

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

11 February 2025

Annwyl Mike

'The future of Welsh law: A programme for 2021 to 2026' Annual Report 2023-24

Thank you for your letter of 24 January seeking further information on matters relating to my recent annual report on the programme to improve the accessibility of Welsh law. My responses are as follows.

Classification of Welsh law

Question 1: Was the Welsh Government consulted before the National Archives revised its intentions as regards a single classification structure for Welsh law, and have you expressed or do you have any concerns with the National Archives' new plans to develop a subject classification system for all legislation rather than for Welsh law alone

The Committee will be aware that when we established the current programme, the commitment was to *"work with The National Archives team responsible for legislation.gov.uk to provide additional functionality on that site so that users may access Welsh law by subject."* Ultimately it is a matter for The National Archives, but as always we seek to work collaboratively with them recognising that they need to provide publishing solutions that work across the UK.

We were advised of their plans in late 2023/early 2024 and await their further thoughts on the most appropriate way to develop functionality that supports subject by subject classification. We continue to hold the view that this is a useful way for users to access legislation, particularly if they are not sure of the title or detail of individual enactments. Indeed, The National Archives have advised us in discussions that this is something that their own user research identifies as helpful.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Cwnsler.Cyffredinol@llyw.cymru
correspondence.Counsel.General@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We are therefore keen to see progress on developing a classification system for legislation that supports improved accessibility to the law, and that takes account of the subjects for which the Senedd has responsibility.

Communication of Welsh law

Question 2: Has consideration been given to focusing on prioritising the updating of all the most frequently accessed instruments rather than following the year-by-year approach?

As set out in the report, in general our approach is to bring a year's worth of instruments up to date before progressing to the next year. However as also explained, we have prioritised some of the more frequently accessed instruments as well.

Given that the most frequently accessed enactments vary from time to time, we consider the approach we have adopted to be the most thorough for working our way through the backlog of effects to be applied. But this is something that we are discussing with The National Archives and may revisit in the future.

Question 3: Please would you provide details of the most frequently accessed instruments which have yet to be updated.

The data available to us covers all Welsh Acts and Measures as well as those instruments currently designated as "Welsh statutory instruments" on the legislation.gov.uk site. You will appreciate from your work on the Legislation (Procedure, Publication and Repeals) (Wales) Bill that these are of course "Statutory Instruments" that form part of the UK SI series but also attract the "W/Cy" subsidiary number. Rather therefore than list all of those enactments and their current rank by number of views, Annex A provides a summary of the 50 most viewed enactments (as of 6 January) and whether these are up to date (as of 29 January) – the most recent dates for which data is available.

Incidentally, there are a number of stages to updating the legislation.gov.uk website, so it may be the case that the Legislative Codes Office have applied all the effects available to be applied, but the enactment is not showing as "up to date" because application of the effects is awaiting review, or for other technical reasons associated with the functionality of the editing system.

Question 4: Please would you explain how statutory instruments for Wales made by UK Ministers are being dealt with as part of this project.

These are generally a matter for the editing team within The National Archives.

Question 5: Please would you provide further information about the discussions held with the National Archives on the subject of dual-column format bilingual statutory instruments.

I will update the Committee on this matter in due course, but to date conversations have focussed on the most appropriate way to present bilingual statutory instruments in both a printed and electronic format. The National Archives have recently undertaken user research and that has included considering publishing Welsh legislation; we will be discussing their proposals for future developments with them in due course.

There are implications of moving to a new format for the preparation of statutory instruments (and the software in which these are prepared) and given that other changes to the templates will be needed to take account of the Legislation (Procedure, Publication and

Repeals) (Wales) Bill, I am keen to avoid duplication of effort for us, The National Archives and the publication concessionaire. It is my hope that the move away from dual column format will coincide with the establishment of the new “Welsh Statutory Instrument” but this is yet to be confirmed.

Question 6: Please would you provide clarification on the timetable for updating the internal Welsh Government guidance that supports the development of primary and secondary legislation, and commit to share the updated guidance with the Committee for information.

