

Legislation, Justice and Constitution Committee

Monitoring Report

November 2021

Contents

1.	Introduction	2
2.	UK -EU Agreements	2
2.1.	Withdrawal Agreement	2
	Protocol on Ireland-Northern Ireland.....	2
	Citizens' rights	4
2.2.	Trade and Cooperation Agreement.....	5
2.3.	Senedd engagement: Committee of the Regions-UK Contact Group	8
3.	UK-EU divergence	9
4.	The UK Internal Market Act	10
5.	Common frameworks	10
6.	Intergovernmental Relations	11
7.	Legislation	11
7.1.	Legislative consent.....	11
7.2.	COVID-19	12
8.	Constitution	13
8.1.	Independent Commission on the Constitutional Future of Wales	13
	Commission membership.....	13
	Commission objectives	13
	Working Practices.....	14
8.2.	UK Government reshuffle: machinery of government changes.....	14
8.3.	Supreme Court judgment: legislative competence	15
	Background	15
	Provisions considered by the Supreme Court.....	16
	Analysis.....	16
9.	Justice	17
9.1.	Welsh Government	17
9.2.	UK Government	18
9.3.	The Welsh Tribunals	18

1. Introduction

The Legislation, Justice and Constitution Committee has a broad remit covering a wide range of areas. This monitoring report is intended to provide Members of the Committee with an update on key policy developments related to the Committee's remit.

The Committee will consider these issues and any actions that it wishes to take in response. This report is being published to inform stakeholders of some of the issues currently under consideration by the Committee.

2. UK -EU Agreements

2.1. Withdrawal Agreement

Protocol on Ireland-Northern Ireland

The UK and EU are currently holding discussions aimed at resolving the ongoing issues of the Protocol on Ireland-Northern Ireland. Both have set out proposals on how to move forward.

EU proposals

On 13 October, the EU Commission published non-legislative proposals designed to simplify procedures under the Northern Ireland Protocol:

Today's package proposes further flexibilities in the area of food, plant and animal health, customs, medicines and engagement with Northern Irish stakeholders. It proposes a different model for the implementation of the Protocol, in which the flow of goods between Great Britain and Northern Ireland - in respect of goods destined to stay in Northern Ireland - is facilitated to a significant extent. This facilitation is enabled by a series of safeguards and increased market surveillance to ensure the goods do not move into the EU's Single Market.

The proposals call for a 'jointly agreed permanent solution as soon as possible'.

The EU has repeatedly stated it will not renegotiate the Protocol, and so proposes the following changes as a starting point for 'intensive discussions' with the UK over the coming weeks:

For food safety and phytosanitary rules: The Commission offers a 'bespoke solution', which it says will lead to an approximately 80% reduction in checks.

This is contingent on the UK completing construction of new Border Control Posts (BCPs), among other measures. The EU's proposal introduces the possibility of 'unilateral measures by the EU in case of failure by UK competent authorities or the trader concerned to react to or remedy an identified problem.' Welsh traders and authorities could therefore face a new possibility of unilateral penalties by the EU, in addition to existing options for retaliation provided elsewhere in the new UK-EU relationship if these proposals were agreed.

Three Senedd Committees recently received [correspondence between David Frost and the Welsh Government](#), which described BCP construction at Welsh ports as 'one of the largest and most complex infrastructure delivery programmes Welsh Government is engaged in'.

For customs: The Commission offers flexibility to facilitate the movement of goods from Great Britain to Northern Ireland, which it states would lead to a 50% reduction in paperwork, described as an 'Express Lane'. This would be in return for, among other measures, EU access to UK IT customs systems and a new duty on UK customs and market surveillance authorities to put in place monitoring and enforcement measures.

For medicines: The Commission offers long-term 'uninterrupted security of supply' of medicines moving from Great Britain to Northern Ireland. The EU states that further discussions are needed.

