

## Teaching Resource Note

### The Government of Wales Act 2006

#### 1. Introduction

This teaching resource note has been produced as an introduction to the general principles behind the Government of Wales Act 2006 (GoWA 2006). It is intended to be of assistance to those teaching legal systems and constitutional law, particularly outside Wales, and explains why familiarity with aspects of the Act is necessary in other parts of the UK. Aspects of it will also be useful to tutors teaching legal research. In some areas it may go into more detail than tutors may consider necessary if they are teaching outside of Wales, so it also considers what would be the irreducible minimum that students have to know about the devolution settlement in Wales in order to be a competent scholar of the legal system of England and Wales. In terms of substantive subject areas, the impact of devolution in Wales varies according to whether or not the subject matter has been devolved to the National Assembly for Wales. The areas where law and policy are showing the greatest divergence are planning, education, local government and health. This resource also makes suggestions for teaching delivery of these substantive areas of Welsh law.

#### 2. Why do the general principles of the Government of Wales Act (GoWA) 2006 need to be studied in other parts of the UK, particularly England?

The UK has a system of “asymmetrical devolution” which means that the devolved settlement is different in Scotland, Wales and Northern Ireland with no devolution to the English regions.

It is not possible to understand the legal system of England and Wales without an understanding of the general principles of the devolutionary settlement in Wales. Northern Ireland and Scotland are both separate legal jurisdictions. However, England and Wales form one legal jurisdiction but the Government of Wales Act 2006 has given primary law making powers to the National Assembly for Wales. This means that there is one legal jurisdiction – England and Wales – but increasingly the laws, in devolved subject areas, differ in Wales from England.

Therefore, there are three sets of law applying within this single jurisdiction. Firstly, laws which apply throughout the whole of England and Wales; secondly, those laws which apply only in England; and thirdly, those laws which apply only in Wales. Consequently, it is no longer possible to be a competent practising lawyer in *England* without some knowledge of how legislation is made in Wales. For example, if a practising lawyer based in England has a client with operations in England and Wales there is a risk that the client will not be properly advised if the lawyer is unaware of the basic constitutional principles of law making before the National Assembly and that regulatory requirements might differ in Wales from

England even though they are part of the same jurisdiction. There has already been a negligence case, where a solicitor erroneously relied on the law as it applied in England when he should have relied on different law as it applied in Wales.<sup>1</sup> Or imagine a dog walker walking a dog along the Offa's Dyke Path and that our imaginary dog walker was using an electronic collar on the dog. If the dog were to stray onto the Welsh side of the Path, the dog walker would be committing a criminal offence under the Animal Welfare (Electronic Collars) (Wales) Regulations 2010 by the mere fact that the dog was wearing the electronic collar, whereas in England it would have to be shown that use of the collar was cruel before an offence had been committed.

### 3. Some historical background

From the Act of Union of 1536 to the early twentieth century Wales and England were administered as a single entity. The Act of Union 1536 effectively incorporated Wales into England. The first executive form of devolution did not occur until the establishment of the Welsh Department of the Board of Education in 1907. This was followed by other examples of executive devolution until in 1964, a Cabinet post, the Secretary of State for Wales was appointed and the post supported by a government department. The executive responsibilities of the post, together with the departmental budget, were successively widened. This in turn led to demands for greater democratic control over the Welsh Office's budget. In July 1997, a White Paper called *A Voice for Wales* proposed a 60 member National Assembly. This was approved in a referendum held in September 1997 and the Government of Wales Act 1998 was passed before the first Assembly elections were held in May 1999.

The Assembly's then First Minister, Rhodri Morgan, appointed a commission under the chairmanship of Lord Richard in July 2002 to review the powers of the Assembly and the adequacy of its electoral arrangements.

The Richard Commission's report was followed by the *Better Governance for Wales* White Paper in 2005. This led, in turn, to the Government of Wales Act 2006 which came into force in May 2007 following the election of the Third Assembly. Its key changes had been laid out in the Labour Government's manifesto and involved:

- a legal separation between the National Assembly and the Welsh Government (formerly known as the Welsh Assembly Government),
- enhanced legislative powers,
- and a change to electoral arrangements.

During its passage through parliament, it was said that the GoWA 2006 was a deepening and not a widening of the devolutionary settlement in Wales. It was intended to alter the structures and mechanisms by which powers were transferred from the UK Parliament to the Welsh Assembly but not to broaden the boundaries of the devolution settlement. The devolved subjects are essentially the same as those contained within the Government of

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<sup>1</sup> BBC Radio 4. 2011. *Law in Action*. Tuesday 8<sup>th</sup> March and Thursday 10 March 2011.

Wales Act 1998. However, there are some differences between the devolved fields as set out in the 1998 and 2006 Acts, which is intended to reflect the transfer of executive powers to the Welsh Assembly which took place between 1998 and 2006.

#### 4. What's in a name?

There is a similarity between devolution in Scotland and Wales in that the UK Parliament retains its sovereignty and right to legislate on any matter following devolution. The establishment of a Scottish Parliament under the Scotland Act 1998 and a National Assembly for Wales under the Government of Wales Act 2006 has created “delegated bodies with the power to promote legislation with the force of Acts of the UK Parliament”.<sup>2</sup> The same applies to the Northern Ireland Assembly but it is sometimes harder to draw comparisons with Northern Ireland due to the political situation that exists there and the need for the constitutional settlement to comply with the Good Friday agreement.

The move to primary law making powers under Part 4 of GoWA 2006 means that the Welsh Assembly more closely resembles the Scottish Parliament. However, important differences remain. Firstly, there is the name. At the risk of stating the obvious, one is called an Assembly and the other a Parliament. To make matters even more confusing Assembly members refer to the building in which the Assembly is housed by the Welsh word – *Senedd* - whether they are speaking in English or in Welsh. The literal translation of this word into English is parliament. The *Senedd* has come to mean the building in which the institution of the Assembly is housed; the institution is referred to as the Assembly.

Secondly, the way in which the two institutions have competence is defined differently. In the case of the Welsh Assembly, Schedule 7 of GoWA 2006 defines the areas over which the Welsh Assembly has competence. Whereas the Scottish Parliament and the Northern Ireland Assembly has competence over all matters except those which have been expressly reserved to the UK Parliament. The reasoning for this difference put forward in parliamentary debates on GoWA 2006<sup>3</sup> is that the legal system of Wales is linked with England; as the jurisdiction is England and Wales, whereas Scotland and Northern Ireland have separate legal jurisdictions.

