

Progress update on The Justice Stakeholder Group’s report ‘Law and Justice in Wales: Some Issues for the Next Assembly’

Justice Stakeholder Group Recommendations	Welsh Government progress update
<p>1 – The Welsh Government should consider how it can take a greater role in ensuring the effective and comprehensive promotion of the law affecting Wales, including access to the law of Wales.</p>	<p>The report acknowledges the work of the Welsh Government in this area and the Law Commission’s project on the <i>Form and Accessibility of the Law Applicable in Wales</i>. This recommendation is being taken forward as part of the Welsh Government’s response to the Law Commission’s report (published in June 2016). The Counsel General provided an interim response to the Chairman of the Law Commission on 12 December 2016¹ and made an Oral Statement to the Assembly the following day².</p>
<p>2 – The Welsh Government should seek consequential funding from the UK Government to support the publication, promotion and accessibility of Welsh laws.</p>	<p>The UK Government has responsibility for ensuring statute law is available to the public, although it does not have a statutory duty to publish it (whether free of charge or online). Responsibility for publishing legislation as enacted rests with the Queen’s Printer on behalf of the Crown, which in practice is undertaken by The National Archives. Accordingly, the issue of consequential funding does not arise.</p>
<p>3 – The Welsh Government should further engage with the administrators of the legislation.gov.uk website to further develop the Cyfraith Cymru/Law Wales website.</p>	<p>The Cyfraith Cymru/Law Wales website is hosted by the Welsh Government and includes links to the legislation.gov.uk web site. The Welsh Government is currently considering how the web site can be improved, partly in response to the Law Commission’s <i>Form and Accessibility</i> report. This recommendation is being taken forward through that work.</p>
<p>4 – The Welsh Government should seek consequential funding from the UK Government to support the publication,</p>	<p>The UK Government is not responsible for the publication, promotion and accessibility of legal texts and materials. Accordingly, the issue of consequential funding does not arise.</p>

¹ Copy available on Law Commission’s website, together with the reply of the Chairman (<http://www.lawcom.gov.uk/project/the-form-and-accessibility-of-the-law-applicable-in-wales/>)

² ‘Codes of Welsh Law’ – see Record of Proceedings available at <http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4012&assembly=5&c=Record%20of%20Proceedings#449186>

<p>promotion and accessibility of legal texts and materials that address the law in Wales.</p>	
<p>5 – The Welsh Government should undertake research on how codification has operated in practice in common law jurisdictions, including countries such as Canada, New Zealand and Australia.</p>	<p>This recommendation is being taken forward through the Welsh Government’s response to the Law Commission’s <i>Form and Accessibility</i> report, which makes a series of recommendations regarding codification of Welsh law. The Welsh Government’s thinking is being informed by practice elsewhere, including, in particular, the countries mentioned in this recommendation.</p>
<p>6 – The Welsh Government should engage with law schools and training bodies to support the development of Welsh law in education and training programmes for law students, practitioners and the judiciary.</p>	<p>The Welsh Government regularly engages with the law schools in Wales. This has led to secondments and work placements between the law schools and the Welsh Government’s Legal Services Group and a joint law conference between the Legal Services Group and students from the law schools in March 2016.</p> <p>The Welsh Government also regularly engages with legal professional bodies, including the Law Society, the Legal Services Board and the Solicitors Regulation Authority, to ensure full account is taken of Welsh circumstances in reforms to professional legal education and the qualification and regulation of lawyers.</p>
<p>7 - The Welsh Government should be proactive in developing a jurisdictional solution to the accommodation of Welsh law and the distinct needs of Wales, without creating barriers for the operation of justice or the ability of practitioners to continue to work across England and Wales.</p>	<p>Throughout the passage of the Wales Bill through the UK Parliament, the Welsh Government argued for a statutory commission on justice in Wales to address these issues. The UK Government confirmed in Parliament it would establish a non-statutory committee on justice in Wales, with membership and terms of reference to be announced in 2017.</p>
<p>8 – The Welsh Government should consider whether there would be benefits in adopting an inquisitorial, rather than an adversarial, approach to the administration of justice in</p>	<p>Enquiries have revealed that an inquisitorial approach is used in the processes and proceedings of devolved tribunals operated by the Welsh Government’s Welsh Tribunals Unit (WTU) and non-devolved tribunals in Wales operated by HM Courts and Tribunals Service. The judicial leads of the devolved tribunals operated by the WTU are keen to continue to have</p>

<p>any of the devolved tribunals it is responsible for administering.</p>	<p>the flexibility to use an inquisitorial approach where beneficial in the proceedings of their tribunals.</p>
<p>9 – The Welsh Government should ensure there is a consistent and structured approach to engagement with key stakeholders involved in the administration of justice, including legal practitioners, the judiciary and the Law Commission.</p>	<p>The Welsh Government works with an extensive network of senior judiciary and officials in the justice and legal sectors to influence the development and delivery of justice in Wales. The objective is to ensure that UK Government reforms to the justice and legal sectors take full account of the needs of Wales, including the Welsh language, the growing body of devolved Welsh law and other matters affecting access to justice in Wales.</p>
<p>10 – The Welsh Government should consider establishing a Justice Stakeholder Group and bringing it together at least once or twice a year for a collective review of developments.</p>	<p>The Welsh Government believes there is a case for a group of stakeholders in the justice and legal sectors in Wales to be established as an independent, self-organising forum. Such a group could draw on the experience of those delivering justice, as well as practitioners and academics in the justice and legal sectors, and could usefully feed into the committee on justice in Wales the UK Government is setting up.</p>