

# Interpreting Welsh law: an interpretation act for Wales

Q1. 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?

There is clearly a need for Welsh language legislation on the interpretation of legislation written in Welsh so as to avoid the need to translate terms into English for interpretation using English legislation. Given the number of areas of legislation which apply in Wales to non devolved matters, and thus the need to interpret Westminster legislation within Wales, we would consider that a common interpretation of general legal concepts would still be key. As identified within the Foreword to the consultation paper, the multiplicity of sources for legislation within Wales is a barrier to accessibility, and having multiple interpretation acts will make statutory interpretation unnecessarily complicated.

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

Yes

Q3. Comments

The benefits of a specific Welsh Interpretation Act are agreed as an ideological stance and as an important matter of principle on legislative primacy in respect of devolved matters. However, potential complexities that would be caused by having 2 pieces of interpretive legislation are formidable. For example where an Act passed in Westminster were to be amended by the National Assembly then the interpretation of different sections would potentially be subject to 2 different interpretation acts which would be clearly undesirable.

Q4. Q3: Which of the potential solutions to the "two-Act issue" would you consider to be most helpful to users of the legislation?

None of the identified options wholly overcomes the additional complexity that would be created by the two Act issue. However option C (applying a positive statement about which interpretation act applies) provides the greatest clarity.

A preferable option might be to apply the Welsh Interpretation Act to any matter on which the National Assembly has legislative competence irrespective of its legislature of origin. Thus where Westminster passes, or has passed, an act on a devolved matter then the legislation would be subject only to interpretation under the Welsh Interpretation Act. This would resolve the potential issue of an amended piece of Westminster legislation being interpreted under two different interpretation acts.

Q5. Q4: Do you consider there are any practical issues arising from any of the potential solutions to the two-Act issue?

All of the identified solutions carry real practical difficulties and risks for the interpretation of legislation, especially amended English legislation and secondary Welsh legislation made under English primary legislation. They fail to really address the difficulties that would be caused by the two Act solution.

Q6. Q5: What are your views on the potential changes to the 'core rules', set out in Chapter 7?

*No Response*

Q7. 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?

The consultation also raises a number of more specific points around the contents of a proposed Act. These appear to be broadly appropriate responses to the development of a Welsh Interpretive provision. However, the technical nature of the suggested act means that it would be in the detail of any draft legislation that the matters would be better understood and developed.

Q8. 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?

If the Welsh Interpretation Act were to apply to all devolved functions, irrespective of the legislature of origin, then the provisions on gender might need to be retained in order to deal with gender based references in older English legislation.

Q9. 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?

See the response to question 6

Q10. 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?

The effects of a Welsh interpretation act would be wholly positive on the helping people to use Welsh and ensuring that it is treated no less favourably than English.

Q11. 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.

*No Response*

Q12. 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:

*No Response*

## Page 2: Submit your response

Q13. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

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Q14. If you want to receive a receipt of your response, please provide an email address.  
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Q15. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*