Thirdly, the powers of the Scottish Parliament remain wider than the Welsh Assembly. For example, the Welsh Assembly does not have any powers over policing. The Scottish Parliament has the power to vary income tax by 3p in the pound. The Welsh Assembly has no tax varying powers.

#### 5. Legal Separation between legislature and the executive

The Government of Wales Act 2006 changed the way that the Assembly works. It created a formal legal separation for the first time between the Welsh Government (formerly known as the Welsh Assembly Government) and the National Assembly for Wales. The Welsh Government's relationship with the National Assembly now approximates to the UK

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<sup>2</sup> *Post Devolution Primary Legislation Affecting Wales (Devolution Guidance Note 9)* at p. 3  
Downloadable at: <http://www.justice.gov.uk/docs/dgn09.pdf> Accessed on 9 December 2007

<sup>3</sup> HC Debates 23<sup>rd</sup> January 2006 c1249

Government's relationship with the Houses of Parliament. It governs whilst the National Assembly scrutinises the Government's policies and how it uses its budget. Before the 2006 Act came into force the Welsh Assembly was a single legal entity – a “body corporate” – which, in theory, exercised parliamentary and governmental functions (although, in practice, the two functions had been separated with an executive which was then known as the Welsh Assembly Government). As a body corporate, it continued to exist in law even during elections when there were no Assembly members. Therefore, before the 2006 Act the structure of the Assembly was akin to that of a local government. Welsh Ministers sat on Assembly Committees which had a role in formulating policy. Following the coming into force of the 2006 Act, the Assembly is not a permanent body but consists of a group of members who hold office from election to dissolution. The Act created a Commission, which is a permanent body, and is discussed in greater detail in section 6. Assembly Committees not scrutinise and hold Welsh Ministers to account.

## 6. The National Assembly for Wales

The National Assembly for Wales (or in Welsh it is known as *Cynulliad Cenedlaethol Cymru*) has 60 members. The Assembly constituencies are the same as the parliamentary constituencies. In addition, there are five electoral regions. Each Assembly constituency returns one member and each electoral region returns four members. The constituency member is returned on a simple majority or first past the post system<sup>4</sup>, whereas the regional members are returned under the additional member system of proportional representation.<sup>5</sup> This did not follow the recommendation of the Richard Commission that there should be 80 members elected on a single transferable vote system. A candidate standing in an Assembly election must choose to stand either as a constituency candidate or on a regional list. It is not possible to stand for both.

The ban on dual candidacy was a change from the Government of Wales Act 1998 and was one of the most contentious parts of the 2006 Act's passage through Parliament. It is a further example of asymmetrical devolution as the Scottish Parliament also has a constituency system based on first past the post, as well as a regional system where members are returned under the additional member system of proportional representation. However, in Scotland candidates are allowed to stand both in constituencies and in regional lists, i.e. dual candidacy is allowed. The Northern Ireland Assembly uses the single transferable vote system, but that is a reflection of political circumstances there.

The arguments in favour of the ban on dual candidacy were that it prevented losers in constituency elections being converted into winners in regional lists in the same election. There was also alleged to be a potential for abuse whereby a candidate elected under a regional list could target a constituency in the next elections and use public money to base their office in that constituency, and not represent the whole of the region equally but argue for resources to be diverted for the constituency they were targeting at the expense of other parts of the region. The ban also creates consistency as under s. 22 Electoral

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<sup>4</sup> Government of Wales Act 2006 (c.32) s. 6(4)

<sup>5</sup> *Ibid.* s. 6(5)

Administration Act 2006 a candidate in a UK parliamentary election cannot stand in more than one constituency in the same election.

The counter arguments were that the retention of dual candidacy had been recommended by the Richard Commission, the Electoral Commission and the Electoral Reform Society in their evidence to the House of Commons Welsh Affairs Committee when it was taking evidence on the Bill. The Arbuthnott Commission had also recommended the retention of dual candidacy in Scotland and had looked at the advice given in Wales. A vote in the Welsh Assembly on dual candidacy had been equally split and the Presiding Officer was obliged to give his casting vote in favour of banning dual candidacy by Standing Orders. A further argument put forward was that it breached Article 10 of the European Convention on Human Rights which allows for freedom of expression.

The Government of Wales Act 2006 provides for the election of a Presiding Officer (who performs the same function as the House of Commons speaker) and Deputy Presiding Officer of the Assembly which must not be from the same political group or different political groups with an executive role. Therefore, if a coalition is formed, at least one of them would need to be appointed from an opposition party. The Act also provides for a Clerk of the Assembly<sup>6</sup> and requires that Assembly proceedings are governed by Standing Orders.<sup>7</sup>

The Assembly is supported by the National Assembly for Wales Commission (the Assembly Commission). It comprises of the Presiding Officer and four other Assembly members.<sup>8</sup> The Assembly's Standing Orders must ensure (as far as is reasonably practicable) that not more than one of the members of the Assembly Commission (other than the Presiding Officer) belongs to any one political group.<sup>9</sup> It employs staff which support the Assembly (the equivalent of a parliamentary service), as well as holding property, entering into contracts and providing support services on its behalf.

Under the Government of Wales Act 2006, the Assembly may provide for the appointment of committees and for such committees to have the power to appoint sub-committees<sup>10</sup>. Committees or sub-committees cannot include as a committee member anyone who is not an Assembly member.<sup>11</sup> Membership of each committee must reflect (so far as is reasonably practicable) the balance of the political groups to which Assembly members belong<sup>12</sup>. The requirement under the 1998 Act that Ministers be members of subject committees was removed by the 2006 Act.

If a proposal for the composition of a particular committee is not supported by two-thirds of the Assembly in a vote, then the d'Hondt formula will be used to determine the membership of that Committee. The position of the Welsh Assembly is different from that of the other devolved legislatures. The Northern Ireland Assembly uses the d'Hondt formula for

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<sup>6</sup> Government of Wales Act 2006 (c.32) s. 26 (1)

<sup>7</sup> *Ibid.* s. 31(1)

<sup>8</sup> *Ibid.* s. 27(2)

<sup>9</sup> *Ibid.* s. 27(4)

<sup>10</sup> *Ibid.* s. 28 (1)

<sup>11</sup> *Ibid.* s. 28 (2)

<sup>12</sup> *Ibid.* s. 29

Ministers, Committee Chairs and Deputy Chairs but not for committee membership which must be in broad proportion to party strengths. The Scottish Parliament uses d'Hondt for allocating Members' business and selecting Convenors – the Chairs of Committees but not for committee membership. The d'Hondt formula was initially used for membership of committees in the Scottish Parliament but had to be abandoned when minority parties had one single Member and membership accords again in broad proportion to party strength. The election of a single independent Member poses a particular challenge to the d'Hondt formula although, of course, in the Welsh Assembly it can be overridden by a vote supported by two-thirds of the Assembly.

