

Interpreting Welsh law: an interpretation act for Wales

Consultation response form

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Your address:

Responses should be returned by 11/09/17 to:

Office of the Legislative Counsel
Welsh Government
Cathays Park
Cardiff
CF10 3NQ.

or completed electronically and sent to:

e-mail: LegislativeCounsel@wales.gsi.gov.uk

Q1: Should we insert a reproduction of Schedule 1 to the Interpretation Act 1978 in the Welsh language into that Act, or should we aim to apply an interpretation Act for Wales to as much Welsh language legislation as possible??

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Q2: Do you agree with the potential benefits of a Welsh Interpretation Act identified in this consultation paper?

Q3: Which of the potential solutions to the “two-Act issue” would you consider to be most helpful to users of the legislation?

Q4: Do you consider there are any practical issues arising from any of the potential solutions to the two-Act issue?

Q5: What are your views on the potential changes to the ‘core rules’, set out in Chapter 7?

Q6: What are your views on the potential new provisions that could be included in an interpretation Act for Wales, set out in Chapter 8?

Q7: Are there any extra new provisions, to those set out in Chapter 8, that you would wish to include in an interpretation Act for Wales?

Q8: What are your views on the other matters that could be dealt with in an interpretation Act for Wales, set out in Chapter 9?

Q9: We would like to know your views on the effect developing an interpretation Act for Wales 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?

Q10: Please also explain how you believe the proposed interpretation Act for Wales 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.

Q11: 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:

I am not qualified to comment on matters of Welsh law or Welsh constitutional arrangements.

I worked for almost 35 years for the European institutions and have long argued that the EU should do more to make its legislation more accessible and more coherent by means of an Interpretation Act or a broader Legislation Act.

That is particularly important for the EU as a comparatively new (and evolving) organisational bringing together 28 Member States with their very different cultures and legal systems and operating with 23 official languages. It currently does not have an Interpretation Act although the EU institutions have adopted 22 guidelines on drafting EU legislation and published a guide on how those guidelines are to be applied:

<http://eur-lex.europa.eu/content/techleg/EN-legislative-drafting-guide.pdf>

Some part of what I have written about the EU case (probably a small part) may be considered relevant to the case of Wales and so I refer to two of my published articles in case you should find them of any use.

They are:

chapter on “Accessibility of European Union legislation” in a festschrift for Duncan Berry published by the Commonwealth Association of Legislative Counsel, in their journal *Loophole*, February 2011 (also published in *Legislação* (Portugal) No 53 (2010));
article on “Time for Coherent Rules on EU Regulation” published in *Theory and Practice of Legislation* (2015) vol. 3, No 3 (257-278);

I also attach two documents that were posted on the website of the Institute of Advanced Legal Studies in 2015 at a time when the EU institutions were negotiating a new text on “Better Lawmaking”. I was urging the EU institutions to adopt a broader text establishing a comprehensive framework for lawmaking in the EU. I can no longer find the texts on the website.

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:

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