

Draft Order laid before the National Assembly for Wales and Parliament under section 95(5) of the Government of Wales Act 2006, for approval by resolution of the Assembly and of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

**CONSTITUTIONAL LAW,
DEVOLUTION, WALES**

**The National Assembly for Wales (Legislative Competence)
(No. 5) Order 2008**

Made - - - - - *******

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the ******* day ******* of ******* 2008

Present

The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act 2006(a), a draft of this Order has been laid before, and approved by resolution of, the National Assembly for Wales and each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:-

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Legislative Competence)(No.5) Order 2008 and it comes into force on the day after the day on which it is made.

Amendments to Schedule 5 to the Government of Wales Act 2006

2.—(1) Part 1 of Schedule 5 to the Government of Wales Act 2006 is amended in accordance with this article.

(2) In field 11 (housing), insert—

“Matter 11.1

(a) 2006 (c.32).

Disposal by a social landlord of the following—

- (a) a dwelling-house within the meaning of Part 5 of the Housing Act 1985;
- (b) a dwelling within the meaning of section 63 of the Housing Act 1996.

Interpretation of this field

In this field “social landlord” means any of the following—

- (a) a county or county borough council;
- (b) a development corporation established by an order made, or having effect as if made, under the New Towns Act 1981;
- (c) the Commission for the New Towns which continues in being by virtue of section 35 of the New Towns Act 1981;
- (d) a housing action trust established under section 62 of the Housing Act 1988;
- (e) a housing association within the meaning of section 5 of the Housing Act 1985;
- (f) a housing trust within the meaning of section 6 of the Housing Act 1985;
- (g) a housing co-operative within the meaning of section 27B of the Housing Act 1985;
- (h) an urban development corporation established section 135 of the Local Government, Planning and Land Act 1980;
- (i) the relevant authority within the meaning of section 6A of the Housing Act 1985;
- (j) the relevant authority within the meaning of section 56 of the Housing Act 1996.”

Clerk to the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 5 to the Government of Wales Act 2006 (“the 2006 Act”). The effect of the Order is to extend the legislative competence of the National Assembly of Wales to make new laws for Wales by Measure under section 93 of the 2006 Act.

Article 2(2) of the Order amends field 11 (housing) in Part 1 of Schedule 5 by inserting a new matter 11.1, which extends the legislative competence of the National Assembly for Wales to cover the disposal by a social landlord of dwellings.

This extended legislative competence of the National Assembly for Wales is subject to the general limitations that apply to the exercise of such competence by virtue of Part 3 of the 2006 Act.