



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Interpreting Welsh Law – considering an interpretation Act for Wales**

DATE **19 June 2017**

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On the 13 December 2016, I informed members of the Welsh Government’s intention to bring order to the statute book and develop codes of Welsh law. My aim is to bring order to the laws we have inherited and to establish a new approach to future law-making in Wales – an approach that puts the citizens, the ultimate users of legislation, first. This is particularly important in these times of limited access to legal advice, support and representation.

This is also a matter of considerable constitutional importance. Over 50 primary laws have been passed since the National Assembly’s competence was enhanced in 2007 and more than 4,000 Statutory Instruments have been made since 1999. The Welsh Parliament now has responsibility for law making across a wide range of subject areas. The development of a distinct Welsh legal jurisdiction is an inevitable consequence if we are to maintain a proper and efficient administration of justice in Wales and keep up with this process of change.

There are a number of elements to the work underway to improve access to our rapidly developing body of law. Beginning to consolidate laws we have inherited and improving how they are published are the most obvious. But there are also more technical and specialist initiatives that, while not high profile, are nevertheless important.

The government is today publishing a consultation paper on a proposal to develop a bill on statutory interpretation that is bespoke to Welsh legislation. To provide certainty and clarity, legislation must at times be detailed and intricate. However, such complexity can be reduced by setting out certain principles, rules and definitions once so that they don’t have to be repeated in each new law that is made. This is done by an “Interpretation Act” – a feature of legal jurisdictions across the common law world.

Interpretation Acts cover a range of procedural issues and define commonly used expressions in legislation which can assist in resolving uncertainties about the meaning of particular legislative provisions. They contain rules of statutory construction, such as

provisions about when laws come into force, the calculation of time periods, and the effects of repeal, which provide legal certainty. One of their main purposes is to help to keep legislation shorter and more consistent.

Welsh legislation currently comes under the ambit of the Interpretation Act 1978, an Act of the UK Parliament which is nearly 40 years old. This Act requires modernisation and, importantly, does not recognise that our laws are made in both English and Welsh – a deficiency that has been pointed out by the Law Commission and our Constitutional and Legislative Affairs Committee.

I believe that we should develop our own interpretation Act – as has been done in Scotland and Northern Ireland – which is bilingual and tailored to our jurisdiction. The consultation paper published today is concerned with how best to go about this.

The policy consultation is available here:

<https://consultations.gov.wales/consultations/interpreting-welsh-law-interpretation-act-wales>

<https://ymgyngoriadau.llyw.cymru/ymgyngoriadau/dehongli-cyfreithiau-cymru-deddf-dehongli-i-gymru>