



JUSTICE IN WALES  
FOR THE PEOPLE  
OF WALES

*Summary report*

# EXECUTIVE SUMMARY

## Our overall conclusions

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1. The Commission's task has been to review for the first time in over 200 years the operation of the justice system in Wales and set a long-term vision for its future. We have unanimously concluded that the people of Wales are being let down by the system in its current state. Major reform is needed to the justice system and to the current scheme of devolution. We have reached a unanimous set of conclusions and recommendations which when implemented would deliver justice in Wales for the people of Wales.
2. Justice should be at the heart of government. Policy and spending on justice should be aligned with other policies, particularly those which are devolved to Wales, such as health, education and social welfare. Under the current scheme of devolution there is no properly joined up or integrated approach, as justice remains controlled by the Westminster Government. Consequently, the people of Wales do not have the benefit which the people of Scotland, Northern Ireland and England enjoy by justice being an integral part of overall policy making. There is no rational basis for Wales to be treated differently, particularly as Wales has its own long legal tradition.
3. The reductions in the justice budget made by the Westminster Government since 2010 have been amongst the most severe of all departmental budget cuts. The impact on Wales has been significant as the interests of Wales have not been at the forefront of the Westminster Government's policy decisions. The Welsh Government has used its own money, in addition to permitting rises in council tax, to try and mitigate the damaging effects of these policies. The result is that almost 40% of the total funding is actually contributed in Wales. This is above other tax revenue that is raised from Wales and then allocated by the Westminster Government to Wales. This position is unsustainable when the Welsh Government has so little say in justice policy and overall spending.
4. Justice should be determined and delivered in Wales so that it aligns with its distinct and developing social, health and education policy and services and the growing body of Welsh law. Policy would be developed and funding allocated to meet the needs of and provide greater benefit for the people of Wales.

5. Our conclusions were reached after consideration of over 200 written submissions from individuals, institutions and organisations; oral evidence from 150 witnesses from across the whole spectrum of the justice system – from those representing victims of crime to those making laws; previous justice reports specific to Wales and reports on the justice system in England and Wales as a whole; and further research commissioned to coincide with our work. The experiences of members of the public from a diverse range of backgrounds in over 80 meetings and events reinforced these conclusions.
6. To set our review in context, we looked beyond Wales, visiting Scotland, Northern Ireland and major English cities. We learnt from policy and practice in several European and overseas countries. We are satisfied that the determination of justice policy and its delivery in Wales would, with good leadership and proper accountability, provide a much better system of justice focused on the needs of the people of Wales. This would make a significant contribution to a more just, fair and prosperous Wales.

## Our findings about the current system

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7. We summarise below our detailed findings on the current state of the justice system.

### Access to justice

8. The significant cuts to legal aid made in 2012 have hit Wales hard. Proper access to justice is not available with the consequent threat to the Rule of Law. This has resulted in:
  - ‘advice deserts’ in rural and post-industrial areas where people struggle to receive legal advice;
  - a serious risk to the sustainability of legal practice elsewhere, especially in traditional ‘high street’ legal services; and
  - increasing numbers of people representing themselves in courts and tribunals with a consequential adverse impact on outcomes and the efficient use of court resources.
9. The Westminster Government is responsible for the policy and delivery of legal aid. However, its policies have not been designed to meet the needs of the people of Wales. The Welsh Government has had to spend its own funds on advice services but this has not succeeded in bridging the gap caused by the cuts to legal aid. Whilst lawyers and others have provided pro bono help and advice, these efforts are insufficient to offset the impact of the significant reductions in legal aid. If, on the other hand, policy were determined and delivered in Wales, there would be overall coordination of the provision of legal aid and advice services to meet the identified needs of people in Wales.

