



## **Children's Rights Impact Assessment (CRIA) Template**

<b>Title / Piece of work:</b>	Policy consultation - <i>Interpreting Welsh Legislation: Considering an Interpretation Act for Wales</i>
<b>Related SF / LF number (if applicable)</b>	Not applicable
<b>Name of Official:</b>	Claire Fife
<b>Department:</b>	Legal Services and Office of the Legislative Counsel
<b>Date:</b>	16 May 2017
<b>Signature:</b>	

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children's rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NAFW.

Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

You may wish to cross-reference with other impact assessments undertaken.

**NB. All CRIs undertaken on legislation must be published alongside the relevant piece of work on the WG website. All other CRIs must be listed in the WG CRIA newsletter and must be made available upon request. Ministers are however, encouraged to publish all completed CRIs.**

# Six Steps to Due Regard



## **Step 1. What's the piece of work and its objective(s)?**

*Interpreting Welsh Law* is a policy consultation about whether the Welsh Government should legislate, at an appropriate time in the future, for the statutory interpretation of Acts of the Assembly and legislation made under those Acts.

Interpretation Acts are one of the ways in which legislatures have sought to make legislation accessible. For example, New Zealand's Interpretation Act 1999 sets out the purposes of that Act in section 2 –

- to state principles and rules for the interpretation of legislation; and
- to shorten legislation; and
- to promote consistency in the language and form of legislation.

Placing provisions of this kind in one place means that there is consistency across all the legislation to which the interpretation Act applies, and drafters of legislation do not need to repeat certain rules and definitions in every piece of legislation that is made. This means that legislation is shorter as it can contain less technical provision which is not of interest to the average reader. This improves readability and understanding.

The policy consultation will enable the Welsh Government to take the views of interested stakeholders, over the summer of 2017, with a view to a decision on whether to proceed or not being taken by the Counsel General towards the end of 2017.

An Interpretation Act for Wales would be of general benefit to users of legislation in Wales, but would not specifically affect children or a particular group of children.

## **Step 2. Analysing the impact**

There are no immediate positive or negative impacts applicable to children, young people or their families, from investigating whether the Welsh Government should seek to develop an Interpretation Act for Wales.

The Welsh Government asked the Law Commission to consider the problems arising from the inaccessibility of the law. In their subsequent report (*Form and Accessibility of the Law Applicable*

*in Wales*, June 2016) the Law Commission identified a number of ways in which accessibility to the law could be improved and the general benefits that would flow from this. The Law Commission did not report on the benefits or impacts for children of improved accessibility, although their Report did discuss difficulties arising from the complexities of the statute book including in relation to legislation affecting children (for example, education law and social care law relating to children). The recommendations of the Law Commission are being considered and taken forward as part of a pilot programme on 'Codes of Welsh Law' announced by the Counsel General in December 2016<sup>1</sup>.

One aspect of the pilot programme is to consider whether there should be an interpretation Act for Wales.

### **Step 3. How does your piece of work support and promote children's rights?**

Having reviewed the UNCRC articles, the benefits and impacts of an Interpretation Act for Wales do not in our view directly support or promote children's rights. Neither do we think there would be an adverse affect to children's rights.

The wider pilot programme (see Step 2 above) is more relevant, as it is aimed and improving access to legislation. Improved access to legislation is considered to have a positive impact for children, young people and their families.

We believe there will be considerable benefit in relation to the use of the Welsh language. This is because the current Interpretation Act (of 1978) does not exist in the Welsh language, which is an obstacle to anyone seeking to fully understand and use Welsh language legislation without recourse to English language texts. An Act of the Assembly must be made in both the English and Welsh languages. Therefore, albeit in very general terms, there would be some benefit to children, young people and their families of having interpretation legislation available bilingually.

### **Step 4. Advising the Minister and Ministerial decision**

No conflict with the UNCRC articles has been identified with the proposal to assess whether there should be Interpretation Act for Wales.

If ultimately it is decided there should be such legislation, the Interpretation Act would relate (fully or in part) to Acts of the Assembly and subordinate legislation made under those Acts. This is because (as set out in Step 1 above), interpretation Acts apply to other legislation rather than, for example, creating rights and duties on a particular subject. Despite this, there would be very limited impact on other specific policy areas, as the rules and definitions are of general applicability.

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<sup>1</sup> Statement available at: <http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4012&language=en&assembly=5&c=Record%20of%20Proceedings&startDt=13/12/2016&endDt=13/12/2016#449186>

## Step 5. Recording and communicating the outcome

**Final version to be retained on i-share**

A copy of this CRIA will be retained as part of the documentation associated with this policy consultation. This CRIA will also be published alongside the policy consultation, so that it may be considered by stakeholders as part of that consultation.

## Step 6. Revisiting the piece of work as and when needed

This CRIA will be revisited as part of the analysis of consultation responses.

### Budgets

<b>Does the piece of work have any associated allocation of budget?</b>	No
<b>Can you identify how much of this budget will be used for children and young people?</b>  It is important that where any changes are made to spending plans, including where additional allocations or savings have been made, that this has been assessed and evidenced as part of the CRIA process.	Not currently applicable
<b>Has any additional spend been identified to ensure children and young people have been given an opportunity to contribute to the piece of work and have their opinions heard? If so, how much?</b>	Not currently applicable
<b>Please give any details:</b>  Not currently applicable	

### Monitoring & Review

<b>Do we need to monitor / review the proposal?</b>	Yes, as part of consultation analysis
<b>If applicable: set the review date</b>	Late autumn 2017

Please forward a copy of this CRIA to [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk) for monitoring purposes