The only committee it is required to have by the Government of Wales Act 2006 is the Audit Committee<sup>13</sup>, and the First Minister, a Welsh Minister, the Counsel General or Deputy Welsh Minister cannot be a member. The 2006 Act abandons the requirement under the 1998 Act to have certain subject committees and a North Wales committee. It was felt more appropriate for the Assembly to determine these matters itself under its Standing Orders rather than have it laid down in an Act of Parliament.

The Audit Committee cannot be Chaired by an Assembly member who is a member of a political group with an executive role.<sup>14</sup> Section 30 of the Government of Wales Act 2006 allows the Assembly to change the name of the Audit Committee and it is currently called the Public Accounts Committee. The name change more accurately reflects the work of the committee. The term Audit Committee does not reflect the committee's role. Within the public sector the term "audit committee" is associated with the way in which departments manage their finances, internal controls and so on. In the private sector "audit committees" are associated with oversight, assessment and review of financial statements and financial controls.<sup>15</sup> As the Assembly's committee is not an advisory committee but a committee which scrutinises accounting officers, its role is similar to the House of Commons' Public Accounts Committee and the Assembly has adopted the same name.

The Assembly, its committees and its sub-committees has the power to call any person as a witness for the purpose of giving evidence and to produce documents in their possession or under their control.<sup>16</sup>

## 7. The Welsh Government

The Welsh Government changed its name from Welsh Assembly Government in May 2011. It was felt that the previous name was too confusing to the public. This brings it in line with Scotland where the government has changed its name from the Scottish Executive to the Scottish Government again to clear up public confusion. However, the government in Northern Ireland is known as the Northern Ireland Executive.

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<sup>13</sup> *Ibid.* s. 30

<sup>14</sup> Government of Wales Act 2006 (c.32) s. 30(4).

<sup>15</sup> HL Debates 19 April 2006 c1143

<sup>16</sup> Government of Wales Act 2006 (c.32) s.37(1)

### *Composition*

The Welsh Government consists of the First Minister, Welsh Ministers, the Counsel General and Deputy Welsh Ministers.<sup>17</sup> The First Minister is appointed by the Queen<sup>18</sup> on the basis of a nomination by the National Assembly<sup>19</sup>. The nomination must occur within 28 days<sup>20</sup> of any of the events in s. 47(2) of the 2006 Act occurring. The Counsel General is appointed by the Queen on the recommendation of the First Minister.<sup>21</sup> However, the First Minister cannot recommend the approval for appointment or removal of a person as Counsel General without the agreement of the National Assembly.<sup>22</sup>

No more than twelve people hold Welsh ministerial office at any time.<sup>23</sup> This does not include the First Minister and Counsel General so the maximum size of the Welsh Government is fourteen.

### *Functions*

Under section 60(1) of the Government of Wales Act 2006 the Welsh Ministers may do anything which they consider appropriate to achieve any one or more of the following objects:

- (a) the promotion or improvement of the economic well-being of Wales,
- (b) the promotion or improvement of the social well-being of Wales, and
- (c) the promotion or improvement of the environmental well-being of Wales.

The intention behind this section together with ss.70 - 71 GoWA 2006 (which enable Welsh Ministers, including the First Minister and Counsel General, to give financial assistance and do anything which is calculated to facilitate the exercise of their functions) is to give members of the Welsh Government the wide inherent powers that UK Ministers inherently have as Ministers of the Crown, the so called Ram doctrine.<sup>24</sup> This provides that Ministers of the Crown can do anything which does not conflict with statute.

The Counsel General may be, but does not have to be, a member of the Assembly and is the chief legal adviser to the Welsh Government and provides authoritative legal advice. S/he is a member of the Welsh Government but is not a Minister. There are three UK Law Officers: the Attorney General of England and Wales; the Solicitor General of England and Wales; and the Advocate General for Scotland. The post of Counsel General is not a Law Officer but the office is akin to that, as it requires the holder to be a law officer of political

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<sup>17</sup> *Ibid.* s.45

<sup>18</sup> *Ibid.* s. 46(1)

<sup>19</sup> *Ibid.* s. 47(1)

<sup>20</sup> *Ibid.* s.47(3)

<sup>21</sup> *Ibid.* s. 49(1)

<sup>22</sup> *Ibid.* s. 49(3)

<sup>23</sup> *Ibid.* s. 51(1)

<sup>24</sup> HC Debates 28 February 2006 c147

standing, but as England and Wales remain one legal jurisdiction, the Counsel General is not called Attorney General. The Assembly's former Presiding Officer, Lord Elis-Thomas, has called for an Advocate General for Wales as part of the UK government.<sup>25</sup> His argument was that it was necessary to ensure consistency between the devolved law of Wales, UK law and European Union law, and where there was diversity between these legal systems that this diversity was understood. However, at the moment, there is no such post as Advocate General for Wales.

## 8. Enhanced Legislative Powers

Part 3 of the Government of Wales Act 2006 gave the Assembly the power to make legislation on devolved matters, which were devolved on a case by case (or in the words of the Act's detractors salami slicing) basis. However, under Part 3 the National Assembly needed to obtain "legislative competence" before having the power to make Measures in relation to a particular area of devolved government. These laws were known as Measures of the National Assembly for Wales or "Assembly Measures" (sometimes referred to as Welsh laws) for short. They gave the National Assembly quasi-primary legislative "Henry VIII" powers as it could amend, repeal or extend the application of acts of the UK Parliament in Wales.

There were two ways in which the Assembly could gain legislative competence:

- Parliamentary Acts
- Orders in Council

These mechanisms were designed, in theory, to speed up the process of devolving powers to the Assembly by avoiding delays in waiting for parliamentary backlogs to clear. Under the first method, clauses were inserted into Parliamentary Bills as they passed through the Houses of Parliament conferring legislative competence on the Assembly in relation to particular topics. Parliament had the opportunity to amend these clauses.

