



Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**        **Devolved Tribunals in Wales**

**DATE**        **09 December 2021**

**BY**            **Mick Antoniw MS, Counsel General and Minister for the  
Constitution**

I am pleased to confirm that the Law Commission's project to review the law governing the operation of the devolved tribunals in Wales and to make suggestions for reform has culminated in the publication of its report. The report has been laid before the Senedd, and is available at: [Devolved Tribunals in Wales Report](#).

The genesis of the Law Commission's work lay in the piecemeal development of the devolved tribunals in Wales. Each tribunal continues to be governed by the UK wide, England and Wales or Wales only legislation that established it. Moreover, that legislation spans many years and includes that made prior to devolution when tribunals were seen as part of executive rather than judicial functions of the state. Today, we all recognise the importance of the principle of judicial independence in the way in which tribunals operate and we also recognise the integrity of the Welsh Tribunals' judiciary in the exercise of their public responsibilities in Wales.

But because of the disparate statutory framework for tribunals in Wales, the existing rules and procedures for the devolved tribunals are complicated and inconsistent. This remains the case despite the changes made by the Wales Act 2017, which created the role of the President of Welsh Tribunals. There is no doubt, however, that the creation of the office of President and the defining in statute of the Welsh Tribunals marked a step forward towards a modern tribunal system for Wales. That journey now continues with the structural reforms identified by the Law Commission, which provide us with the road map towards building the devolved justice infrastructure of Wales.

The Law Commission's recommendations are far reaching. They include:

- creating a single, unified and coherent system of devolved tribunals, a First-tier Tribunal for Wales, together with an upper appellate body for Wales to provide a uniform route of appeal;

- incorporating the Welsh tribunals with other devolved tribunals in Wales into the First-tier Tribunal and arranged into appropriate chambers;
- extending the supervisory role of the President of Welsh Tribunals to all tribunals within the single system, and conferring a judicial role on the President to sit as a judge in the First-tier Tribunal for Wales and in the appellate body;
- standardising appointments, complaints and disciplinary processes; and
- creating structural independence for the administration of the tribunals in Wales, not only to uphold but to be seen to uphold the principle of judicial independence.

The Welsh Government strongly endorses the fundamental principle of the Law Commission's recommendations for a unified, single structurally independent system of tribunals in Wales. The reforms set out by the Commission provide for the creation of a structure for our tribunals in Wales that is simple, modern and fair. Not only do the Commission's proposals address the shortcomings in the current ad hoc structures in place in Wales, but they future-proof the system of tribunals, enabling new functions to be conferred by future legislation without having to create wholly new bodies and administrative arrangements. In short, the Law Commission's proposals go a long way to creating the capability for Welsh legislation to be enforced through Welsh institutions. In doing so, they chime with the findings of the Commission on Justice in Wales on the importance of building capacity in the justice system in Wales.

I would like to thank the Law Commission team, led by Commissioner Nicholas Paines QC, for the work that it has undertaken. We will now consider the detail of the Law Commission's proposals and engage fully with those stakeholders affected by them as we develop and take forward distinctive Welsh policy for a new, modern tribunal service that will be the cornerstone of our future justice system in Wales.