



**Department for Levelling Up,
Housing & Communities**

The Baroness Drake CBE
House of Lords
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Baroness Scott of Bybrook OBE
*Parliamentary Under Secretary of State
for Social Housing and Faith*

**Department for Levelling Up, Housing and
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25 March 2024

Dear Jeannie,

Thank you for your letter on behalf of the Constitution Committee regarding the Leasehold and Freehold Reform Bill.

The Government's justification for taking the power in Clause 119 to make consequential provision is set out in the delegated powers memorandum for the Bill, submitted to the Delegated Powers and Regulatory Reform Committee on 29 February 2024.¹

As set out in the memorandum, the Government considers it prudent to allow for the Secretary of State to make further amendments in the event that provisions in the Bill conflict with provisions in other legislation, which had not been identified prior to introduction. It is anticipated that any consequential or transitional provisions will be limited and uncontroversial.

To be clear, the provisions in Clause 119 do not allow the Secretary of State to make consequential amendments to all future Acts, rather only for Acts of Parliament passed before or in the same Session as this Bill. Further, this power is inherently limited by the fact that the provision must be consequential on the other provisions of the Act. It must therefore be consistent with the rest of the Act and deal with the consequences that naturally flow from the rest of the Act.

I can assure you that the intention of this power is not to overturn amendments made to future legislation, rather it is focused on ensuring the reforms introduced through the Bill are implemented correctly, in full and in a timely fashion.

This Bill introduces a wide-ranging set of reforms into leasehold legislation. This segment of property law is complex. Where possible we have sought to make consequential amendments to other legislation identified as necessary on the face of the Bill. Nevertheless, it is possible, given the complexity of leasehold legislation, that not all such consequential changes have been identified in the Bill.

This consequential amendment power is based on the end provisions in the Office of Parliamentary Counsel's drafting guidance. As such we believe it is prudent for the Bill to contain a power to deal with consequential amendments in secondary legislation.

¹ <https://bills.parliament.uk/publications/54491/documents/4513>

There are various precedents for such provisions, including section 92 of the Immigration Act 2016, section 213 of the Housing and Planning Act 2016, section 42 of the Neighbourhood Planning Act 2017 and section 20 of the Leasehold Reform (Ground Rent) Act 2022.

It is conventional, as well as appropriate, that consequential amendments to primary legislation will follow the affirmative procedure in both Houses, and that amendments to secondary legislation will follow the negative procedure. The Government is of the view that this provides the appropriate level of Parliamentary scrutiny.

Finally, I would note that the DPRRC did not feel it necessary to draw this Clause to the attention of the House in their Report on the Bill.²

I hope that my response has allayed any concerns the Committee has regarding the provisions in Clause 119.

Yours ever,

A handwritten signature in black ink, appearing to read 'Jane', written in a cursive style.

BARONESS SCOTT OF BYBROOK
Parliamentary Under Secretary of State for Social Housing and Faith, *Department for*
Levelling Up, Housing and Communities

² <https://publications.parliament.uk/pa/ld5804/ldselect/lddelreg/90/90.pdf>