Under the second method, the procedure was more complex and there was much – but not universal - criticism that the system was too opaque. The scope of the legislative competence was defined by section 94 and Schedule 5 of the Government of Wales Act 2006. Schedule 5 consisted of a list of 20 devolved areas known as "Fields". Legislative competence was gained by inserting a "Matter" into a "Field". So, for example, education and training was a "Field" and a "Matter" attached to that field was "provision for and in connection with securing the provision of facilities for post-16 education or training". "Matters" were conferred by a constitutional procedure known as Legislative Competence Orders (LCOs) which was a type of Order in Council. LCOs were only made after approval had been given by the Secretary of State for Wales, the UK Parliament and the Assembly.

The majority of voters voted in favour of primary law making powers<sup>26</sup> in March 2011 which triggered the coming into force of ss. 107-116 in Part 4 of the GoWA 2006 which lays down the legislative competence and the legislative procedures for passing these primary laws

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<sup>25</sup> BBC Radio 4. 2011. *Law in Action*. Tuesday 8<sup>th</sup> March and Thursday 10 March 2011.

<sup>26</sup> *Ibid* s.103(2)

known as Assembly Acts, which means that the LCO system is now at an end. This means that there has been an all at once transfer of powers in the subject areas provided for in Schedule 7 instead of transferring powers on a case by case, or salami slicing, basis as happened under Schedule 5. However, Assembly Measures which have been passed remain law until repealed or amended.

## 9. Legislative competence

The Assembly has limited legislative competence and s. 108 (4) – (5) GoWA 2006 sets out when it has such competence. In summary, an Act must fall within one of the subject areas listed in Part 1 of Schedule 7 of the GoWA 2006 and does not fall within any of the exceptions specified. Schedule 7 can be amended by Order in Council.<sup>27</sup> An Assembly Act must not apply beyond Wales nor confer, impose modify, or remove functions exercisable other than in relation to Wales. Section 108(6) provides that the National Assembly for Wales cannot pass any legislation which is incompatible with European Union law or the European Convention on Human Rights.

Section 108(7) provides that the question of whether a provision of an Assembly Act falls within Schedule 7 is determined by reference to the “purpose” and “effect” of the provision. This has also been referred to as looking at the “pith and substance” and the “true nature and character”<sup>28</sup> of the provision.

The subject areas (without their exceptions) listed in Schedule 7 are as follows:

- 1: agriculture, fisheries, forestry and rural development
- 2: ancient monuments and historic buildings
- 3: culture
- 4: economic development
- 5: education and training
- 6: environment
- 7: fire and rescue services and promotion of fire safety
- 8: food
- 9: health and health services
- 10: highways and transport
- 11: housing
- 12: local government
- 13: National Assembly for Wales
- 14: Public administration
- 15: social welfare
- 16: sport and recreation
- 17: tourism
- 18: town and country planning
- 19: water and flood defence
- 20: Welsh language

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<sup>27</sup> *Ibid.* s. 109 (1)

<sup>28</sup> HC Debates 23 January 2006 c1250

An exception to one subject area works as an exception to all subject areas. For example, an exception to the subject area of culture is broadcasting. This has been interpreted as an exception to all other subject area. So the Welsh language does not include competence for S4C, the Welsh language broadcasting station.

Section 112 of the Government of Wales Act 2006 provides that the Counsel General or the Attorney General may refer the question whether a bill, or a provision of a bill, would be within the Assembly's legislative competence to the UK Supreme Court for a decision. This must be done within 4 weeks of the passing of the Bill or within 4 weeks of its approval. However, neither the Counsel General nor the Attorney General can make a reference if they have notified the Clerk of the Assembly that no such reference will be made, unless the approval to the Bill was given after their notification. The Counsel General and the Attorney General make these references on behalf of the Assembly. The Assembly itself cannot make a reference to the Supreme Court.

### **10. Bilingual legislation and bilingual law making**

The Assembly may only pass a Bill which is in both English and Welsh unless the circumstances are such that the text is not needed in both languages.<sup>29</sup> The legislation would only not be produced bilingually in cases of real emergency. Examples would be something like another outbreak of foot and mouth disease. The provision allows for third languages, particularly Latin scientific terms, to be used in both language versions of the legislation.

It is not only the legislation that is passed bilingually but the process of law making is bilingual, as well. Section 25 of the Government of Wales Act 2006 provides that: "The Assembly, must, in the conduct of Assembly proceedings so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality." This is a change from the 1998 Act which provided that there had to be equality in relation to "Assembly business". The justification put forward for this was that "business" was used when the Assembly acted as both a legislature and an Executive. The separation of the Executive from the legislature led to a change in the terminology.<sup>30</sup> The Assembly has translation facilities and many members will speak in the Welsh language whilst speaking in debates.

### **11. Legislative process**

The process starts with Bills, which are available in Welsh and English, are introduced into the Assembly. The Bill is laid in the Table Office, whose officials arrange for the Bill to be published on the Assembly's website the following day.

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<sup>29</sup> Government of Wales Act 2006 (c.32) s. 111 (5)

<sup>30</sup> HC Debates 27 February 2006 c94

Bills can be introduced by the following:

- Welsh Government ministers;
- an Assembly committee;
- an individual Member, if their name is drawn from a ballot; or
- the Assembly Commission.

The Presiding Officer must publish a statement that the Assembly has the power to make the Bill. Each Bill must also be accompanied by an Explanatory Memorandum that will set out its policy objectives, details of any consultation already undertaken on the Bill, estimates of the costs of implementing the Bill and any other relevant information.

There is then a four stage process for considering the Bill.

#### *Stage one*

The general principles of the Bill are considered by a committee (or committees), followed by the agreement of the general principles by the Assembly. The committee may invite representations from interested parties, and may take written or oral evidence. Once the committee has reported, the Assembly will be asked to debate and agree the Bill's general principles, the "stage one debate".

#### *Stage two*

This follows completion of stage one and involves detailed consideration, by a committee, of a Bill and amendments proposed by Assembly members. Any Assembly member may table amendments without limit on the number of amendments but only committee members vote on amendments. The stage ends when all amendments have been considered.

#### *Stage three*

This follows the completion of stage two and involves the detailed consideration, by the Assembly, of the Bill and any amendments proposed by Assembly Members. Any member may table amendments, but the Presiding Officer will decide which amendments are debated.

#### *Stage four*

This follows the completion of stage three. At this stage, there is a vote by the Assembly to pass the final text of the Bill.