On governance: The Commission offers 'enhanced engagement' with Northern Ireland stakeholders and authorities, including the creation of structured groups and greater participation in existing groups, such as meetings of the Withdrawal Agreement's Specialised Committee on the Protocol. The proposals also create a stronger link between the Northern Ireland Assembly and the EU-UK Parliamentary Partnership Assembly (PPA). The devolved legislatures had [received confirmation](#) from both UK Houses of Parliament that they would consider their involvement.

UK Government proposals: command paper

The EU's proposals, published on 13 October and described above, are a response to the UK Government's [command paper](#), published in July 2021. The paper outlined proposals to change the operation of the Protocol in ways which would require re-negotiation of several key elements with the EU.

It suggested that if discussions with the EU on its proposed changes were not successful, the UK could invoke [Article 16 of the Protocol](#). Article 16 allows either

party to take unilateral safeguarding measures and/or rebalancing measures if the Protocol causes ‘serious economic, societal or environmental difficulties that are liable to persist, or to diversions of trade’. Lord David Frost has [since repeatedly warned](#) that the UK will invoke Article 16 if an agreement cannot be reached. An [EU spokesperson responded](#) on 5 October that the EU would not respond to the comments, ‘however lyrical or aggressive they may be’.

The EU [originally responded to](#) the command paper stating that technical discussions on how the Protocol is implemented in practice should continue but that it will not renegotiate its terms. It [stated in September](#) that it hopes to find a solution to the ongoing issues by the end of the year.

Both parties have agreed to a series of intensive discussions on their respective proposals to amend the Northern Ireland Protocol. The first meeting took place in Brussels on 15 October and the second series of talks took place in London during the week of 25 October.

[Lord Frost gave evidence to the House of Lords European Affairs Committee](#) on 26 October, stating that talks had been constructive but large gaps remain. He outlined that both parties will seek to reach an agreement before the end of the year.

Latest developments: further reading

- [Statement issued](#) by European Commission Vice-President, Maroš Šefčovič, following a meeting with Lord David Frost on 15 October
- Lord Frost’s [updates to the House of Lords on the EU proposals, the impact on trade, and the effect of renegotiation on other trade negotiations](#) (21 October)
- Lord Frost [evidence](#) to the House of Commons European Scrutiny Committee (25 October)
- Lord Frost [evidence](#) to the House of Lords European Affairs Committee (26 October)
- [New York Times report](#) on how President Biden is following the negotiations

Citizens’ rights

Following the UK’s exit from the EU, European citizens who were living in Wales before 31 December 2020 must have applied to stay by 30 June 2021. Since its

launch, more than **6.1 million applications** have been submitted to the **UK Government's EU Settlement Scheme** (EUSS). Successful applicants are **granted a status** of either 'settled' or 'pre-settled'.

Senedd Research **published its analysis** of the latest available data, including an interactive map, on 6 October.

On 20 October, the Welsh Government's Minister for Social Justice, **Jane Hutt**, **announced** that the funding of its **free advice and support** for European citizens will continue to 'at least' March 2022.

UK-EU discussions on citizens' rights

On 16 September, the UK-EU Specialised Committee on Citizens' Rights issued a **joint statement** describing progress on a number of ongoing implementation issues, including the misapplication of the Withdrawal Agreement in the UK and EU Member States. The Committee agreed to meet again in December 2021, when it will consider the next (and sixth) **Joint Report**.

Senedd activity

The EUSS falls within the remit of the Senedd's Equality and Social Justice Committee. The Committee published **its first report** on the scheme on 22 October 2021 and will continue to monitor citizens' rights in Wales and publish regular reports.