## Criminal justice

10. In criminal justice there is no overall alignment of policy and spending which is essential if the criminal justice system is to be effective in reducing crime and promoting rehabilitation. Instead the arrangements for coordination between devolved and non-devolved bodies are overly complex, are expensive and do not provide transparent accountability for effective performance.
11. The evidence we received showed that:
  - despite improvement to the way in which victims are treated, much more needs to be done to include them in the justice system;
  - unlike in England, the number of police officers in Wales has not reduced because the Welsh Government has provided further funds and allowed council tax rises to provide extra funds;
  - the approach to those with mental health issues is not properly addressed within the criminal justice system;
  - a significantly greater proportion of the spending on justice is now on prisons rather than crime reduction. Wales has one of the highest, if not the highest, prison populations per head in Western Europe, even though the evidence is that robust community sentences achieve better outcomes in many cases;
  - for a series of complex reasons, the number of criminal cases prosecuted has fallen since 2013;
  - there is a lack of facilities for women offenders in Wales;
  - Black, Asian and Minority Ethnic people are over represented as offenders within the criminal justice system;
  - in common with England, there are high levels of self-harm and serious assaults in Welsh prisons; and
  - the current devolution scheme has created problems in terms of providing health services for prisoners, as well as other services such as housing which are necessary for rehabilitation on release.
12. A positive development, but one which would be more effective and sustainable if there were policy and delivery alignment, is the joint working between the police and Public Health Wales to address the consequences of Adverse Childhood Experiences. An approach focused on the experiences of children and young people has also informed work to reduce the numbers of first-time entrants into the youth justice system.

## Family justice

13. Family justice is another area where there is a complex division between the responsibilities of the Welsh Government and the Westminster Government. There has been an unsustainably high increase in the number of children being taken into care in Wales, with significant variations between local authorities. Often it is not in the best interests of the child to be taken into care as the consequences to the child and society can be disadvantageous.

14. The costs to local authorities and the justice system are also significant. Funds would be much better spent on support for children and their families to prevent problems arising. We welcome the Welsh Government's recent initiative to hold local authorities to account for reducing the number of children in care, those placed out of county and those removed from parents with a learning disability. However, significant further action to tackle this issue is essential in both the short and longer term.

### **Civil and administrative justice**

15. Justice should be delivered efficiently, effectively and at a proportionate cost. This is not the current position in civil and administrative justice. In addition to a lack of legal aid, people with civil disputes are faced with high fees which deter many from pursuing a court case. Resolving a dispute is complex for many reasons, including the lack of coordination between the courts, tribunals and different forms of alternative dispute resolution.
16. The proportion of challenges to decisions made by Welsh public authorities that are heard in Wales is low. The one element of justice administration which is devolved – the Welsh tribunals – needs to be seen to be fully independent from the Welsh Government and also needs a closer relationship with other bodies that review administrative decisions in Wales. The Welsh tribunals have been under-used as a means of enforcing Welsh legislation.
17. Court and tribunal closures have left people in many parts of rural and post-industrial Wales facing long and difficult journeys to their nearest court. This is compounded by the low use of remote access facilities. The advantages of digital technology have not yet been fully realised in Wales.

### **Knowledge and innovation**

18. Although parts of the legal professions in Wales are strong and competitive, opportunities to strengthen the legal sector more broadly have been missed. There is a need for a stronger focus from the Welsh Government and better coordination within the professions. South Wales should be promoted as a legal centre and the needs of rural and post industrial areas of Wales should be approached by a clear strategy.
19. Greater focus is needed in law schools on 'law tech', which is crucial for the success of the legal professions in Wales. A Law Council should be established to promote the interests of legal education and the awareness of Welsh law.

### **Welsh language**

20. The current justice system does not consistently treat the Welsh language on a basis of equality with the English language. There are too many gaps in the provision and too much dependence on the goodwill of individuals rather than establishing bilingual systems. Coroners in Wales cannot issue documents in Welsh. There is a lack of teaching materials on Welsh law and in the medium of Welsh.

