



# Wales Act 2014

## 2014 CHAPTER 29

### PART 3

#### MISCELLANEOUS

#### **24 Local housing authorities: limits on housing revenue account debt**

- (1) Part 6 of the Local Government and Housing Act 1989 (housing finance) is amended as follows.
- (2) After section 76 insert—

##### **“76A Limits on indebtedness**

- (1) The Treasury may from time to time make a determination providing for the maximum amount of housing debt that may be held, in aggregate, by local housing authorities in Wales that keep a Housing Revenue Account.
- (2) The Welsh Ministers may from time to time make a determination providing for the calculation in relation to each such authority of—
  - (a) the amount of housing debt that, at such time and on such assumptions as the Welsh Ministers may determine, is to be treated as held by the authority, and
  - (b) the maximum amount of such housing debt that the authority may hold.
- (3) The Welsh Ministers must make a determination under subsection (2) in relation to each authority within the period of 6 months beginning immediately after the day on which the Treasury makes a determination under subsection (1).
- (4) The aggregate of the amounts determined under subsection (2)(b) must not exceed the amount determined under subsection (1).

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*Status: This is the original version (as it was originally enacted).*

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- (5) A local housing authority may not hold debt in contravention of a determination under subsection (2)(b).
- (6) A determination under this section may, in particular, provide for all or part of an amount to be calculated in accordance with a formula or formulae.
- (7) A determination under this section may provide for assumptions to be made in making a calculation whether or not those assumptions are, or are likely to be, borne out by events.
- (8) As soon as practicable after making a determination under subsection (1), the Treasury must—
  - (a) send a copy of it to the Welsh Ministers, and
  - (b) lay a copy of it before the House of Commons.
- (9) For the purposes of this section a debt is a “housing debt”, in relation to a local housing authority, if—
  - (a) the debt is held by the authority in connection with the exercise of its functions relating to houses and other property within its Housing Revenue Account, and
  - (b) interest and other charges in respect of the debt are required to be carried to the debit of that account.

#### **76B Power to obtain information**

- (1) A local housing authority in Wales, and any officer or employee of a local housing authority in Wales concerned with their housing functions, must supply the Welsh Ministers with such information as the Welsh Ministers may specify, either generally or in any particular case, for the purpose of enabling the Welsh Ministers to exercise their functions under section 76A.
- (2) A local housing authority must supply the Welsh Ministers with such certificates supporting the information required by them as they may specify.
- (3) If a local housing authority, or any officer or employee of a local housing authority concerned with their housing functions, fails to comply with subsection (1) or (2) before the end of such period as the Welsh Ministers may specify, the Welsh Ministers may exercise their functions under section 76A on the basis of such assumptions and estimates as they see fit.”
- (3) Section 87 (determinations and directions) is amended as follows.
- (4) For “the Secretary of State” (in each place) substitute “the appropriate person”.
- (5) After subsection (1) insert—
 

“(1A) Subsection (1)(b) does not apply to determinations under section 76A(2).”
- (6) In subsection (2)—
  - (a) for “him” substitute “that person”;
  - (b) for “he” substitute “the appropriate person”.

## **25 The work of the Law Commission so far as relating to Wales**

- (1) The Law Commissions Act 1965 is amended as follows.
- (2) In section 3(1) (functions of the Commissions), after paragraph (e) insert—
  - “(ea) in the case of the Law Commission, to provide advice and information to the Welsh Ministers;”.
- (3) In section 3A (reports on implementation of Law Commission proposals), after subsection (6) insert—
  - “(7) This section does not require the Lord Chancellor to prepare reports on Law Commission proposals on which the Welsh Ministers are required to report (see section 3C).”
- (4) After section 3B insert—

### **“3C Report on implementation of Law Commission proposals: Wales**

- (1) The Welsh Ministers must prepare a report each year on—
  - (a) the Law Commission proposals relating to Welsh devolved matters that have been implemented since the preparation of the previous report under this section;
  - (b) the Law Commission proposals relating to Welsh devolved matters that have not been implemented as at the preparation of the report.
- (2) The report required under subsection (1)(b) must include—
  - (a) plans for dealing with any of the proposals described in that paragraph;
  - (b) any decision not to implement any of those proposals taken since the preparation of the previous report under this section;
  - (c) the reasons for any such decision.
- (3) The Welsh Ministers must lay the report before the National Assembly for Wales.
- (4) The Welsh Ministers must prepare a report under this section—
  - (a) before the first anniversary of the day on which this section comes into force, and
  - (b) thereafter, before each subsequent anniversary of that day.
- (5) In the case of the first report, the references in subsections (1) and (2) to the period since the preparation of the previous report are to be read as references to the period since the coming into force of this section.
- (6) If a decision not to implement a Law Commission proposal is dealt with in a report under this section, subsection (1)(b) does not require a later report to deal with the proposal so far as it is covered by that decision.
- (7) If a decision not to implement a Law Commission proposal has been taken before the coming into force of this section, subsection (1)(b) does not require any report to deal with the proposal so far as it is covered by that decision.
- (8) In this section—

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- (a) “Law Commission proposal” means any proposal or recommendation for the reform of the law that has been published in a report by the Law Commission, and
  - (b) references to the implementation of a Law Commission proposal are to its implementation in whole or in part.
- (9) Whether a Law Commission proposal relates to Welsh devolved matters is to be determined in accordance with section 3D(8).

### **3D Protocol about the Law Commission’s work: Wales**

- (1) The Welsh Ministers and the Law Commission may agree for the purposes of this section a statement (a “protocol”) about the Law Commission’s work relating to Welsh devolved matters.
  - (2) The protocol may include (among other things) provision about—
    - (a) the principles and methods to be applied in deciding the work relating to such matters to be carried out by the Law Commission and in the carrying out of that work;
    - (b) the assistance and information that the Welsh Ministers and the Law Commission are to give to each other;
    - (c) the way in which the Welsh Ministers are to deal with Law Commission proposals so far as they relate to Welsh devolved matters.
  - (3) The Welsh Ministers and the Law Commission must from time to time review the protocol and may agree to revise it.
  - (4) The Law Commission must not agree the protocol (or any revision of it) without the Lord Chancellor’s approval.
  - (5) The Welsh Ministers must lay the protocol (and any revision of it) before the National Assembly for Wales.
  - (6) The Welsh Ministers and the Law Commission must have regard to the protocol.
  - (7) “Law Commission proposal” has the meaning given in section 3C(8)(a).
  - (8) In this section and section 3C, the Law Commission’s work (including any of their proposals) relates to Welsh devolved matters so far as it relates to—
    - (a) any matter provision about which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly, or
    - (b) (so far as it is not within paragraph (a)), any matter functions with respect to which are exercisable by the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or the National Assembly for Wales Commission.”
- (5) In section 5(4) (expenses to be paid out of money provided by Parliament), after “Parliament” insert “(except to the extent that those expenses are met by the Welsh Ministers)”.