My recent annual report noted that minor amendments were made to the Legislation Handbook on Senedd Bills in June 2024 and a fuller review is planned. No timetable for this has currently been set, but it is likely that this will be done ahead of the next Senedd term.

The Legislation Handbook on Subordinate Legislation will need to be reviewed and updated ahead of Part 1 (and to an extent Part 2) of the Legislation (Procedure, Publication and Repeals) (Wales) Bill coming into force, if enacted. This means work will be undertaken over the summer (depending on the Bill’s progress) and I would anticipate the new guidance being published late autumn 2025.

Consideration is being given to updating the guidance relating to Parts 2 and 3 of the Legislation (Wales) Act 2019, in light of the amendments being proposed to that Act by the Legislation (Procedure, Publication and Repeals) (Wales) Bill. If the decision is taken to publish revised guidance, that would also be published in late autumn 2025.

Work on preparing a Legislation Handbook for Consolidation Bills has begun but is on hold pending completion of the consolidation of planning law project and any review of the Senedd’s consideration of such Bills (this is expected to take place after the Planning Bills are considered by the Senedd). I therefore see this element of our ongoing work to keep guidance up to date and relevant continuing into the next programme, but that is of course a matter for the next Government.

Writing Laws for Wales is kept under ongoing consideration by the Office of the Legislative Counsel, together with *Common Legislative Solutions*. At present there are no immediate plans to republish these.

As always, any guidance documents that are published relating to the preparation of primary or secondary legislation will be brought to the attention of the Committee.

Other projects and matters of note

Question 7: Are you able to share with the Committee the proposals put forward to the Heads of the Drafting Offices by the time-limited group, and provide information on what proposals have since been adopted by the Drafting Offices?

The Cross-Border Drafting Group considered the implications of having three legal jurisdictions (and, therefore, three bodies of law) in the United Kingdom on the clarity of the statute book. They looked also at the particularly confusing concept of different law applying to two different countries within the anomalous England and Wales jurisdiction. Following this, The National Archives have been looking at ways to better reflect this constitutional context on legislation.gov.uk. The Heads of the Drafting Offices then discussed these matters with the team at legislation.gov.uk, and I understand this also formed part of user research undertaken for The National Archives. The National Archives are now identifying ways to improve the explanatory information and signposts on their site, to make it clear

whether legislation extends to a given jurisdiction as well as to make it clear whether legislation applies in relation to Wales, applies in relation to England, or applies in relation to England and Wales. The latter is, however, problematic as the data held in that regard is not complete.

Question 8: Please would you provide further detail on what research was shared with the Welsh Government by the National Archives on the technical possibilities for presenting legislation.

I understand that The National Archives are still evaluating and considering the implications of the recent user research they have undertaken on this matter. The Committee may wish to invite the King's Printer or his team to present information to you on this matter, building on the interesting discussions you have already had with them on the Legislation (Procedure, Publication and Repeals) (Wales) Bill.

Yn gywir,



Julie James AS/MS

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Annex A – Top 50 viewed items of Welsh legislation on legislation.gov.uk website

The list below is the 50 most viewed items of Welsh legislation in the three months to 6 January 2025.

The number of views combines views to the English language text and the Welsh language texts of the legislation. The most viewed item (Social Services and Well-being (Wales) Act 2014) has received nearly 187,000 page views in over 146,000 sessions by over 99,000 users; the 50th most viewed item (The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020) has received just over 8,600 page views in approximately 5,000 sessions by 685 users.

The list also shows which of the top 50 most viewed items are 'up to date' in terms of effects applied and published to legislation.gov.uk, by language. This reflects the position on 29 January 2025.