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## Immediate action to be taken

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- 21.** Whilst there are areas of good practice across the justice system which can be built on, serious failings must be addressed. Some significant steps can be taken immediately to achieve the long-term vision we have identified.
- 22.** In the first instance, a clearer focus on justice in the Welsh Government is needed, including:
- coordinated leadership, through a single Minister or Deputy Minister in the Welsh Government with oversight of all justice matters;
  - closer liaison between the Welsh Government and the judiciary on proposed legislation, as well as on work to improve outcomes for children at risk of being taken into care; and
  - given the importance of the legal sector to the Welsh economy and the potentially greater economic contribution the sector could make, a collective drive to promote the sector in Wales and to attract new businesses offering technology-based services.
- 23.** Further changes should be taken forward without delay to improve both access to justice and outcomes, including:
- establishing problem-solving criminal courts and Family Drug and Alcohol Courts in Wales;
  - improving access to digital court services;
  - proceeding urgently to establish alternatives to custody for women across Wales; and
  - providing specific justice data for Wales, including at local authority level.
- Such changes would need the support of the Ministry of Justice. We hope that this would be forthcoming for the benefit of the people of Wales.
- 24.** The current arrangements for oversight and coordination of justice in Wales are overly complex and should be streamlined and improved. We recommend that:
- the large All Wales Criminal Justice Board should be replaced with a streamlined and strategic Wales Criminal Justice Board, and that it should report on progress to the Assembly;
  - the role of the Family Justice Network for Wales should be strengthened;
  - an independent board should be established to give strategic direction for funding both legal aid and third sector advice; and
  - there should be an independent board to oversee developments in civil and administrative justice and to promote greater coordination between the work of ombudsmen, those providing alternative forms of dispute resolution, and courts and tribunals.

- 25.** The judiciary should:
- provide a consistent leadership role in Wales and closer interaction with the Assembly and the Welsh Government; and
  - consider greater use of intensive alternatives to custody and of a problem-solving approach in criminal and family justice when appropriate.
- 26.** Wales should be put in a similar position to Scotland and Northern Ireland regarding the appointment of a judge to the Supreme Court.

## The long-term vision for the future of justice in Wales

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- 27.** Although essential for the immediate future, the steps outlined above will not amount to a sustainable medium or long-term solution. The fundamental problem lies in the split between two governments and two legislatures of responsibilities for justice on the one hand and social, health, education and economic development policies on the other. This results in:
- an inability to allocate spending in a coordinated manner;
  - a lack of accountability;
  - a level of complexity which is wasteful of resources;
  - failure to develop and implement a coherent set of overall policies;
  - a lack of innovation directed to the needs of the people of Wales; and
  - serious disadvantages to the people of Wales which people in England, Scotland and Northern Ireland do not experience.
- 28.** We considered whether executive devolution, giving executive powers to the Welsh Government while leaving primary legislative powers with the Westminster Parliament, would provide a solution. We concluded it would not. Coherent policies cannot be devised, delivered, reviewed and amended without control over policy, the allocation of resources and legislation.
- 29.** Only full legislative devolution, combined with executive powers, will overcome the obstacles of the current devolution scheme. It will:
- enable the proper alignment of justice policy and spending with social, health, education and economic development policies in Wales, to underpin practical long-term solutions;
  - place justice at the heart of government;
  - enable clearer and improved accountability;
  - enable advantage to be taken of Wales' size and ability to innovate, for example by integrating legal aid and third sector advice, bringing health and justice resources together to tackle drug abuse, and providing better means of dispute resolution through ombudsmen services; and
  - strengthen the constitution of the UK.

- 30.** For full legislative devolution to succeed, it will require a full transfer of the funding for the justice system and must be accompanied by the development in Wales of capacity, capability and leadership.
- 31.** The law applicable in Wales should be formally identified as the law of Wales, distinct from the law of England, for the following reasons:
- the Assembly has passed distinctive legislation which has incorporated international principles of human rights and sustainable development and established new public roles to promote those rights, including the rights of children, older people and future generations;
  - further divergence between Welsh law and English law is inevitable as the Assembly passes further laws; and
  - it is confusing that Welsh law and English law are held to be part of a single legal system, in contrast with Scottish law and Northern Irish law.
- 32.** The present system under which the legal professions practise and are regulated should continue on an England and Wales basis as this is consistent with an open, competitive and innovative approach to the provision of legal services.
- 33.** Specifically, we recommend that:
- the Assembly should be empowered to establish a separate judiciary up to the level of the Court of Appeal;
  - the administration of justice in Wales should be unified and organised on the same basis as courts and tribunals in Scotland;
  - the Welsh Government and the Assembly should determine a court, tribunal and overall dispute resolution system which enables access to justice at an affordable cost and at suitable locations; and
  - matters of governance and inspection of police, prisons and probation, along with other aspects of the justice infrastructure, should be determined in Wales.
- 34.** The independence of the institutions of justice must be maintained. This would apply to the judiciary, the prosecution authorities and the police.

