

National Assembly for Wales

Enterprise and Business Committee

November 2014

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



Report on the Supplementary Legislative Consent Memorandum, Small Business, Enterprise and Employment Bill: Amendment in relation to Landlord and Tenant Act 1954

Background

1. This is a second Legislative Consent Memorandum (LCM) in relation to this Bill. The first LCM related to support for exports and information relating to education and was considered by our Committee on 24 September. This Supplementary LCM was laid on 7 November and relates to amendments made at Committee Stage in the House of Commons to encourage business use of residential premises.

2. We considered the Supplementary Memorandum on 26 November and have reported within the deadline of 8 January 2015, which was set by Business Committee in order for the Motion to be debated in Plenary on 13 January.

The Small Business, Enterprise and Employment Bill

3. The UK Government's main policy objectives for the Bill are to open up new opportunities for small businesses to compete, obtain finance to create jobs, grow, innovate and export. The Bill covers a wide range of subjects to achieve these policy objectives including Public Sector Procurement,

Regulatory Reform and Employment law measures. Further information on the Bill's objectives can be found in paragraph 4 of the Supplementary LCM.

Provisions in the Bill for which consent is sought

4. The consent of the Assembly is sought to amendments to the Bill tabled on 28 October by UK Minister Matthew Hancock MP and Jo Swinson MP. The amendments were tabled with the aim of assisting home businesses and are designed to encourage residential landlords to permit business use in their tenancy agreements. The amendments were agreed without debate or the need for votes.

5. The substantive amendment has now become clause 35 of the Bill. The new regulation making power for the Welsh Ministers to make provision in consequence of clause 35 is now contained in clause 152(5)–(8) of the Bill. The negative procedure would normally apply, unless the regulations amend primary legislation, in which case the affirmative procedure would apply. Clause 153(2) would permit the Welsh Ministers to make transitional, transitory or saving provision in relation to the coming into force of clause 35 by regulations. Clause 154(5) provides that those regulations could be made using the negative or affirmative procedure. Clause 157(4) gives the Welsh Ministers the power to commence clause 35.

Our view

6. We believe this Supplementary LCM is clear and we are content with the Memorandum.