2.2. Trade and Cooperation Agreement

The **Trade and Cooperation Agreement (TCA)** establishes 23 new UK-EU Committees and Working Groups to oversee its implementation and application. The main body is the Partnership Council, which oversees the TCA and is supported by:

- 11 Trade Committees, made up of 1 Trade Partnership Committee and 10 Trade Specialised Committees
- 8 Specialised Committees on non-trade areas, such as energy and transport
- 4 Working Groups on specific matters, such as medicinal products

To date, **UK-EU meetings** have taken place on the following matters:

- social security (6 July)
- energy (14 July)

- fisheries (20 July)
- sanitary and phytosanitary (SPS) measures (22-23 September)
- customs cooperation and rules of origin (7 October)
- goods (8 October)
- services, investment and digital trade (11 October)
- public procurement (12 October)
- level playing field for open and fair competition (12 October)
- intellectual property (13 October)
- regulatory cooperation (13 October)
- air transport (14 October)
- technical barriers to trade (15 October)
- law enforcement and judicial cooperation (19 October)

The UK delegation included officials from the Welsh Government for the meetings on social security coordination, energy and fisheries. Attendee information for the remaining meetings is not yet publicly available.

It is for the UK and EU to each determine their respective delegations for each meeting. On 1 July, the UK Government confirmed that delegations will vary in number, depending on the agenda. It is not clear whether or how the Welsh Government will be represented in future.

Dates for all other Committee and Working Groups that have not yet met have been agreed except for the specialised committee on EU funding programmes.

France-UK Fisheries Dispute

There has been a long running dispute on the issuing of licences for French vessels to fish in UK waters following the end of the transition period.

On 27 October, the French Government issued a statement (French only) to say that it intends to take retaliatory action against the UK. It has stated that it does not believe the UK is in compliance with its obligations under the TCA and has called on the European Commission to convene a meeting of the Partnership Council as soon as possible. It has also called on the EU to consider invoking retaliatory measures permitted under Article 506 of the TCA. This article permits either party to take certain retaliatory measures in the event that it believes that the other party is in breach of its fisheries obligations under the TCA.

The UK Government has stated that it believes the French Government's actions 'do not appear to be compatible with the Trade and Cooperation Agreement and wider international law'. It stated that it will relay these concerns to the EU Commission and French Government.

At time of writing negotiations between the UK Government, French Government and European Commission to address the issues are on-going.

UK-EU Parliamentary Partnership Assembly

On 5 October, the European Parliament formally agreed to appoint its delegation to the EU-UK Parliamentary Partnership Assembly (PPA). The Assembly is being established under the TCA.

Article 11 of the TCA provides that the UK Parliament and the European Parliament may establish a Parliamentary Partnership Assembly (PPA). The agreement provides that the PPA will be able to consider how the TCA is being implemented, request documents from the UK-EU Joint Partnership Council and make recommendations about the implementation of the TCA to this body. The Joint Partnership Council is the UK-EU body established by the TCA to oversee its implementation.

The European Parliament delegation will consist of 35 Members.

This Committee wrote jointly with counterpart committees in Scotland and Northern Ireland to Lord Kinnoull, the Chair of the House of Lords European Affairs Committee, and Sir Oliver Heald, the House of Commons representative on the PPA on 25 August, requesting that they be consulted on the establishment of the UK delegation to the PPA prior to it being appointed.

Lord Kinnoull and Sir Oliver Heald responded to the devolved committees on 21 September saying they would 'seek to involve' the devolved legislatures in the work of the PPA.

Civil Society Forum and Domestic Advisory Groups

Articles 12-14 of the TCA provide for the establishment of mechanisms to engage civil society in the operation of the Agreement. Article 13 requires the UK and EU to consult newly created or existing Domestic Advisory Groups on issues covered by the TCA or any supplementing agreements. The UK and EU are responsible for

appointing their own Groups, must consult them at least once a year, and must consider views and/or recommendations made by these Groups.

Article 14 provides that the UK and EU will also establish a joint Civil Society Forum to consider implementation of Part Two of the TCA. It will usually meet at least once a year.

The UK Government has been consulting on broad principles and proposals for engaging civil society in the UK, on the creation of the Civil Society Forum and on a single Domestic Advisory Group. In its joint consultation response on strategic priorities for the Sixth Senedd's Culture, Communication, Welsh Language and International Relations Committee (CCWLSIR), the Wales Governance Centre and WCVA state:

Given the intersections between the TCA and devolved competence, it is important that UK representation in these structures is inclusive of perspectives from Wales. However it is unclear at the moment how this will take place.

