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15fed Awst 2016.

Annwyl Tomos

Diolch am ddanfon atom gopi o Fil Cymru ynghyd â'r ddogfen **Justice in Wales Working Group - Terms of reference.**

On behalf of our member churches and organisations, we have been following with interest the progress of the Wales Bill. Churches are keen to see a robust and long lasting settlement resulting from the legislative scrutiny of this Bill. In particular, we hope that legislative means might be found to 'Brexit-proof' the Bill so that further extensive amendment is not required when the UK leaves the European Union in due course, and that the Welsh Assembly and Welsh Government may be able to plan ahead as to the additional responsibilities they will have once powers are repatriated from the EU.

We warmly welcome the establishment of the Justice in Wales Working Group and the decision to make its composition and terms of reference known publicly. We hope that the names of the Welsh Government's representatives may also be made known in due course.

We are, however, a little concerned at some aspects of the terms of reference. In particular, the preamble and some of the specific parts of the remit refer to *the emerging body of Welsh law made by the National Assembly for Wales*. We welcome the desire to ensure that this part of Welsh law is incorporated fully into the administration of justice in the England and Wales legal system. However, we would hope that the Working Group will also consider two other areas of emerging Welsh law:

1. Laws made in Westminster which apply wholly or mainly to Wales (not least the Wales Bill and its predecessors).
2. The consequence of Westminster or UK Government ministers changing law in England which is not changed in Wales, leaving residual Welsh law, being the previous England & Wales law now applying only in Wales. Our member churches have been particularly aware of this in the field of the Ecclesiastical Exemption Regulations for Listed Buildings, which were amended in England some years ago, but the old English regulations remain in place for Wales only. We are aware that there are an increasing number of other examples. This can cause confusion even to specialists in the area concerned, and we would urge that the Working Party consider carefully how full account might be taken of this kind of "Welsh law" within the England and Wales justice system.

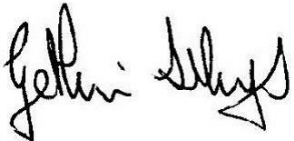
In terms of democratic accountability, we are of the view that the introduction of "English votes for English laws" through the Standing Orders of the House of Commons means that future 'residuary Welsh law' – when law is changed in England but not in Wales – will be enacted with diminished scrutiny by elected representatives in Wales, and would encourage the Working Party to consider ways in which this unintended consequence might be mitigated.

Oddi wrth / From: Parch./Revd Gethin Rhys
Swyddog Polisi'r Cynulliad Cenedlaethol / National Assembly Policy Officer

We would therefore suggest that the inter-governmental protocol should cover not only *the procedures for notifying interested parties of impending Assembly legislation* but also procedures for notifying interested parties of impending Westminster legislation that will change the law in England but not in Wales, leading to divergence between the law applying in the respective countries.

We wish the Working Party well in its work, and are grateful for this opportunity to contribute towards it.

Yr eiddoch yn gywir,



Gethin Rhys (Parch.)
Swyddog Polisi