Rank (by total views)	Title of enactment	Welsh text up to date	English text up to date
1	Social Services and Well-being (Wales) Act 2014	Yes	Yes
2	Renting Homes (Wales) Act 2016	Yes	Yes
3	Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017	Yes	Yes
4	Regulation and Inspection of Social Care (Wales) Act 2016	Yes	Yes
5	Housing (Wales) Act 2014	Yes	Yes
6	Tax Collection and Management (Wales) Act 2016	Yes	Yes
7	School Standards and Organisation (Wales) Act 2013	Yes	Yes
8	Local Government and Elections (Wales) Act 2021	Yes	Yes
9	Additional Learning Needs and Education Tribunal (Wales) Act 2018	Yes	Yes
10	Historic Environment (Wales) Act 2023	Yes	Yes
11	Well-being of Future Generations (Wales) Act 2015	Yes	Yes
12	Planning (Wales) Act 2015	Yes	Yes
13	Welsh Language (Wales) Measure 2011	Yes	Yes
14	Environment (Wales) Act 2016	Yes	Yes
15	Local Government (Wales) Measure 2011	Yes	Yes
16	Tertiary Education and Research (Wales) Act 2022	Yes	Yes
17	The Natural Resources Body for Wales (Functions) Order 2013 (SI 2013/755)	Yes	Yes
18	Landfill Disposals Tax (Wales) Act 2017	Yes	Yes
19	Democracy and Boundary Commission Cymru etc. Act 2013	No ⁱ	Yes
20	Mobile Homes (Wales) Act 2013	Yes	Yes
21	Public Audit (Wales) Act 2013	Yes	Yes
22	Public Health (Wales) Act 2017	Yes	Yes
23	Public Services Ombudsman (Wales) Act 2019	No ⁱⁱ	Yes
24	Qualifications Wales Act 2015	Yes	Yes
25	Higher Education (Wales) Act 2015	Yes	Yes
26	Infrastructure (Wales) Act 2024	Yes	Yes
27	Education (Wales) Act 2014	Yes	Yes
28	Elections and Elected Bodies (Wales) Act 2024	Yes	Yes
29	Curriculum and Assessment (Wales) Act 2021	Yes	Yes
30	The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (SI 2016/413)	Yes	Yes
31	Historic Environment (Wales) Act 2016 (repealed)	Yes	Yes
32	Legislation (Wales) Act 2019	Yes	Yes
33	The Food Information (Wales) Regulations 2014 (SI 2014/2303)	Yes	Yes
34	The Education (Student Support) (Wales) Regulations 2018 (SI 2018/191)	No ⁱⁱⁱ	Yes
35	Senedd and Elections (Wales) Act 2020	Yes	Yes
36	The Plant Health (Wales) Order 2018 (revoked) (SI 2018/1064)	Yes	Yes
37	Children and Families (Wales) Measure 2010	Yes	Yes
38	Local Government Byelaws (Wales) Act 2012	Yes	Yes

Rank (by total views)	Title of enactment	Welsh text up to date	English text up to date
39	The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (SI 2020/1609)	No ^{iv}	Yes
40	Senedd Cymru (Members and Elections) Act 2024	Yes	Yes
41	Health and Social Care (Quality and Engagement) (Wales) Act 2020	Yes	Yes
42	Agriculture (Wales) Act 2023	Yes	Yes
43	Learner Travel (Wales) Measure 2008	Yes	Yes
44	Rights of Children and Young Persons (Wales) Measure 2011	Yes	Yes
45	Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015	Yes	Yes
46	Renting Homes (Fees etc.) (Wales) Act 2019	Yes	Yes
47	The Monmouthshire (Communities) Order 2021 (SI 2021/1227)	Yes	Yes
48	The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (SI 2017/1264)	Yes	Yes
49	Housing (Wales) Measure 2011	Yes	Yes
50	The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked) (SI 2020/725)	No ^v	Yes

ⁱ Outstanding effects came into force on 1 January 2025

ⁱⁱ Outstanding effect came into force on 23 January 2025

ⁱⁱⁱ Outstanding effects are more than three months old

^{iv} As above, however this is of historic relevance only and updated versions were provided by the Welsh Government when they were made

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