

Julie James MS

Counsel General and Minister for Delivery

24 January 2025

Dear Julie

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

At our meeting on 20 January 2025, we considered in detail the Welsh Government's 'The future of Welsh law: A programme for 2021 to 2026' Annual Report for 2023-24.

The Committee would welcome further information and clarity as regards a number of matters, as set out in the questions below.

Classification of Welsh law

In the Annual Report you note that, while the National Archives had previously intended to develop a single classification structure for Welsh law, it now intends to develop a subject classification system for all legislation published on the legislation.gov.uk website.

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?

Communication of Welsh law

In the Annual Report you note that the Legislative Codes Office in the Welsh Government has continued to work on a project to ensure that Welsh law is available in up-to-date form on the legislation.gov.uk website. As regards statutory instruments, you state that the intention is to complete the task of bringing a year's worth of statutory instruments up-to-date before beginning on the next year (going backwards). You acknowledge that this means that instruments most frequently viewed by

users may be out of date for longer and, as such, priority has been given to some of the most frequently accessed instruments.

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?

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

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

In the Annual Report you note that discussions have been held with the National Archives about moving away from the dual-column format in which bilingual statutory instruments are prepared and published. The First Welsh Legislative Counsel, Mr Dylan Hughes, briefly commented on this issue when giving evidence alongside yourself on 4 November 2024 on the Legislation (Procedure, Publication and Repeals) (Wales) Bill.

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.

In the Annual Report you note that work is ongoing to fully review and update internal Welsh Government guidance that supports the development of primary and secondary legislation.

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.

Other projects and matters to note

In the Annual Report you state that a time-limited group was established in February 2023 which submitted a proposals paper to the Heads of the Drafting Offices in January 2024. You also state that the time-limited group asked the National Archives to look more closely at the technical possibilities for presenting legislation and asked it to share its research on the subject.

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?

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.

We would welcome a response by 13 February 2025.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges

Chair

