



Cymdeithas y Cyfreithwyr
The Law Society

Dear Sir,

Draft Legislation (Wales) Bill: Consultation

We welcome the draft Bill and the intention to act to make Welsh law more accessible.

Part 1 Accessibility of Welsh Law

As the duty in relation to accessibility is placed on the Counsel General, the Welsh Government's law officer, it is important that the central feature of the legislation, which is how Welsh law is presented in order to make it more accessible, is not open to change in future. Whilst there is a duty in relation to Welsh law the duty is not clearly prescribed.

Section 3 (a) and (b) provide the only reference to "an ongoing process of ... codifying Welsh law" and "the form of Welsh law (once codified)" however the legislation does not explain or refer to what codification means or looks like in Wales.

A 'map' showing Welsh legislation arranged under the proposed Code headings with examples of primary and secondary legislation would provide a clear basis for consideration of how topics will be recorded.

The marshalling of legislation will lead to some legislation being part of one Code but relevant to another: will there be an overall indexing system to cover all Welsh legislation?

Some clear examples of how an individual Code might look would be helpful at this early stage.

We suggest that a working party of interested expert individuals and representatives is established to inform the development and implementation of the proposals. You may consider establishing working parties for each new 'Code' in future.

Part 2 Statutory Interpretation of Welsh Law

We welcome the work to introduce legislation providing for interpretation of Welsh legislation.

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Part 3 Other Matters - Welsh language legislation

There are many concerns regarding access to legislation in Welsh. The translation of the words and expressions in Schedule 1 of the Interpretation Act 1978 is welcomed.

As the codes are developed we expect to see a corresponding increase in Welsh legislation made and so available in Welsh however if the delivery of the new Codes is decades away then the timescale is too long for the availability of Welsh law in Welsh.

Finally, there is a continuing concern regarding delivery of law-making functions with only 60 members in the National Assembly for Wales. Following the Wales Act 2017 the breadth of Welsh law-making powers has widened and the arrangements for accommodating the withdrawal of the UK from the EU will result in an additional scrutiny function and further law-making. What resources and capacity are there to deliver a programme to improve accessibility of Welsh law in a reasonable timeframe?

Yours faithfully,

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