



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Accessibility of Welsh Law**

**DATE**            **12 October 2018**

**BY**                **Jeremy Miles AM, Counsel General for Wales**

I'm pleased to announce a series of initiatives, some already under way and others about to begin, to make Welsh law more accessible.

The first of these is legislation, part of which will set the framework for the work we are doing, and will continue to do, to make Welsh law more accessible.

I am looking forward to introducing a Bill later this year which will set Wales on a new journey to developing comprehensive and well-organised codes of law – the first part of the United Kingdom to take this step.

The purpose of the Legislation (Wales) Bill is to make Welsh law more accessible, clear and straightforward to use.

The Bill will propose that for each Assembly term the Welsh Ministers and the Counsel General must develop a programme of activity designed to improve the accessibility of Welsh law. The specific content of each programme will be a matter for the Welsh Ministers and the Counsel General of the time, but each programme must make provision to consolidate and codify Welsh law, maintain codified law and to facilitate use of the Welsh language in the law and in public administration more generally.

I wish to alert Members also to the fact that accompanying the Bill will be a draft taxonomy setting out the subject matter by reference to which Codes of Welsh law could be organised. Although we will be significantly constrained in what we do by the devolution settlement, we have been taking inspiration from other jurisdictions which organise their law in this way. I look forward to Members considering our plans once they are published. The work we are doing is being done with users of legislation in mind, so we must be sure that users of legislation can see the benefit in what we propose.

Also contained in the Bill will be provisions on the interpretation of Welsh law, another initiative that would put Wales on the same legal footing as Scotland and Northern Ireland who already have such legislation. These provisions, though technical and often detailed,

are important because they set out how legislation works. These rules sit in the background ready to be applied whenever there are problems. They are set out once so they don't have to be repeated every time we legislate.

In addition to the Bill, Members will wish to know that we are working on other projects which will eventually form part of the programme of work required by the Bill. The main focus here is to better publish and promulgate Welsh law. Despite our only comparatively brief existence as a legislature and government, the National Assembly has passed 59 Measures or Acts since 2007 and the Welsh Ministers have made around 6,000 statutory instruments since 1999.

We are working with The National Archives, whose role it is to publish Welsh laws, to develop a clearer and more accessible system of categorisation of law ahead of its future consolidation. This will enable us to arrange this legislation in accordance with its content rather than when it was made – which is a very unhelpful way of doing things. We intend, therefore, to publish our legislation differently, in ways that make it easier to find and, fundamentally, to be aware of its existence. Statutory Instruments are so numerous and made so frequently that it is very difficult to stay current. And the link between these instruments and the Act they are made under is also unclear. Organising this legislation by subject matter, even if it has not yet been re-made in a consolidated form, will be a significant breakthrough – especially where instruments implement European law.

We are also talking to The National Archives about taking a more prominent role in the way Welsh laws are published. This is the responsibility of the Queen's Printer and fulfilled in practice by the National Archives' legislation team. They have been making good progress recently in their aim of publishing the statute book in up to date form, which involves incorporating amendments made by subsequent legislation to existing legislation. This progress has, however, been limited mainly to primary legislation and disappointingly, only to the English language text of Welsh (primary) legislation. We are in the process of agreeing new arrangements under which the task of updating Welsh legislation – in both English and Welsh – will be taken on by the Welsh Government. Our first priority once we take over this role will be to deal with the discrepancy that currently exists between the English language and Welsh language texts of the published law. But we don't intend to stop there – my aim is to ensure that all Welsh legislation on the statute book is published in up to date form.

Next year I intend also to re-launch the Cyfraith Cymru / Law Wales website. This site already serves a useful purpose but it remains a work in progress and its content is limited. I recognise that what we have on the site at present falls short of people's expectations, not least my own. But I have also been clear, as have my predecessors in this office, that this is not something government can or should do alone. We recognise our responsibility to do more to make Welsh law more accessible, and indeed we are going as far as to propose imposing a statutory duty on ourselves in this respect. But there is a responsibility also on wider civic society to contribute. It is something that must be developed in collaboration and I call upon the Welsh legal community to play its part, together with the Welsh Government, in making this the best resource it can be.

The process of making laws in Wales, for Wales, won't stop, and the divergence between the laws of Wales and the laws of England won't stop.

This work must be done, therefore, to contribute towards the legal and constitutional infrastructure that we now require in Wales and to make the laws of Wales as accessible as possible to the people of Wales.