

Consultation Response Form

Your name: Sarah Capstick

Organisation (if applicable): Cardiff Third Sector
Council (C3SC)

email / telephone number: sarah.c@c3sc.org.uk / 029
20485722

Your address: Third Floor, Baltic House, Mount Stuart
Square, Cardiff CF10 5FH

Question 1: Do you agree that it is necessary to impose a statutory obligation on future governments in Wales in order to improve accessibility of Welsh law?

Yes, with a reduction in access to legal aid it is essential that more citizens can access information about the law independently. This is especially important with the complexity of the systems with legislation applying from a range of different arenas, including National Assembly for Wales, Westminster and Brussels.

Question 2: If so, do you agree with the approach taken in Part 1 of the Draft Bill to impose such an obligation?

Yes, we agree for the obligation to be imposed through the Bill. We would like the obligation to include that the programme should be in plain English and Welsh.

Question 3: Do you agree with the approach to application of Part 2 of the Draft Bill?

Yes, no additional comment.

Question 4: Do you agree with the approach in section 3(3) of the Draft Bill, which disapplies a particular rule if the context otherwise requires?

Yes, but we think for clarity that this should always be clearly identified when used, possibly with standardised wording that is always used.

Question 5: Do you consider the definition of “Wales” should be by reference to the local authority areas of Wales, or by some other means?

If Wales is only identified by the Local Authority Areas this discounts the coastal waters including the Bristol Channel. If these waters become devolved in the future then the definition would need to be changed, therefore could it be defined to include these waters as well as the land areas?

Question 6: Do you have any comments on what has, or has not been, included in Schedule 1 to the Draft Bill?

Question 7: Do you agree with the approach in section 7 of the Draft Bill?

Yes, if gender-neutral language is used then it is inclusive.

Question 8: Do you agree with the proposed approach taken in section 8 of the Draft Bill?

Yes.

Question 9: Do you agree with the inclusion of section 9 in the Draft Bill?

Question 10: Do you agree with the approach taken on service of documents in section 13 of the Draft Bill?

Yes, the wording allows for new methods of communication to be utilised as they become available and not just rely on post and email formats.

Question 11: Do you agree with the approach for deemed service (in section 14 of the Draft Bill) or do you consider there is a more precise workable alternative?

Question 12: Do you agree with the approach taken in section 16 of the Draft Bill?

Question 13: Do you agree with the inclusion of duties in section 18 of the Draft Bill?

Question 14: Do you agree with the inclusion of section 19 in the Draft Bill?

Question 15: Do you agree with the inclusion of section 20 in Draft Bill?

Question 16: Do you agree with the approach taken in section 22 of the Draft Bill?

Yes, it provides clarity where legislation is interconnecting with each other.

Question 17: Do you think the Draft Bill should make provision on duplication of criminal offences (section 26), or should we follow the approach taken in Scotland and leave this as a matter dealt with in the 1978 Act?

Question 18: Should the Draft Bill make provision about Acts binding the Crown (section 27), or should this be addressed in another way?

Yes, it makes it clear that Welsh Law applies in the Courts in Wales.

Question 19: Do you agree with the approach taken in section 30 of the Draft Bill?

Agree, as it will bring consistency across Acts.

Question 20: Do you consider that section 35(2)(a) of the Draft Bill provides an accurate reflection of the common law provision?

Question 21: Do you agree with the approach taken in section 33 of the Draft Bill?

Question 22: Should the continued use of long titles in modern drafting of Bills be reconsidered?

Yes, the long titles can impact on accessibility.

Question 23: Do you have any views on the other matters which could be addressed by way of future legislation (as set out in Part 3 of the Consultation Paper)?

Courtesy Welsh Language Titles for laws may be helpful in not breaking up the Welsh Language versions, but if the laws and legislation it refers to are not available in Welsh this could be misleading and make it harder for a citizen to find the document that they need.

Question 24: Do you have any comments on the Draft Regulatory Impact Assessment for the Draft Bill?

Question 25: Do you have any comments on the draft impact assessments for Welsh Language, Children's Rights, or Equality and Human Rights?

Question 26: We would like to know your views on the effect developing the Draft Bill could have on the Welsh language, in particular in respect of:

- i) helping people to use Welsh, and
- ii) treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 27: Please also explain how you believe the Draft Bill could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 28: We have asked a number of specific questions. If you have views on any related issues that we have not specifically addressed, please set them out here:

The Ministerial Consultation event on the Draft Legislation (Wales) Bill which took place in Swansea on the 4 June included reference to a large number of different codes which would be written to sit under the legislation. The suggestion was that these would be in all individual topics, such as education, housing, agriculture with more than 30 being proposed. There is an increased emphasis for integration of health and social care, we are concerned that the proposal is to have separate codes for health and social care. The Parliamentary Review on Health and Social Care report provided 20 recommendations, and with the publication by the Welsh Government of *A Healthier Wales: our Plan for Health and Social Care* the need for stronger links and integration needs to apply at all levels if it is to be achieved.

There is a need to be mindful of future funding for third sector advice and support services. These will play a key role in ensuring people, particularly the most vulnerable, are able to benefit from the steps taken to increase the accessibility of law in Wales. The funding should support provision in a range of languages, resources to enable access (eg hearing loops, braille etc) and easily accessible local community venues.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☐

Data protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

Names or addresses we redact might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Your data will be kept for no more than 3 years.

Under the data protection legislation, you have the right:

- to access the personal data the Welsh Government holds on you
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'

- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: ico.org.uk

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

Email Address: Data.ProtectionOfficer@gov.wales