intentionality test are different in two distinct ways. The first difference is that the tests operate on different legislative systems. The test that is in section 77 of the 2014 Act is about entitlement to help for homeless persons under that Act, and removing that test meets the policy intention of not denying homelessness assistance to persons who may be intentionally homeless. New section 167A of the 1996 Act, on the other hand,

⁶² Letter to the Cabinet Secretary for Housing and Local Government, 27 June 2025, question 3

is about entitlement to an allocation of social housing and the provision seeks to prevent persons from doing things or failing to do things for the purpose of improving their chances of being allocated social housing. No such test currently exists.

The second difference is that, although the tests appear similar, the test in new section 167A of the 1996 Act is narrower than the test in section 77 of the 2014 Act. New section 167A(2)(a) and (b)(ii) of the 1996 Act provide that a person is trying to manipulate the housing system if the person did something or failed to do something that led to them ceasing to occupy their accommodation and before doing that thing (or not doing it) they had advice that was intended to enable them to stay in their home. In other words, persons who are properly informed as to the potential consequences of their actions (or inactions) can be trying to manipulate the housing system, but persons who do something (or fail to do something) without being fully informed of the consequences of doing that thing (or not doing it) would not be trying to manipulate the system. This is in contrast to the test in section 77 of the 2014 Act, where a person could be intentionally homeless if they did something (or didn't do something) that led to them being homeless – regardless of whether they fully understood the consequences of their actions (or omissions).

I am of the view that the test in new section 167A meets the policy intention and sufficiently describes the acts or omissions that are intended to amount to trying to manipulate the housing allocation system (guidance will be an important tool in setting out further detail). I am content that the provision is not too broad; it is narrower than the test in section 77 of the 2014 Act that is being removed by the Bill.”⁶³

Section 38 – Housing registers

88. Section 38 of the Bill requires all local authorities to operate a common housing register, which is a single register for all people who have applied for social housing in the area.

⁶³ Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025, page 3

89. In the EM the Cabinet Secretary states that 19 of the 22 Welsh local authorities already operate common housing registers. The Welsh Government's intention is to simplify the process of applying for social housing in all areas.

90. Section 38 also requires local authorities to operate an accessible housing register, to include all housing in the area that has features that may assist a disabled person.

91. Section 38 contains new sections 160D and 160E which will be inserted into the 1996 Act. Regulations made under new sections 160D and 160E can confer functions on local housing authorities. We asked the Cabinet Secretary why she considered it appropriate that such regulations should be subject to the annulment procedure. The Cabinet Secretary responded:

*"Given the technical nature of these regulations, I am satisfied that the annulment procedure is appropriate and consistent with similar existing powers relating to the allocation of social housing accommodation."*⁶⁴

Our view

92. We note the Cabinet Secretary's evidence as regards section 35. We also note that the section delegates a regulation-making power to the Welsh Ministers that would enable them to prescribe classes of people who may or may not be treated as qualifying persons owed reasonable preference in the allocation of social housing. It is proposed that such regulations would be subject to the Senedd annulment procedure.

Recommendation 4. The Bill should be amended so that regulations made under section 160A of the *Housing Act 1996*, as amended by section 35 of the Bill, are subject to the Senedd approval procedure.

93. We note the Cabinet Secretary's evidence as regards section 36. We also acknowledge the evidence provided by stakeholders to the LGH Committee and the concerns raised that there may be unintended consequences from the way new section 167A(2)(b)(ii) has been drafted. It is the responsibility of the Cabinet Secretary to ensure that the Bill as drafted delivers the Welsh Government's intentions and the assurances about those intentions which have been given to stakeholders and to the Senedd.

⁶⁴ LJC Committee, 23 June 2025, RoP [57]

94. We note the Cabinet Secretary's evidence as regards section 38. As regulations made under new sections 160D and 160E can confer functions on local housing authorities, we do not consider that the annulment procedure will afford the Senedd with the appropriate level of scrutiny.

Recommendation 5. The Bill should be amended so that regulations made under new sections 160D and 160E of the *Housing Act 1996*, as inserted by section 38 of the Bill, are subject to the Senedd approval procedure.

Part 3 of the Bill

95. Part 3 of the Bill makes general provision.

Section 40 and Schedule 1 – Minor and consequential provision

96. Section 40 of the Bill introduces Schedule 1, which makes minor and consequential amendments to the 1996 Act, the 2014 SSWB Act, and the 2014 Act.

97. Schedule 1 to the Bill provides that local housing authorities in Wales "shall" have regard to guidance, and provides that regulations made by the Welsh Ministers "shall" be made by Welsh statutory instrument.

98. Paragraph 3.14 of the Welsh Government's own Writing Laws for Wales guidance states that Welsh legislation should not use "shall" in the English language text, and notes that provisions imposing obligations should use "must", as "shall" is ambiguous. As such, we asked the Cabinet Secretary why the Bill uses "shall" instead of "must".⁶⁵ The Cabinet Secretary told us:

*"Section 169 of the 1996 Act uses "shall" and the amendments to that section made by paragraphs 5(b) and 6(b) of the Schedule to the Bill use "shall" to be consistent with the language of that section (see also paragraph 7:30(2) of Writing Laws for Wales, which states that when amending existing legislation, it may be appropriate to use "shall" in text that will be inserted near to existing provisions that already use "shall" in the same way)."*⁶⁶

⁶⁵ Letter to the Cabinet Secretary for Housing and Local Government, 27 June 2025, question 4

⁶⁶ Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025, page 3

Our view

99. We note the Cabinet Secretary's evidence as regards section 40 of and Schedule 1 to the Bill.