#### *Royal Assent*

If the Bill is passed at stage four, it will become law when it receives Royal Assent. Previously, Assembly Measures became law when they were approved by an Order in Council.<sup>31</sup> Under Section 115 (4) of the Government of Wales Act 2006 Royal Assent is

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<sup>31</sup> Government of Wales Act 2006 (c.32)s. 102 (1)

given when Letters Patent under the Welsh Seal are signed by the Queen signifying her assent. The First Minister is the Keeper of the Welsh Seal.<sup>32</sup> This is the first Welsh Seal to be used since the Act of Union. In addition to the Great Seal of the Realm, there are separate Seals for Scotland and Northern Ireland but this is the first Welsh Seal used since the days of Owain Glyndŵr. At the time of writing, the type of Seal, which is one sided, and design options, which show the Monarch and Wales, have been approved<sup>33</sup> but the adoption of a Welsh Seal still needs to be approved by an Order in Council.

#### *Power to intervene in certain cases*

Under s. 114 of the Government of Wales Act 2006 the Secretary of State for Wales may make a reasoned order prohibiting the Clerk from submitting a Bill for Royal Assent when the Secretary of State has reasonable grounds to believe that:

- (a) would have an adverse effect on any matter which is not listed under any of the headings in Part 1 of Schedule 7 (or falls within any of the exceptions specified in that Part of that Schedule),
- (b) might have a serious adverse impact on water resources in England, water supply in England or the quality of water in England,
- (c) would have an adverse effect on the operation of the law as it applies in England,

or

- (d) would be incompatible with any international obligation or the interests of defence or national security.

This order must be made within four weeks of the passing of the Bill; four weeks from any approval of the Bill; or four weeks from the decision of the Supreme Court on any reference under s. 112 GoWA 2006.<sup>34</sup> The statutory instrument containing the order can be annulled by a resolution of either House of Parliament.<sup>35</sup>

The Secretary of State for Scotland's equivalent power to intervene in legislation passed by the Scottish Parliament under the Scotland Act 1998 is more limited and is confined to matter which would be incompatible with any international obligations or matters of defence or national security and changes to the law as it applies to reserved matters.<sup>36</sup>

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<sup>32</sup> *Ibid.* s. 116 (2)

<sup>33</sup> Welsh Government. 31 January 2011. *Approval of Welsh Seal design options*. [online]. Cardiff: Welsh Government. Available at: <http://wales.gov.uk/publications/accessinfo/drnewhomepage/governmentdrs/2011/welshsealdesign/?jsessionid=HcVXN1zTpt7b2MJftZwrnNx87Cp3M2TBbF8jsvLYFyN52QxdN1M1!-547148533?lang=en> [Accessed on 27 June 2011]

<sup>34</sup> Government of Wales Act 2006 (c.32) s. 114 (4)

<sup>35</sup> *Ibid.* s. 114(8)

<sup>36</sup> Scotland Act 1998 (c.46) s.35

## 12. Subordinate legislation in the Assembly

Most subordinate legislation is made by Welsh Ministers although in rare cases executive powers are given to the Assembly in Acts of Parliament. The sources of the Welsh Ministers powers are as follows:

- Acts of UK Parliaments;
- Assembly Acts;
- Assembly Measures;
- Transfer of Functions Orders;
- EU Designation Orders;
- Statutory Instruments.

There are three main categories of Welsh Government subordinate legislation:

- No procedure – usually published but only requiring approval by Ministers (or their officials).
- Negative Resolution – published, but, within 40 days, the Assembly can agree to annul the legislation if a Member tables a motion requesting it.
- Affirmative Resolution – published in draft and requiring the whole Assembly to approve it before it can come into force.

There is also a super-affirmative procedure used for important or contentious legislation. This follows the affirmative procedure but with additional requirements for a period of consultation before it can be put before the Assembly.

## 13. “Inclusive” approach to functions

Under the Government of Wales Act 2006, the Welsh Government is meant to have an “inclusive” approach to its functions.

### *Partnership Council s. 72 GoWA 2006*

The Welsh Assembly Ministers must establish and maintain a Partnership Council for Wales. This consists of appointees drawn from Welsh ministers, deputy ministers and members of local authorities. (s. 72(2) GoWA 2006). The Partnership Council may give advice to Welsh ministers about matters affecting the exercise of any of their functions and make representations to them about any matters affecting, or of concern to, those involved in local government in Wales. It may also give advice to those involved in local government in Wales. (s. 72(4) GoWA 2006).

### *Local government scheme s. 73(1) GoWA 2006*

The Welsh Ministers must make a scheme (“the local government scheme”) setting out how they propose, in the exercise of their functions, to sustain and promote local government in Wales.

The local government scheme has been seen as privileged compared to other groups.<sup>37</sup> As discussed below, it is the only scheme where ministers are expected to “sustain” the activity.

#### *Voluntary sector scheme s. 74(1) GoWA 2006*

The Welsh Ministers must make a scheme (“the voluntary sector scheme”) setting out how they propose, in the exercise of their functions, to promote the interests of relevant voluntary organisations.

It has been argued that the role given to the voluntary sector places it under strain given the fact that its size in Wales is often quite small and the number of tasks it has to perform. In addition to lobbying, it often has to advise on the law, as well participate in the law making process in Wales. There are disparities within civil society with the better resourced organisations being the most prominent.<sup>38</sup>

#### *Business scheme s. 75(1) GoWA 2006*

The Welsh Ministers must make a scheme (“the business scheme”) setting out how they propose, in the exercise of their functions, to take account of the interests of business.

When consulting on the scheme the Welsh Government must consult with organisations representative of business, which includes trade unions. The Welsh Government has to report on the business scheme every two years, as opposed to the annual reports it has to make for the local government and voluntary sector schemes. This followed a request by the CBI and TUC for reports to be on a two year cycle. The local government scheme has to “sustain and promote” local government whilst the business scheme has to “take account of the interests of business”. This weaker wording is a reflection of the nature of business. There is no need for government to step in and sustain a business.

#### *Regulatory impact assessments s. 76(1) GoWA 2006*

The Welsh Ministers must make a code of practice setting out their policy on—

- (a) the carrying out of regulatory impact assessments in connection with relevant Welsh subordinate legislation, and
- (b) the carrying out of consultation in connection with regulatory impact assessments, (“the regulatory impact assessment code”).

#### *Equality of opportunity s. 77(1) GoWA 2006*

Welsh Ministers must exercise their functions “with due regard to the principle that there should be equality of opportunity for all people.” [emphasis added]

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<sup>37</sup> Cairney, P. 2008. Has Devolution Changed the ‘British Policy Style’? 3 *British Politics* 350 – 372 at p.359

<sup>38</sup> Royles, E. 2006. Civil society and the new democracy in post-devolution Wales – a case study of the EU structural funds. 16(2) *Regional and Federal Studies* 137 – 156 at p. 156

This is non-prescriptive in its phrasing and is all embracing in its scope, i.e. unlike s. 149 Equality Act 2010 it is not limited to prohibited heads of discrimination, so it could be used for areas such as linguistic discrimination. This could mean that it may have 'distributive' as well as rights-based implications.<sup>39</sup>

### *Sustainable development s. 79(1) GoWA 2006*

Welsh Ministers must have a scheme "...to promote sustainable development."

