



Mick Antoniw AC/AM  
Chair  
Constitutional and Legislative Affairs Committee  
National Assembly for Wales

9 February 2018

Dear Mick

**LAND TRANSACTION TAX (TAX BANDS AND TAX RATES) (WALES) REGULATIONS  
2018**

Thank you for your letter of 26 January to the Cabinet Secretary for Finance; I am responding on behalf of the Government given the issues you have raised regarding accessibility of legislation.

This Government has committed to ensuring Welsh laws are accessible, and as such it is essential that they are intelligible, clear and predictable in their effect.

Our position in relation to definitions is that these should only be included where they aid clarity or certainty. So if a term is intended to have its ordinary dictionary meaning, or it is obvious from the context what the term is referring to, it might be positively confusing to include a definition.

Similarly, where section 11 of the Interpretation Act 1978 applies, we consider that repeating a definition from a parent Act in subordinate legislation could also create uncertainty in interpretation.

However, we certainly agree with the Committee that there are times that section 11 can be unhelpful to readers of legislation: the reader of subordinate legislation needs to know of the existence of the parent Act, the definition in that Act, and the rule that the definition applies in the subordinate legislation.

We have already begun to consider, as part of the next steps following the Government's consultation on an Interpretation Act for Wales, what actions might be taken to address this problem – and one option is to dis-apply the rule, which would mean that definitions would be required in subordinate legislation.

I am absolutely persuaded of the need for greater accessibility in legislation but I am not persuaded that doing so piecemeal is necessarily the best way to achieve the outcome we all desire. However even without legislative reform, there is scope for improving accessibility in other ways for example through use of footnotes referencing key definitions in the parent legislation (as you note in your letter). We will certainly look to make greater use of such approaches in future where that can improve accessibility. We will also be looking at how the explanatory notes can be better used to highlight for the reader of legislation where definitions can be found.

I hope this reassures the Committee of our commitment to taking action to improve the accessibility of Welsh law, and to good drafting practice.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jeremy Miles', is positioned below the closing text.

**Jeremy Miles**  
Y Cwnsler Cyffredinol  
Counsel General