



Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**            **Levelling-up and Regeneration Bill – Virtual Proceedings  
Amendment**

**DATE**            **21 March 2023**

**BY**                **Julie James MS, Minister for Climate Change**

This written statement is laid under Standing Order 30 – Notification in relation to UK Parliament Bills. It relates to a UK Government amendment provision<sup>1</sup>, tabled on 23 February 2023 during Lords Committee Stage, in the Levelling-up and Regeneration Bill (“the Bill”) which will modify the Welsh Ministers’ functions but does not require a Legislative Consent Motion under Standing Order 29, as the Senedd does not have legislative competence in relation to the amendment provision. The Bill was introduced in the UK Parliament, the House of Commons, on 11 May 2022.

Other provisions in the Bill regarding land use planning; environmental outcome reports for certain consents; information and records relating to land, the environment or heritage; governance of the Royal Institution of Chartered Surveyors; and vagrancy and begging required the legislative consent of the Senedd. I laid a Legislative Consent Memorandum<sup>2</sup> and a Written Statement<sup>3</sup> before Senedd Cymru on 28 September 2022 in accordance with Standing Order 29 and 30 respectively. A revised Legislative Consent Memorandum<sup>4</sup> was laid on 25 November 2022. A Supplementary Legislative Consent Memorandum<sup>5</sup> was laid on 30 November 2022 relating to several UK Government amendments that had been tabled during Commons Report stage.

### **The relevant amendment provision**

The tabled amendment makes provision for the Secretary of State to require or permit a person who takes part in certain relevant proceedings relating to planning,

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<sup>1</sup> [HL Bill 84—III \(parliament.uk\)](https://parliament.uk/bills/2022-23/levelling-up-and-regeneration-bill)

<sup>2</sup> <https://senedd.wales/media/5gdfx1u1/lcm-ld15356-e.pdf>

<sup>3</sup> [gen-ld15357-e.pdf \(senedd.wales\)](https://senedd.wales/media/gen-ld15357-e.pdf)

<sup>4</sup> <https://senedd.wales/media/rw0nf3iz/lcm-ld15495-e.pdf>

<sup>5</sup> <https://senedd.wales/media/1fwfrofa/slcm-ld15508-e.pdf>

development, or the compulsory purchase of land to do so wholly or partly remotely (i.e., virtual proceedings). One of those relevant proceedings is any proceedings under section 13A of, or paragraph 4A of Schedule 1 to, the Acquisition of Land Act 1981 (“the 1981 Act”).

The amendment adds a new aspect to an existing function of the Secretary of State (or an inspector) under the 1981 Act which will allow them to require or permit a person who takes part in certain proceedings relating to the compulsory purchase of land to do so wholly or partly remotely. The effect of the provision, by virtue of the Transfer of Functions Order 1999, is that this function is exercisable by the Welsh Ministers in relation to Compulsory Purchase Orders that relate to non-reserved areas and are made in Wales, and which fall to be confirmed by the Welsh Ministers, as the confirming authority.

As I set out in my Written Statement<sup>6</sup> dated 28 September 2022, related to the Bill, Senedd Cymru has limited competence in respect of compulsory purchase in devolved areas, including housing and land use planning. In practice, this means any proposed modifications to the law of compulsory purchase, via primary legislation, must clearly be in the context of specified changes to land use planning law or another non reserved matter. Senedd Cymru is therefore unable to modify the law of compulsory purchase generally, or for its own sake or to achieve reserved ends. This prevents Senedd Cymru from modifying the general rules on compulsory purchase in legislation such as the Acquisitions of Land Act 1981 in respect of all compulsory acquisitions in Wales.

Therefore, the provision falls under Standing Order 30 for provisions which will modify the Welsh Ministers functions, but do not require a Legislative Consent Motion under Standing Order 29.

### **Reasons for making the provision**

The Welsh Government is committed to improving the compulsory purchase process to make it fairer, more efficient, and intelligible. Our priority is to remove barriers to, and encourage greater use of, compulsory purchase powers by local authorities through streamlining and modernising the compulsory purchase process.

As a government, we consider this to be a minor amendment to the existing function of the Welsh Ministers in their role as confirming authority. The amendment provision clarifies an existing implied power in legislation which already allows confirming authorities to require hearings or proceedings to be held virtually and it will assist the Welsh Ministers in exercising their functions as a confirming authority effectively and efficiently.

I consider that it is appropriate for the provision to apply in relation to Wales and for it to be included in this Bill.

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<sup>6</sup> [gen-ld15357-e.pdf \(senedd.wales\)](#)