## Implementation

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- 35.** The Welsh Government should begin the process of reform immediately. The Assembly should monitor and review progress. The cooperation of the Westminster Government will be needed and, subsequently, legislation by the Westminster Parliament.

## Justice in Wales for the people of Wales

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- 36.** The people of Wales both need and deserve a better system. Justice is not an island and should be truly integrated into policies for a just, fair and prosperous Wales.



# OUR RECOMMENDATIONS

## Chapter 3: Information, advice and assistance

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1. The funding for legal aid and for the third sector providing advice and assistance should be brought together in Wales to form a single fund under the strategic direction of an independent body<sup>1</sup>.
2. Support Through Court should be expanded so that there is availability at courts and tribunals across Wales<sup>2</sup>.
3. Criminal legal aid policy and delivery should be designed in Wales to meet needs across Wales and based on the approaches to public defender schemes adopted by the Nordic nations<sup>3</sup>.

## Chapter 4: Criminal justice: reducing crime and promoting rehabilitation

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4. A new Wales Criminal Justice Board should be created. It should set an overall criminal justice strategy for Wales and provide the means for accountability within Wales for the delivery of that overall strategic approach<sup>4</sup>.
5. The Wales Criminal Justice Board should have responsibility for ensuring the rights of victims are respected and there is proper delivery of services to victims<sup>5</sup>.
6. Each of the police, Crown Prosecution Service, the judiciary and HM Prison and Probation Service should publish a strategy in respect of Black, Asian and Minority Ethnic people in Wales and report annually on the strategy to the Assembly<sup>6</sup>.
7. The Welsh Government and the Home Office should agree long-term arrangements for police apprenticeship funding which do not disadvantage Welsh police forces compared to their English counterparts<sup>7</sup>.
8. Policing and crime reduction policy, including drug abuse and mental health related issues, should be determined in Wales so that it is aligned and integrated with Welsh health, education and social policy<sup>8</sup>.
9. Problem-solving courts should be established in Wales along the Northern Ireland model<sup>9</sup>.

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1 *Para 3.66.*  
2 *Para 3.66.*  
3 *Para 3.84.2.*  
4 *Para 4.31.*  
5 *Para 4.56.*  
6 *Para 4.76.*  
7 *Para 4.131.*  
8 *Para 4.146.*  
9 *Para 4.178.*

10. Building on the reducing numbers of children and young people in custody and those entering the criminal justice system, youth justice policy should be determined and delivered in Wales<sup>10</sup>.
11. The age of criminal responsibility should be raised to at least 12 years old in Wales<sup>11</sup>.
12. The basic design principles for probation set out in the 2018 annual report of the then Chief Inspector of Probation should be applied to the design of the new integrated National Probation Service of Wales and the outcomes should be strictly measured on a regular basis and be made public<sup>12</sup>.
13. The comprehensive network of services and centres as alternatives to custody for women in Wales must be established rapidly and sustained over time<sup>13</sup>.
14. Sentencing policy and the delivery of integrated offender management and rehabilitation should be determined in Wales so that it is an integral part of and aligned with Welsh health, education and social policy<sup>14</sup>.
15. An integrated and whole system approach to offender management should be established with a single rehabilitative strategy in Wales that is underpinned by a strong evidence base, accurate data, clear governance and accountability arrangements, coherent action plans, a realistic timetable and resources realigned accordingly<sup>15</sup>.
16. Intensive alternatives to custody should be developed as soon as possible in Wales. They should have judicial oversight and be formally evaluated<sup>16</sup>.
17. Needs assessments of Welsh offenders should be conducted and collated to identify by volume and character the range of interventions required in both prisons and the community and to ensure that they are sequenced properly for optimal effect<sup>17</sup>.
18. Administering the sentences of the court should be the responsibility of a single public sector body in Wales and the core function of that body should be managing offenders and promoting rehabilitation to reduce reoffending<sup>18</sup>.
19. There should be an integrated approach in Wales to improve leadership and provision of mental health services including support for front line services to enable them to respond better to individuals with mental health needs<sup>19</sup>.

