

LEGISLATION (WALES) ACT 2019

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

3. The Act makes provision about the interpretation and operation of Welsh legislation, and requires the Counsel General and the Welsh Ministers to take steps to improve the accessibility of Welsh law:
 - a. Part 1 imposes duties on the Counsel General to the Welsh Government and the Welsh Ministers relating to the accessibility of Welsh law.
 - b. Part 2 makes general provision about the interpretation and operation of the Act itself and of Welsh legislation enacted after Part 2 comes into force.
 - c. Part 3 gives the Welsh Ministers powers to replace descriptions of dates in Welsh legislation and to make subordinate legislation in different forms, and provides for the combination of subordinate legislation that is subject to different procedures in the National Assembly for Wales.
 - d. Part 4 contains general provisions, including consequential amendments to other legislation and provision about when and how the Act comes into force.
4. The Act forms part of the Welsh Government's wider programme of improving the accessibility of Welsh law and clarifying and simplifying the operation of Welsh legislation.
5. The background to the Act has involved a number of inquiries and consultations.
6. In its report *Making Laws in Wales* (October 2015), the Constitutional and Legislative Affairs Committee of the National Assembly for Wales made a number of recommendations relating to the quality, preparation and scrutiny of legislation. In particular, it recommended that the Welsh Government develop a long-term plan for consolidating the law in Wales, and that the Counsel General work towards producing a separate Welsh interpretation Act.
7. In its report *Form and Accessibility of the Law Applicable in Wales* (Law Com No 336, June 2016), the Law Commission recommended that the Welsh Government should pursue a policy of consolidating and codifying the law in Wales. It made a number of recommendations relating to the process of consolidation and codification, including that the Counsel General should be required to present a codification programme and report on progress to the National Assembly for Wales.
8. The Law Commission also recommended that the Welsh Government and the National Assembly consider, and keep under review, the practical benefits of introducing an Interpretation Act for Wales, and made further recommendations relating to the quality, publication and availability of legislation.
9. The Welsh Government subsequently published a consultation document *Interpreting Welsh Legislation: Considering an interpretation Act for Wales* (WG 32209, June 2017), seeking views on the benefits of having a separate Welsh Interpretation Act and on the approach that such an Act should take. This was followed by a second

*These notes refer to the Legislation (Wales) Act 2019
(c.4) which received Royal Assent on 10 September 2019*

consultation, *Draft Legislation (Wales) Bill* (WG 34368, March 2018) which included a draft Bill and sought views on the approach taken in the draft. The responses to both consultations were taken into account in developing the Legislation (Wales) Bill for introduction into the National Assembly.