



House of Commons
Welsh Affairs Committee

**Proposed National
Assembly for Wales
(Legislative
Competence) (Housing)
Order 2009, relating to
Domestic Fire Safety:
Government Response
to the Committee's
Second Report**

**Fourth Special Report of Session
2009–10**

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The Welsh Affairs Committee

The Welsh Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Secretary of State for Wales (including relations with the National Assembly for Wales).

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The committee is one of the Departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/parliamentary_committees/welsh_affairs_committee.cfm.

Committee staff

The current staff of the Committee is Dr Sue Griffiths (Clerk), Alison Groves (Second Clerk), Anwen Rees (Inquiry Manager), Christine Randall (Senior Committee Assistant), Annabel Goddard (Committee Assistant), Tes Stranger (Committee Support Assistant) and Rebecca Jones (Media Officer).

Contacts

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Fourth Special Report

The Committee published its Second Report of session 2009-10 *The proposed National Assembly for Wales (Legislative Competence) (Housing) Order 2009*, on 18 December 2009. The response from the Secretary of State for Wales was received on 29 January 2010 and is published as an Appendix to this Special Report. The Order was published in draft form as The National Assembly for Wales (Legislative Competence) (Housing) (Fire Safety) Order 2010 and laid before Parliament by the Secretary of State on 28 January 2010. The draft Order, together with an Explanatory Memorandum, are also published as Appendices to this Special Report.

Appendices

Letter from the Secretary of State for Wales to the Chairman of the Committee

Yesterday, I laid the draft National Assembly for Wales (Legislative Competence) (Housing) (Fire Safety) Order 2010 for approval by resolution of the House.

The LCO relates to domestic fire safety, and was approved by the National Assembly on 27 January. This backbench LCO was brought forward by Ann Jones AM, and is endorsed by the Welsh Assembly Government.

I would like to thank the Welsh Affairs Select Committee for undertaking a thorough and effective inquiry into the proposed Order. I was pleased to note the Committee concluded that there is clear support for it

The Committee recommended that the proposed LCO be amended so that the term “new” or “newly” appears in all definitions of “new residential premises”. The Lords Constitution Committee recommended in similar terms. The draft Order has been amended to reflect this recommendation.

The Committee also considered that the name of the LCO should reflect and communicate its contents and should not be dictated by the field in Schedule 5 into which it is placed. Similarly, the Lords Constitution Committee suggested that the matter could be placed under Field 7 (fire and rescue services and promotion of fire safety) rather than Field 11 (housing).

The drafting of the LCO has been carefully considered by Ann Jones, the Welsh Assembly Government and the UK Government in light of the Committees’ suggestion. Whilst there is a case for inserting the matter into Field 7, we considered that it is best placed in Field 11, the housing field, because the scope of the matter applies solely to new residential premises. However, the title of the LCO has been modified to reflect the fact that it relates both to housing and fire safety.

A few other minor changes have been made to the draft Order to clarify its meaning and achieve greater consistency with the evolving approach to the drafting of Schedule 5. In particular, the opening words of Matter 11.1 now refer to the “provision of automatic fire suppression systems” rather than to “provision for and in connection with a requirement” that such systems be installed. The other minor changes are:-

- The heading “Interpretation of this Matter” has been removed and instead the definition of “new residential premises” is now preceded by the words “In this matter....”
- In paragraph (d) of that definition “incorporation” has been replaced by “amalgamation” which we consider to be a more appropriate description. “Physical” has been removed from paragraphs (c) and (d) as redundant drafting.

Finally, the Committee noted the delay in bringing forward this Order in the context of discussions about the planned transfer of building regulations. I fully endorse the Committee’s conclusion that such delays should not reoccur. You will be aware of improvements in the LCO process which the Government and the Welsh Assembly Government have put in place, and which has resulted in LCOs coming forward much faster for pre-legislative scrutiny. I have read with interest your Committee’s report on its review of the LCO process, which recommends further improvements to the process, and will respond in due course.

I enclose a copy of the draft Order and the Explanatory Memorandum.

I am copying this letter to Lord Goodlad, Chairman of the Lords Constitution Committee.

Rt Hon Peter Hain MP
Secretary of State for Wales

29 January 2010