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10      *Para 4.194.*  
11      *Para 4.195.*  
12      *Para 4.244.*  
13      *Para 4.276.*  
14      *Para 4.290.*  
15      *Para 4.290.*  
16      *Para 4.290.*  
17      *Para 4.290.*  
18      *Para 4.290.*  
19      *Para 4.290.*

## Chapter 5: Civil justice

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20. Digital court services and other dispute resolution services that are being developed and introduced must be fully accessible to people throughout Wales and free assistance must be available to help individuals use them<sup>20</sup>.
21. Dispute resolution before courts, tribunals, alternative dispute resolution and ombudsmen, as well as dispute resolution in respect of administrative law, should be promoted and coordinated in Wales through a body chaired by a senior judge<sup>21</sup>.
22. Courts and tribunals which determine disputes in both civil and administrative law should be under one unified system in Wales<sup>22</sup>.
23. The feasibility of a low cost and effective resolution method for civil disputes through the use of a comprehensive ombudsmen scheme, taking into account the online court, should be examined in Wales<sup>23</sup>.

## Chapter 6: Administrative justice and coroners

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24. It should be compulsory under the Civil Procedure Rules for cases against Welsh public bodies which challenge the lawfulness of their decisions to be issued and heard in Wales<sup>24</sup>.
25. All public bodies, ombudsmen and other tribunals which have been established under Welsh law or by the Welsh Government, which make judicial or quasi-judicial decisions, and are not currently subject to the supervision of the President of Welsh Tribunals, should be brought under the supervision of the President<sup>25</sup>.
26. The Administrative Court should have the power to stay court proceedings whilst the Public Services Ombudsman for Wales investigates a complaint. The Ombudsman should have the power to refer a point of law to the Court<sup>26</sup>.
27. The Welsh Tribunals Unit should have structural independence and the Welsh tribunals should be used for dispute resolution relating to future Welsh legislation<sup>27</sup>.
28. The recommendations for coordinating and rationalisation made for civil justice should also be applied to administrative justice<sup>28</sup>.
29. Challenges relating to inquests into all deaths in Wales should be issued and heard in Wales<sup>29</sup>.

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20	<i>Para 5.22.</i>
21	<i>Para 5.55.</i>
22	<i>Para 5.56.</i>
23	<i>Para 5.58.</i>
24	<i>Para 6.27.</i>
25	<i>Para 6.50.</i>
26	<i>Para 6.55.</i>
27	<i>Para 6.59.2.</i>
28	<i>Para 6.60.</i>
29	<i>Para 6.68.</i>

30. There should be a distinct organisation for coroner services in Wales with funding available on an all Wales basis to ensure that uniform standards and services are applied<sup>30</sup>.

## Chapter 7: Family justice: children

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31. The law relating to children and family justice in Wales should be brought together in one coherent legal system aligned with functions in relation to health, education and welfare<sup>31</sup>.
32. Pending further research and the development of a long-term strategy, an all Wales approach to family justice should be developed and led in Wales through the Family Justice Network for Wales and the Local Family Justice Boards. The approach should be followed by all local authorities for dealing with child protection referrals with the objective of avoiding care proceedings when family support would be more appropriate<sup>32</sup>.
33. It should be a matter of routine practice prior to the first hearing in care proceedings to examine the feasibility of problem-solving and the form it might take, with a view to finding what steps short of taking a child into care can be put in place<sup>33</sup>.
34. The voice of the child should be heard at every stage of the proceedings<sup>34</sup>.
35. Family Drug and Alcohol Courts should be established in Wales<sup>35</sup>.
36. There should be vigorous support for a programme of research to underpin reform of Welsh family justice and associated preventative services. The overarching aim should be the reduction in the numbers of children taken into care and the provision of far better evidence of the impacts of intervention on family life<sup>36</sup>.
37. A carefully thought through long-term policy for reducing the numbers of children taken into care should be developed after the conclusions of the research and then implemented<sup>37</sup>.
38. Legal advice should be available to each parent in private family law disputes prior to the commencement of proceedings up to a maximum fixed amount in each case<sup>38</sup>.