#### **14. Open, transparent and inclusive**

The Assembly was established with a strong commitment to representative law and policy making. Section 35(2) of the Government of Wales Act 2006 provides Assembly proceedings must be conducted with due regard to the principle that there should be equality of opportunity for all people.

The Assembly has a traditionally high level of female representation amongst its Members. It also has a family friendly working week. In 2003, the Assembly became the first legislature in the world to have equal representation of man and women. Since then the level of female representation has been in decline. The Third Assembly from 2007 – 2011 had 47% female representation, whilst the Fourth Assembly, elected in May 2011, has 40% female representation. The high level of female representation has been due to positive discrimination policies by two of the main political parties so the gender balance does vary between parties. The decline is probably due to a weakening of these policies. Other under-represented groups, who have not benefitted from positive discrimination policies by major political parties, have not fared so well. Despite ethnic minorities comprising 3% of the population of Wales, an Assembly Member from an ethnic minority was not elected to the Assembly until 2007, although ethnic minority representation does now comprise 3% of Members.

The Assembly's petitions committee accepts all admissible petitions.

#### **15. Sources of law that apply to Wales**

Law in Wales can now be derived from a bewildering array of makes sources including the EU, UK Parliament, Whitehall, the Assembly and the Welsh Government, as follows:

##### *Primary legislation*

- Acts of the UK Parliament (which apply to England and Wales as a single jurisdiction),
- Provisions in Acts of Parliament applying to Wales only;
- Wales-only Acts of Parliament,
- Provisions adding to Schedule 7 Government of Wales Act 2006,
- EU Regulations,

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<sup>39</sup> Chaney, P. 2004. The post-devolution equality agenda: the case of the Welsh Assembly's statutory duty to promote equality of opportunity. 32(1) *Policy & Politics* 63 – 77 at p. 67

- Measures made by the National Assembly under orders in Council or UK Acts (although no more of these will be passed following the coming into force of Part 4 no further Measures will be passed; however, those which are in force will remain so until repealed or amended),
- Acts made by the Assembly (from 5<sup>th</sup> May 2011).

#### *Secondary legislation*

- subordinate legislation made in Whitehall, (which may or may not apply specifically to Wales), subordinate legislation made by Welsh Ministers under Acts of the UK Parliament,
- subordinate legislation made by Welsh Ministers under Assembly Measures,
- subordinate legislation made by the Assembly Commission, Presiding Officer under UK Acts or under Assembly Measures and Assembly Acts or Whitehall subordinate legislation.

### **16. Finding the law that applies to Wales**

Even locating the law as it applies in Wales is complex. This range of sources it hard for the average citizen to ascertain their legal position.

Sometimes provisions relating to Wales can be fiendishly hard to find. One of the most notorious examples is The Local Government and Public Involvement in Health Act 2007. In Chapter 2 of Part 2 of the Act you will find tucked away immediately after provisions applying specifically to England, section 60 which is headed *Election Dates*. Amongst other things this section creates a power for Welsh Ministers to change the date for of local elections to the date of European Parliamentary general elections. From the Act's table of contents nothing would suggest that you would find in this part of the Act powers being devolved to Welsh Ministers. Although the Part of the Act is headed *Electoral arrangements*, the first Chapter of this Part is headed *Power of District Councils in England to change electoral scheme* and the previous sections to s. 60 are headed *Electoral areas in England*. There is nothing from the overall context which would suggest powers being devolved to Wales which could only be discovered through a line by line reading of the Act.

Research tools which help with identifying laws as they apply to Wales include *Wales Legislation Online*, which has been set up by Cardiff University's Law School and is supported by the National Assembly for Wales and the Welsh Government. It aims to show clearly and systematically:

- all the powers of the National Assembly for Wales,
- all the powers of the Welsh Government,
- the law made in Wales by the National Assembly for Wales,
- the law made by the Welsh Government under devolved powers,
- the law made by Central Government under devolved Acts.

It is available at this link: <http://www.wales-legislation.org.uk/>

To make the legal situation in Wales more transparent there have been calls for a "Welsh Statute Book" where all the law relating to Wales could be accessed in one place. However, this is not without its difficulties. For example, would such a "Welsh Statute Book" include

those laws of the UK Parliament where there has been no variation in their operation with respect to Wales? The question of who would fund a Welsh Statute Book has also been a matter of dispute. However, it is a necessary part of the rule of law that a citizen is able to identify and locate the law as it applies to them.

Legislation is also available on the National Archives website although aspects of this are not always up to date.

### **17. Relationship between UK Parliament and Welsh Assembly**

The “Sewel Convention” is a colloquial term for the UK Government’s stated policy on legislation on devolved matters. It is a convention that the UK Parliament will not legislate on devolved matters in Scotland without the consent of the Scottish Parliament even though the UK Parliament retains the authority to legislate on devolved matters. It also applies when the UK Parliament legislates to alter the competence of the Scottish Parliament or to amend the devolved responsibilities of Scottish Ministers. Obtaining the consent of the Scottish Parliament used to be done by way of what was known as a Sewel Motion, which, if passed, led to a Sewel Memorandum. Since 2005 the terminology has been changed to a Legislative Consent Motion (LCM) and a Legislative Consent Memorandum.

Since the Government of Wales Act 2006 came into force LCMs have been applied to the National Assembly for Wales. They also apply to the Northern Ireland Assembly. They do not apply when UK Parliamentary Bills only deal with devolved matters only incidentally to, or consequentially upon, a provision relating to a non-devolved matter. However, even in these circumstances there is an expectation that Whitehall departments will consult the Welsh Government and the Wales Office.

