

To: Constitutional and Legislative Affairs Committee

Proposed Committee Inquiry - A Separate Welsh Jurisdiction?

Purpose

1. This paper asks Members to confirm that the Committee's next Inquiry should be on the question of whether there should be a separate Welsh jurisdiction and to consider and agree terms of reference for the Inquiry.

Background

2. At its meeting on 14 July, the Committee agreed that it would undertake an inquiry on a separate Welsh jurisdiction subsequent to the current Inquiry on the powers given to Welsh Ministers in UK Acts. The Committee has finished taking evidence for the current Inquiry and it would now be opportune for Members to agree terms of reference for the Inquiry on a separate Welsh jurisdiction.

3. The Research Service has provided Members separately with a briefing paper setting out in more detail the background to the issue along with draft terms of reference and possible witnesses. If Members are content, a call for evidence will be issued before the Christmas recess with a view to starting taking oral evidence early in the New Year.

4. The suggested terms of reference are to:

“Contribute to the public debate on the need for a separate Welsh jurisdiction by taking expert evidence on:

- *what is meant by the term “separate Welsh jurisdiction”*
- *the arguments for and against a separate Welsh jurisdiction;*
- *the practical implications of a separate jurisdiction for the legal profession and the public;*
- *the operation of a separate jurisdiction, using common law, in Northern Ireland; and*
- *to report to the Assembly with recommendations.”*

Recommendation

5. Members are invited to agree:

- that the Committee's next Inquiry should be on the question of a separate Welsh Jurisdiction; and
- the draft terms of reference set out above.