The UK Government issued its response to the consultation on 19 October it has also issued an Expression of Interest for membership of the Domestic Advisory Group. The Expression of Interest runs until 9 November.

Key issues identified in the UK Government's summary of consultation responses include:

- the frequency of the Domestic Advisory Group meetings;
- the need for transparency and accountability around the operation of the Domestic Advisory Group and the Civil Society Forum; and
- the importance of the membership of both fora to have representation for all sectors, all four nations of the UK and relevant technical knowledge.

2.3. Senedd engagement: Committee of the Regions-UK Contact Group

The fifth meeting of the Committee of the Regions- UK Contact Group took place on 5 October. The Senedd was represented by the Deputy Presiding Officer, David Rees MS. The Senedd is awaiting the appointment of two new Senedd Members to the group following the May election.

There was discussion of issues relating to the TCA, including:

- discussion with Richard Szostak, acting Director of Service for the EU-UK Agreement in the European Commission on the implementation and governance of the TCA and and the Northern Ireland Protocol;
- and with Andreas Schieder MEP on the role of devolved legislatures and European regions and cities in the UK-EU Parliamentary Partnership Assembly.

3. UK-EU divergence

On 16 September, the UK Government's Paymaster General Michael Ellis MP and Lord Frost, Minister of State at the Cabinet Office, announced the next steps in the UK Government's regulatory reform programme.

The UK Government established a Taskforce on Innovation, Growth and Regulatory Reform (TIGRR) in February 2021 to identify and propose changes to the UK regulatory system after leaving the EU. The Taskforce reported its findings to the UK Government in June 2021. The UK Government has been consulting on some of the proposed changes suggested by the Taskforce but has now announced further details about its regulatory reform programme.

In a letter to the Chair of the taskforce, Sir Iain Duncan Smith, Lord Frost announced that the UK Government would:

- set out the details of a suite of current and prospective reforms;
- undertake a comprehensive review of the status and content of EU retained law; and
- establish a new standing commission on regulatory reform.

The letter and accompanying statement set out some of the details of the current proposals for regulatory reform. While many fall in reserved areas, some either fall within devolved policy areas, or are likely to have a material impact on them.

In his statement to the House of Commons, the Paymaster General provided further information on what the review of EU retained law would entail. He stated that the UK Government will:

- remove the special status of EU retained law so that it is no longer a distinct category of UK domestic law;
- ensure 'all courts' can depart from EU case law according to the 'normal rules'; and

- review the content of all EU retained law, and repeal or replace certain EU retained law through legislative means, including the consideration of a legislative mechanism to accelerate this process.

In his evidence to this Committee on 20 September, the Counsel General stated that the review was in its early days, and that officials knew an announcement was going to be made on regulatory reform but that the Welsh Government was not ‘given any indication of the precise timing of the notification when that announcement was imminent’. He outlined there has been some specific engagement with Welsh Government policy departments on specific issues with implications for devolved areas, such as the digitisation of export health certificates.

4. The UK Internal Market Act

The Scottish Parliament’s Constitution, Europe, External Affairs and Culture Committee has launched an inquiry to consider the implications for the UK Internal Market Act for Scotland, including its implications for how devolution works. It will include consideration of:

- how devolution is being impacted by the new constitutional arrangements arising from the UK internal market;
- what the establishment of the UK internal market and the increasingly interconnected nature of devolution means for intergovernmental and interparliamentary relations - including what opportunities and challenges it presents; and
- the impact of the EU-UK Trade and Cooperation Agreement and other bilateral trade agreements on the operation of the UK internal market and devolution.

The Committee has also issued guidance on the UK Internal Market Act for subject committees.

5. Common frameworks

The UK Government published four common frameworks for policy areas devolved to Northern Ireland only on 30 September, following provisional

agreement with the Northern Ireland Executive. No further common frameworks intersecting with Welsh devolved competence have been published.