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30      *Para 6.74.*  
 31      *Para 7.20.*  
 32      *Para 7.107.*  
 33      *Para 7.107.*  
 34      *Para 7.107.*  
 35      *Para 7.107.*  
 36      *Para 7.111.*  
 37      *Para 7.111.*  
 38      *Para 7.118.*

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## Chapter 8: Delivering justice: locality and structure

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39. A strategy for Wales for provision of proper physical and digital access to justice before the courts, tribunals and other forms of dispute resolution should be drawn up and determined in Wales based on the needs of the people of Wales<sup>39</sup>.

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## Chapter 9: The legal sector and the economy of Wales

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40. The Welsh Government should, in close consultation with the legal professions, provide fully funded legal apprenticeships to enable people to qualify as legal professionals in Wales<sup>40</sup>.
41. There should be greater transparency about the level and distribution of expenditure on external legal services by the Welsh Government, each Welsh local authority and all other public bodies in Wales. The procurement of barristers' services should be reformed to help build the capacity of the Bar in Wales<sup>41</sup>.
42. The Welsh Government should develop and implement as soon as possible our proposed strategy to reinvigorate the rural and post-industrial legal sector in Wales<sup>42</sup>.
43. The Welsh Government should provide strong support for investment in technology, especially in post-industrial and rural Wales<sup>43</sup>.
44. The Welsh Government must provide clear leadership and support for the legal services sector. This should be targeted, user-friendly, flexible and attractive to potential inward investors especially with establishing a technology-based nearshoring centre as an objective<sup>44</sup>.
45. The Welsh Government, legal professionals in Wales, the Law Society, the Bar Council, other professional bodies and academia should work in partnership. They should develop and promote the capabilities of the legal sector, promote South Wales as a legal centre and increase the export of legal services<sup>45</sup>.

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39 *Para 8.40.*  
40 *Para 9.51.*  
41 *Para 9.66.*  
42 *Para 9.76.*  
43 *Para 9.80.*  
44 *Para 9.89.*  
45 *Para 9.92.*

## Chapter 10: Knowledge, skills and innovation

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46. Welsh law schools must reassess their undergraduate programmes to take advantage of the scope for comparative studies and transferable qualifications<sup>46</sup>.
47. Law tech must be taught to all students and the professions across Wales<sup>47</sup>.
48. All university and college education providers in Wales should teach Welsh law as part of the ordinary undergraduate syllabus and work together to produce the necessary materials<sup>48</sup>.
49. The place of Welsh law and the distinctiveness of the law in Wales should be properly reflected in professional and continuing legal education and training<sup>49</sup>.
50. Wales specific data should be collected and published on a sufficient scale to enable disaggregation, with a view to proper evidence-based policy development and as a basis for research<sup>50</sup>.
51. The Welsh Government should lead the development and implementation of an action plan to promote and support public legal education, particularly for children and young people<sup>51</sup>.

## Chapter 11: The Welsh language

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52. All justice bodies should be subject to the Welsh Language Measure 2011<sup>52</sup>.
53. The Bar, CILEx and the Law Society should provide courses on using Welsh in the workplace, similar to those used by the Judicial College<sup>53</sup>.
54. Digital services that are being introduced must be accessible, free help must be available and all must be available in Welsh at the same time as the English version<sup>54</sup>.
55. Professional legal education for those wishing to practise in Wales must be available in the Welsh language with the phased introduction of the availability of all professional examinations in Welsh<sup>55</sup>.
56. Welsh law schools must collaborate on Welsh medium legal education, especially as regards the provision of teaching materials<sup>56</sup>.
57. All coroner services should be available in the Welsh language<sup>57</sup>.