Devolution Guidance Note No. 9 stresses the importance of dialogue when the UK Government is formulating legislative proposals:

The implementation of the Government of Wales Act 2006 therefore place new responsibilities upon Whitehall Departments to consult the Welsh Assembly Government, to obtain the agreement of Welsh Ministers in certain circumstances and to only proceed with certain provisions in Parliamentary Bills if the National Assembly for Wales agrees to their inclusion.<sup>40</sup>

### **18. Role of the Secretary of State for Wales**

On 1<sup>st</sup> July 1999 most of the functions of the Secretary of State for Wales were transferred to the National Assembly for Wales. The Secretary of State’s main duties now are:

- to act as guardian of the devolution settlement in Wales;
- to ensure that the interests of Wales are fully taken into account by the UK Government in making decisions which will have effect in Wales;

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<sup>40</sup> Ministry of Justice. June 2007. *Devolution Guidance Note 9: Post-Devolution Primary Legislation Affecting Wales*. [online] London: Ministry of Justice. Available at: <http://webarchive.nationalarchives.gov.uk/+http://www.justice.gov.uk/docs/dgn09.pdf> [Accessed on 27 June 2011].

- to represent the UK Government in Wales;
- oversee the progress through Parliament of primary legislation making separate provision for Wales.<sup>41</sup>

There is also a Parliamentary Under Secretary of State for Wales. The Ministers are supported by the Wales Office which has offices in Whitehall and Cardiff Bay.

#### *Guardian of the devolution settlement in Wales*

The Secretary of State is not the only portal through which Whitehall communicates with the Assembly. Whitehall departments usually deal with the Assembly directly, but on the advice of the Secretary of State for Wales. The Secretary of State and the Wales Office will:

- give advice on the handling of business in the light of devolution;
- act as honest broker should there be any dispute between the Assembly and Whitehall or Westminster;
- explain the nature and consequences of devolution to the Assembly on behalf of the UK Government.<sup>42</sup>

#### *Voice of Wales in the UK Cabinet*

The Secretary of State for Wales speaks for Wales in the Cabinet and ensures that decisions are taken with full regard to any matters where Wales has particular interests or concerns.<sup>43</sup> This does not mean that the Secretary of State is the Assembly's mouthpiece but s/he is expected to know the Welsh Government's position before deciding her/his own line.

#### *Voice of the UK Government in Wales*

With the agreement of UK Cabinet colleagues, this includes making announcements on non-devolved matters for which the Secretary of State for Wales does not have lead responsibility, and have a particularly important effect in Wales, for example, decisions by the European Union on regional funding.<sup>44</sup> Under s. 33 of the Government of Wales Act 2006 at the beginning of the session of the UK Parliament the Secretary of State must consult with the Assembly on the UK government's legislative programme.

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<sup>41</sup> Department for Constitutional Affairs. November 2005. *Devolution Guidance Note No. 4 The Role of The Secretary of State for Wales*. London: Ministry of Justice. Available at: <http://www.justice.gov.uk/guidance/docs/dgn04.pdf> [Accessed on 29 June 2011]

<sup>42</sup> Department for Constitutional Affairs. November 2005. *Devolution Guidance Note No. 4 The Role of The Secretary of State for Wales*. London: Ministry of Justice. Available at: <http://www.justice.gov.uk/guidance/docs/dgn04.pdf> [Accessed on 29 June 2011] at p.2

<sup>43</sup> *Ibid.* at p.3

<sup>44</sup> Department for Constitutional Affairs. November 2005. *Devolution Guidance Note No. 4 The Role of The Secretary of State for Wales*. London: Ministry of Justice. Available at: <http://www.justice.gov.uk/guidance/docs/dgn04.pdf> [Accessed on 29 June 2011]

## 19. Finance

Section of the Government of Wales Act 2006 creates a “neutral” Welsh Consolidation Fund into which funds voted by the UK Parliament to the Secretary of State for Wales are paid. Normally a resolution of the Assembly is needed to pay out funds from the Welsh Consolidation Fund. It is therefore the mechanism whereby the Assembly controls the resources used by Welsh Ministers and other bodies. The Auditor General for Wales authorises payments out of the Welsh Consolidation Fund to Welsh Minister on the basis of Assembly budget motions and supplementary motions.

The Government of Wales Act 2006 did not amend the Barnett formula which is the formula used to determine the amount of the block grant that is given.

## 20. Law reform

The Law Commission is the statutory independent body created by the Law Commissions Act 1965 to keep the law of England and Wales under review and to recommend reform where it is needed. As a distinct body of Welsh law builds up then over time there will be a need to review and recommend reform of this body of law. It is possible for a Law Commission project to undertake a Wales only project and this would have to be financed by the Welsh Government.

Under an initial agreement adopted in July 2004 the Welsh Government is seen as having a similar role to a Whitehall department and created provision for joint projects between them.

A “concordat” is currently under discussion between the Law Commission and the Welsh Government which aims to reflect the Government of Wales Act 2006. It envisages joint projects and Wales only projects but not references. References have to be made by the Wales Office. The move to primary legislative powers under Part 4 is likely to increase pressure to have a “concordat” agreed as demand for law reform is likely to increase and identifying the Welsh interest will become easier.

The current First Minister, Carwyn Jones, when Counsel General, envisaged a role for Universities in keeping Welsh law under review. He also envisaged that when there is a sufficient body of Welsh law, a separate Law Commission for Wales would need to be created.<sup>45</sup>

## 21. Towards a fourth jurisdiction?

The current situation where England and Wales remain one unified legal jurisdiction but the law, in some areas, diverging between England and Wales is an unusual one with the obvious potential for much greater divergence in the future. With legal conditions varying between England and Wales, not least in relation to bilingual legislation, the possibility of

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<sup>45</sup> Jones, C. 2009. Getting the Devolution Dividend; Legal Wales in the Next Ten Years. *The 2009 Ewan Davies Memorial Lecture*. Cardiff Law School. 7 May 2009. Available at: <http://www.law.cf.ac.uk/publiclecture/transcripts/070509.pdf> [Accessed on 27 June 2011]

Wales becoming a separate legal jurisdiction was mentioned frequently during the referendum campaign on the move to part 4 in 2011. The current First Minister, Carwyn Jones, speaking when Counsel General in 2009 (before the move to Part 4), said: "In a situation where the Assembly is able to exercise primary legislative powers and only then, I think it is inevitable that the question will surface as to whether it is sustainable for the single jurisdiction of England and Wales to be retained. It is a question which neither the Welsh Assembly Government, nor the legal community in Wales can shy away from."<sup>46</sup>

## 22. Institutions of justice in Wales

Legal services as well as the administration of courts and tribunals are not devolved functions. The court and tribunal system is not a discrete administrative entity which means that statistics are not disaggregated for Wales. However, there has already been an impetus for the institutions of justice to be managed locally. With the advent of devolution, there has been an expectation that administrative law cases will be heard in Wales. There are a line of cases starting with the Court of Appeal's decision in *National Assembly for Wales v. Condrón and Miller Argent (South Wales) Ltd*<sup>47</sup> called for administrative law challenges coming from Wales to be listed in Wales more frequently.