6. Intergovernmental Relations

The Welsh Government published its annual report on intergovernmental relations in September, in line with the inter-institutional relations agreement between the Welsh Government and the Senedd. The Committee and the Welsh Government are in the process of renegotiating this agreement for the new Senedd.

The annual report covers inter-ministerial engagement across Welsh Government portfolios, including the COVID-19 response, the end of the EU transition period, international relations and free trade agreements;

It argues that although there have been ‘some helpful examples’ of intergovernmental working, there is a need for a ‘reset’ of intergovernmental relations in general.

7. Legislation

7.1. Legislative consent

The Welsh Government has now laid legislative consent memorandums (LCMs) for fourteen UK bills in this Senedd. The Welsh Government is at present recommending against consent to seven of these bills (in full or in part). The Committee has continued to consider and report on LCMs.

The Senedd voted to withhold consent from the Professional Qualifications Bill on 5 October. The Welsh Government has said it is continuing to seek amendments to the Bill.

This table provides a summary of the current Welsh Government position on consent. Positions may change as bills progress through the legislative process in the UK Parliament.

LCM	Welsh Government recommending Senedd consent?
<u>Armed Forces Bill</u>	Yes
<u>The Leasehold Reform (Ground Rents) Bill</u>	Yes
<u>Building Safety Bill</u>	Yes

Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill	Yes
Public Service Pensions and Judicial Offices Bill	Yes
Environment Bill	Yes
Animal Welfare (Kept Animals) Bill	Yes*
Police, Crime, Sentencing and Courts Bill	In part
Skills and Post-16 Education Bill	In part
Advanced Research and Invention Agency Bill	No
Professional Qualifications Bill	No
Subsidy Control Bill	No
Health and Care Bill	No
Elections Bill	No
	<i>*subject to further discussion</i>

7.2. COVID-19

The Welsh Government published an [update on its legislative response to the COVID-19 pandemic](#) between 10 August 2020 and 31 August 2021. This sets out:

- the use of Welsh Ministers’ powers under the [Coronavirus Act 2020](#);
- which provisions in the 2020 Act were in force;
- the principal regulations on COVID-19 restrictions made under the Public Health (Control of Diseases) Act 1984; and
- other relevant subordinate legislation.

The [House of Commons Justice Committee reported](#) on COVID-19 and the criminal law in September (focusing on England).

8. Constitution

8.1. Independent Commission on the Constitutional Future of Wales

The Counsel General has announced the co-chairs and broad objectives of the Independent Commission on the Constitutional Future of Wales (the ‘Commission’).

The background to the Commission and initial details about its work were summarised in our [September monitoring report](#).

Commission membership

Professor Laura McAllister and Dr Rowan Williams have been announced as co-chairs of the Commission.

Professor McAllister previously chaired the [Expert Panel](#) on Assembly Electoral Reform and is currently a professor of public policy and governance at the Wales Governance Centre in Cardiff University.

Dr Rowan Williams was formerly the Archbishop of Wales and Archbishop of Canterbury.

The Commission will consist of the co-chairs and nine additional members “drawn from a broad range of political opinion and sections of Welsh society”.

The remaining members are expected to be announced in November 2021.

Commission objectives

The [Counsel General has announced](#) that the Commission has two broad objectives:

- to consider and develop options for fundamental reform of the constitutional structures of the United Kingdom, in which Wales remains an integral part; and
- to consider and develop all progressive principal options to strengthen Welsh democracy and deliver improvements for the people of Wales.

The [Counsel General has said](#) he’s satisfied that these objectives ‘strike the right balance between directing the work of the independent commission, and giving them the freedom to develop recommendations independently of Government’.

The Commission will ‘look at the whole suite of potential constitutional futures of Wales’. In this regard, the First Minister has said that no option is ruled out and Professor McAllister has said that ‘everything is supposed to be on the table’.