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46 *Para 10.30.*

47 *Para 10.35.*

48 *Para 10.44.*

49 *Para 10.44.*

50 *Para 10.48*

51 *Para 10.53*

52 *Para 11.13.*

53 *Para 11.17.*

54 *Para 11.28.*

55 *Para 11.32.*

56 *Para 11.36.*

57 *Para 11.38.*

## Chapter 12: Governance, the law of Wales and the judiciary

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### Recommendations on devolution of justice

58. There should be legislative devolution of justice. Restrictions and reservations governing the Assembly's power to legislate on all forms of justice, including policing and offender management and rehabilitation, should be removed, so that it corresponds more closely with the position of the Northern Ireland Assembly and the Scottish Parliament<sup>58</sup>.
59. In tandem with the removal of reservations and restrictions on the Assembly's powers, responsibility for executive functions in relation to justice in Wales should be transferred to the Welsh Government<sup>59</sup>.
60. Devolution of justice must be accompanied by a full transfer of financial resources, including all identifiable administrative and capital resources relating to Wales<sup>60</sup>.

### Recommendations to be implemented under the current scheme of devolution

61. Clear and accountable leadership on justice in the Welsh Government must be established under the current scheme of devolution<sup>61</sup>.
62. The Assembly should take a more proactive role in appropriate scrutiny of the operation of the justice system<sup>62</sup>.
63. The Welsh Government should address policy issues relating to justice by using external experts who can report jointly with civil servants to Ministers<sup>63</sup>.
64. The Welsh Government and the legal sector should develop a joint leadership programme<sup>64</sup>.
65. A Law Council of Wales should be established to promote the interests of legal education and the awareness of Welsh law, to ensure proper provision of teaching the law in Welsh, and to assist students in their education and training as future practitioners<sup>65</sup>.
66. The organisation of the senior judiciary in Wales should be changed to provide the necessary working relationships and leadership within Wales<sup>66</sup>.
67. Wales should be put in a similar position to Scotland and Northern Ireland in the Supreme Court as regards the appointment of judges to the Supreme Court<sup>67</sup>.

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58 *Para 12.63.*  
59 *Para 12.63.*  
60 *Para 12.68.*  
61 *Para 12.73.*  
62 *Para 12.83.*  
63 *Para 12.96.*  
64 *Para 12.96.*  
65 *Para 12.111.*  
66 *Para 12.145.*  
67 *Para 12.161.*

## Recommendations for implementation with legislative devolution

68. With legislative devolution, there must be a new Justice Department in the Welsh Government led by a Cabinet Minister<sup>68</sup>.
69. The office of Counsel General should continue as an office that provides independent legal advice to the Welsh Government and heads the Government Legal Service in Wales<sup>69</sup>.
70. Legislative devolution will require the establishment of a Justice Committee in the Assembly<sup>70</sup>.
71. Where there is overlap between the roles of local, regional and national boards, committees and partnerships, they should be merged<sup>71</sup>.
72. With legislative devolution, the governance arrangements for the police should be re-examined<sup>72</sup>.
73. The law applicable in Wales should be formally identified as the law of Wales, distinct from the law of England<sup>73</sup>.
74. The present system where legal practitioners can practise in England and Wales and the legal professions are jointly regulated should be continued<sup>74</sup>.
75. Legislation should provide for a High Court and a Court of Appeal of Wales to be established by the Assembly<sup>75</sup>.
76. With legislative devolution, a Welsh Courts and Tribunals Service should be developed from the base of a Welsh Tribunals Unit reformed on the model of the Scottish Courts and Tribunals Service<sup>76</sup>.
77. With legislative devolution, the Welsh Government will need to review, and keep under continuing review, the justice infrastructure for Wales<sup>77</sup>.

## Action to be taken now by the Welsh Government and the Assembly

78. The Welsh Government should begin the process of reform by listing the recommendations it will seek to implement whilst the current scheme of devolution continues. The Assembly should make arrangements to monitor and review the process of reform<sup>78</sup>.

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68	<i>Para 12.73.</i>
69	<i>Para 12.73.</i>
70	<i>Para 12.83.</i>
71	<i>Para 12.89.</i>
72	<i>Para 12.102.</i>
73	<i>Para 12.123.</i>
74	<i>Para 12.134.</i>
75	<i>Para 12.159.</i>
76	<i>Para 12.165.</i>
77	<i>Para 12.176.</i>
78	<i>Para 12.187</i>