The Administrative Court Regional Centre for Wales opened on 21<sup>st</sup> April 2009. This is intended to promote access to justice where legal and linguistic conditions vary. It is also seen by the Welsh Government as a form of economic regeneration with the size of the administrative bar in Wales increasing as a result.<sup>48</sup>

The Court of Appeal when hearing administrative law cases from Wales now hears those cases in Wales. However, there is no permanent appellate court building in Wales or other specialist appeal tribunals.

## 23. Does size matter?

The Assembly has sixty members which is twenty members less than the eighty which was recommended by the Richard Commission. The issue has been raised as to whether the Assembly has sufficient capacity to develop and scrutinise legislation as effectively as the much larger Houses of Parliament. There are only a possible 44 members able to scrutinise legislation when the First Minister, Presiding Officer, Deputy Presiding Officer, Counsel General (if s/he is a member of the Assembly) and a maximum of twelve Ministers are taken into account although, at the time of writing, the number is 47 across a current total of 10 committees.

In section 20, it was noted that a potential role for universities in keeping the body of specifically Welsh law under review has been noted. The Assembly may want to interact with universities in novel ways in other areas too. The Assembly's former Presiding Officer,

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<sup>46</sup> *Ibid.*

<sup>47</sup> [2006] EWCA Civ 1573

<sup>48</sup> *Op cit.* at n. 43

Lord Elis-Thomas, has said that the Assembly needs to draw on outside expertise when formulating legislative proposals at the pre-legislative phase.<sup>49</sup>

#### **24. What is the irreducible minimum?**

What is the irreducible minimum that a student of the England and Wales legal system needs to know about the devolution settlement in Wales, and the Assembly's and Welsh Government's system of law making, in order to be a competent lawyer whether based in England or Wales?

Certainly, students will need to have at least an awareness of the institutions involved in making Wales only law; their powers and law making processes. They also need to know when and why Wales only law may be relevant to a particular problem, and be able to locate the Welsh law.

#### **25. Some of the challenges of teaching Welsh devolution law**

Already in some devolved areas, such as planning law, the law in Wales is 40% different from England. Law schools in Wales have expressed concerns that an emphasis on Welsh/devolution law issues may restrict student recruitment by discouraging students from outside Wales. However, the converse argument is that the study of Welsh/devolution law will provide students with a new set of transferable skills if it is put into a global context. The skills inherent in devolution law are, to a certain extent, transferable as they would facilitate the study of devolved and federal jurisdictions which exist in the European Union, the Commonwealth and the United States. Using this approach, the argument goes; greater study of Welsh/devolution law will widen rather than narrow student horizons as these types of transferable skills tend to be neglected in the UK.

There is a nascent debate on the best way to deal with those subject areas where devolution law has made significant inroads, e.g. planning law, whilst retaining the interest of students from elsewhere in the UK such as teaching the subject in a comparative way by comparing the Welsh and English approaches. Again, it has been argued that developing these comparative skills would better equip students for greater internationalisation of the law which is likely to require greater comparisons between systems.

As Wales is relatively small in size, the study of Welsh law is hampered by a lack of secondary materials such as textbooks which are often not commercially viable to produce which further inhibits student development. This is now starting to be addressed and the University of Wales Press is producing a series of books on devolution law.

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<sup>49</sup> BBC Radio 4. 2011. *Law in Action*. Tuesday 8<sup>th</sup> March and Thursday 10 March 2011.

## 26. Future developments

At the time of writing, the Scotland Bill 2011 is making its progress through the Houses of Parliament which plans for a major transfer of new powers to the Scottish Parliament and has been described, by the UK government, as the "biggest transfer of fiscal power to Scotland since the creation of the United Kingdom". If it becomes law, it will hand control of some taxes and other powers from Westminster to the Scottish Parliament. It follows the recommendations of the Calman Commission which was set up due to a feeling that there was a lack of accountability on the part of the Scottish Government for revenue raising.

Could there be an equivalent of a Calman Commission for Wales? The position of the Welsh Assembly is much closer to the Scottish Parliament than it was before the move to Part 4 of the Government of Wales Act 2006 and funding is currently received via a block grant from Westminster. The coalition government has raised the possibility of devolving tax varying powers to the Welsh Assembly with the setting up of a Calman-style Commission. However, the Welsh Government is not currently in favour of devolving tax varying powers and says that there would have to be approval by referendum for such a move before it could come into force.

During the referendum in March 2011 on the move to Part 4 of the Government of Wales Act 2006 there were also calls for a referendum if Wales were to become a separate legal jurisdiction.

## 27. Useful links

Cardiff Civil Justice Centre

[http://hmctscourtfinder.justice.gov.uk/HMCTS/Search.do?court\\_id=131](http://hmctscourtfinder.justice.gov.uk/HMCTS/Search.do?court_id=131)

Coleg Cymraeg Cenedleathol.

This is a national institution which plays a key role in planning, developing and supporting Welsh medium education and scholarship at universities in Wales.

<http://www.colegcymraeg.ac.uk/en/>

Higher Education Academy Wales

<http://www.heacademy.ac.uk/wales>

Law Society's Wales Office

<http://www.lawsociety.org.uk/aboutlawsociety/how/workinwales.page>

National Archives

<http://www.legislation.gov.uk/>

National Assembly for Wales

<http://www.assemblywales.org/>

UK Centre for Legal Education: Legal Education in Wales.

<http://www.ukcle.ac.uk/resources/nations/wales/>

Wales and Chester Circuit

<http://www.walesandchestercircuit.org.uk/>

Wales Legislation Online

<http://www.wales-legislation.org.uk/>

Wales Office

<http://www.walesoffice.gov.uk/>

Welsh Government

<http://new.wales.gov.uk/>

Welsh Local Government Association

<http://www.wlga.gov.uk/>

## 27. Acknowledgements

There have been particularly interesting discussions for the teaching of Welsh law at two events organised by United Kingdom Centre for Legal Education: *Exploring the Implications of the Government of Wales Act 2006* held at the University of Glamorgan on 17<sup>th</sup> December 2007; and *Enhancing Legal Education in Wales* again held at the University of Glamorgan on 28<sup>th</sup> April 2010. The discussions at these events have contributed to some of the ideas in Section 25, in particular.

Richard Owen  
University of Glamorgan  
June 2011