However, the Counsel General has suggested that it is ‘perhaps a mistake to focus on particular individual options’ such as independence, federalism, radical federalism or unionism. Rather, he suggested the starting point should be change which will ‘benefit the people of Wales’, ‘bring decision making closer to people’ and that will give people ‘more control over the decisions that impact on their lives’.

Working Practices

The commission will be supported by the Welsh Government and able to access its resources to carry out their work, but it will be independent of government. The co-chairs and members will set their own direction. The Commission will also be supported by a secretariat and a panel of experts.

The First Minister has said it will be for the Commission to decide on its method of citizen engagement. Once established, it will develop a strategic plan in terms of how it will ‘engage with the people of Wales’ and the ‘breadth of different views that exist’.

The Commission is expected to produce an interim report by the end of 2022, and a full report with recommendation by the end of 2023.

8.2. UK Government reshuffle: machinery of government changes

Following the UK Government reshuffle in September, Michael Gove MP is the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations. Neil O’Brien MP is the Minister for Levelling Up, The Union and Constitution.

The Prime Minister will chair a Union Strategy Cabinet Committee, while the Secretary of State for Levelling Up, Housing and Communities will chair a smaller Union Policy Implementation Committee.

8.3. Supreme Court judgment: legislative competence

The Supreme Court has unanimously held that a number of provisions in two Bills passed by the Scottish Parliament would be outside its legislative competence. Both Bills sought to incorporate international treaties into Scots law.

The judgment is likely to be of general relevance to the Senedd in deducing the scope of its competence.

It may also be of particular relevance as the Welsh Government's Programme for Government includes commitments to incorporate two international treaties into Welsh law: the UN Convention on the Rights of Persons with Disabilities, and the Elimination of all Forms of Discrimination against women.

Background

The Scottish Parliament passed two Bills incorporating versions of the United Nations Convention on the Rights of the Child ('**UNCRC Bill**') and the European Charter of Local Self-Government ('**ECLSG Bill**').

Both Bills were referred to the Supreme Court by the Attorney General and the Advocate General for Scotland (both of whom are members of the UK Government) to determine whether certain provisions would be within the Scottish Parliament's legislative competence.

However, neither reference took issue with the Scottish Parliament's overarching decision to incorporate international treaties into Scots law. This was recognised in the judgment 'to be a matter for the Scottish Parliament'.

Relevant statutory provisions for context

Section 28(7) of the Scotland Act 1998 provides that the ability of the Scottish Parliament to legislate '**does not affect the power**' of the UK Parliament to make **laws for Scotland**. This is mirrored for Wales in Section 107(5) of the Government of Wales Act 2006.

An Act of the Scottish Parliament can't generally modify the Scotland Act 1998. There are exceptions to this rule, but they don't include section 28(7).

It follows that an Act of the Scottish Parliament can't modify the UK Government's ability to make laws for Scotland, otherwise it will be outside its legislative competence.

Provisions considered by the Supreme Court

The Supreme Court's judgment focused on the UNCRC Bill and applied its reasoning to analogous provisions in the ECLSG Bill.

The UNCRC Bill contained provisions (among others):

- requiring legislation to be 'read and given effect in a way which is compatible' with the UNCRC 'so far as it is possible to do so' (**Interpretation Provision**);
- empowering courts to make 'strike down declarators' providing that legislation enacted before the Bill comes into force 'ceases to be law' to the extent it is incompatible with the UNCRC (**Strike Down Provision**); and
- providing for courts to make 'incompatibility declarators' for legislation it deems incompatible with the UNCRC that receive Royal Assent after the Bill comes into force (**Incompatibility Provision**).

In addition to Acts of the Scottish Parliament, **all of these provisions would equally apply to UK Parliament Acts which fall within devolved areas**. Therefore, if passed, the Bill would allow courts to strike down and declare Acts of the UK Parliament, as they applied in Scotland, incompatible with the UNCRC.

