



Cymdeithas y Cyfreithwyr
The Law Society

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

11 September 2017

Dear Sir,

The Law Society welcomes the Counsel General's activity with regard to the laws of Wales. The advent of the broadest law-making powers will focus minds on the development of the growing body of Welsh law.

The Law Commission's recent report on the Form and Accessibility of the Law Applicable in Wales provides a useful review of the issues facing Wales in terms of legislation and many of the factors considered have been a concern for some time: this consultation is a positive step forward.

Consultation on Interpreting Welsh legislation

The Law Society promotes improved accessibility of Wales-only legislation and supports a Wales Interpretation Act. Interpretation Acts are an established aid to interpretation in many common law jurisdictions, and are a way of promoting consistency in the use of language and form of legislation. The other devolved nations, Scotland and Northern Ireland, have their own Interpretation Acts and it is desirable for a Wales Interpretation Act to be made in this context.

There is a particular access to justice need with regards to the Welsh language. The passing of a Wales Interpretation Act does not remove the need to amend the Interpretation Act 1978 ("the 1978 Act") so that there is a Welsh language equivalent to Schedule 1 of the 1978 Act to cover all legislation that applies in Wales. A Welsh language version should be inserted in the 1978 Act itself.

Whilst Wales & England remain one legal jurisdiction it would be preferable, in principle, for any Wales Interpretation Act to mirror the 1978 Act as far as possible. However, there is some dissatisfaction that the 1978 Act is too narrow and becoming dated so it is necessary to modernise the 1978 Act, as the Scottish Parliament has done. For example, we agree that the provision on service of documents includes electronic communications.

Representing, promoting and supporting solicitors

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By introducing a new Wales Interpretation Act there is potential for confusion due to the many sources of law applicable in Wales. It is only through making clear on the face of the legislation that those making the law can assure themselves that the reader is clear which Act is applicable.

The Law Society notes the additional proposals and although there are conflicting views supports further exploration of these provisions.

The Law Society welcomes these first steps to set the framework for accessible and workable Welsh legislation.

Yours faithfully,

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