A key question in the case was whether this modified the UK Parliament's ability to legislate for Scotland under section 28(7) of the Scotland Act 1998. **The Supreme Court held that it did and that all three provisions would, therefore, be outside the Scottish Parliament's legislative competence.**

Analysis

The judgment has been identified as significant by a number of prominent constitutional experts.

Commentary has predominantly focused on the Supreme Court's broad interpretation of section 28(7) of the Scotland Act 1998. As discussed above, this is the provision that preserves the UK Government's ability to make laws for Scotland. The judicial treatment of section 28(7) is relevant to the Senedd as there is an equivalent provision in the Government of Wales Act 2006.

Professor Mark Elliot of Cambridge University **suggests in an article** that the Supreme Court has interpreted Section 28(7) as being broader than merely protecting the concept of parliamentary sovereignty. He believes it now encompasses a ‘far-reaching and imprecise notion’ that the UK Parliament retains ‘unqualified power’, which ‘**serves as a basis for more far-reaching limitations on the devolution settlements**’.

For example, the court deemed that the **Interpretation Provision** (explained above) would impose a qualification on the UK Parliament’s legislative power. This was on the basis that it required courts, in certain circumstances, to give statutory provisions a meaning and effect which conflicts with that intended by the UK Parliament. Therefore, the judgment suggests that Senedd legislation cannot make provision about the interpretation of UK Acts as they apply in Wales, even in devolved areas. This may influence the Welsh Government’s approach to incorporating versions of international treaties into Welsh law, as proposed in its Programme for Government.

A **number of academics have also suggested** that the judgment ‘**played down**’ the constitutional nature of the devolution Acts. The judgment stated that the Scotland Act ‘must be interpreted in the same way as any other statute’ and according to its ‘ordinary words’. The case has been described as ‘**emphatically rejecting**’ earlier judgments which highlighted the constitutional nature of devolution Acts. The Welsh Government’s **legal challenge** to the UK Internal Market Act is largely predicated on the constitutional nature of the Government of Wales Act 2006.

9. Justice

9.1. Welsh Government

The **Counsel General updated the Senedd** on the Welsh Government’s work on justice in a statement on 30 September, drawing attention to continuing work on:

- the **Youth Justice and Female Offending Blueprints**;

- family justice, including the pilot of a Family Drug and Alcohol Court in Cardiff and testing of a revised child arrangements programme in North Wales;
- support for the legal sector;
- the establishment of a Law Council for Wales, to have the Supreme Court Justice Lord Lloyd-Jones as its president;
- the Law Commission’s consultation on the Welsh Tribunals.

The Counsel General said that he expected discussions on the recommendations of Commission on Justice in Wales with the UK Government to begin ‘soon’.

The UK Minister Lord Wolfson QC indicated that the Ministry of Justice looked forward to working with the Welsh Government on the Commission’s recommendations in a speech to the Legal Wales Conference.

9.2. UK Government

Lord Wolfson QC set out the priorities of the Ministry of Justice in his speech to the Legal Wales conference, including support for:

- the recovery of courts and tribunals from the pandemic;
- the development of lawtech;
- international legal services and international trade; and
- the development of dispute resolution mechanisms.

Her Majesty’s Courts and Tribunals Service (HMCTS) announced the development of a digital support service for access to courts and tribunals services (including support in Welsh).

9.3. The Welsh Tribunals

The third annual report of the President of Welsh Tribunals was laid before the Senedd on 23 September.

Annual reports for most of the Welsh Tribunals for 2020/21 have now also been published. The reports discuss how the tribunals have managed the impact of the pandemic as well as setting out information on spending, operation and performance.

- [The Mental Health Review Tribunal](#)
- [The Agricultural Land Tribunal](#)
- [The Residential Property Tribunal](#)
- [The Welsh Language Tribunal](#)
- [The Adjudication Panel for Wales](#)

The Special Educational Needs Tribunal was renamed the [Education Tribunal](#) earlier this year. The 2020/21 annual report has not yet been published.