

Y Pwyllgor Materion Cyfansoddiadol
a Deddfwriaethol

Constitutional and Legislative Affairs
Committee

Invitation to submit written evidence for
a Committee Inquiry



Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

9 December 2011

Dear Colleague

Inquiry into the establishment of a separate Welsh jurisdiction

The Constitutional and Legislative Affairs Committee has agreed to carry out an inquiry into the establishment of a separate Welsh jurisdiction.

Background

Since the referendum result on 3 March 2011 gave the National Assembly extensive powers to make laws for Wales, the issue of whether Wales should become a separate legal jurisdiction has become a matter of public interest and discussion. In particular, the First Minister has indicated that he intends to initiate a public debate about whether a separate Welsh jurisdiction is needed.

The Committee believes that these developments provide a good opportunity for the technical aspects of this question to be examined and has therefore agreed to conduct an Inquiry.

Further background on developments that have led the Committee to this view are set out in a paper prepared by the Assembly's Research Service, which is enclosed as an annexe to this letter. However, among the significant developments in the administration of justice in Wales since the establishment of the Assembly in 1999 have been:

- the establishment of Her Majesty's Court Services Wales (HMCS Wales) in 2007 bringing to an end North Wales' inclusion with Chester for the purpose of administration of justice, which is now administered on an all Wales basis;
- the creation of a Mercantile Court for Wales;
- most judicial review cases involving decisions of Welsh public authorities including the National Assembly for Wales are heard in Wales;
- regular sittings of the Court of Appeal Civil Division in Cardiff;
- regular sittings in Cardiff of the Court of Appeal Criminal Division;
- establishment of the Administrative Court of Wales;
- establishment of a Chancery Court in Wales;

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- the appointment of a High Court Judge whose fluency in Welsh enables him to conduct trials bilingually or entirely in Welsh, according to the wishes of the parties, without translation;
- the Employment Appeals Tribunal decided it would sit regularly in Wales.

Invitation to Submit Written Evidence

The Committee would welcome your views on the following specific matters as well as on any other matter relevant to the Inquiry:

- the meaning of the term “separate Welsh jurisdiction”;
- the potential benefits, barriers and costs of introducing a separate Welsh jurisdiction;
- the practical implications of a separate jurisdiction for the legal profession and the public; and
- the operation of other small jurisdictions in the UK, particularly those, such as Northern Ireland, that use a common law system.

Responses, either in hard copy or electronically, should be sent to the following address to arrive no later than by 3 February 2012:

The Committee Clerk
Constitutional and Legislative Affairs Committee
Tŷ Hywel
National Assembly for Wales
Cardiff CF99 1NA

e-mail: CLA.Committee@wales.gov.uk

Further background information on the Constitutional and Legislative Affairs Committee and guidance on submitting written evidence is attached as an annex to this letter.

If you would like any further information, please contact the Committee Clerk, Steve George on 029 2089 8242 or Olga Lewis the Deputy Clerk on 029 2089 8154.

Yours sincerely



David Melding AM
Chair
Constitutional and Legislative Affairs Committee

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FURTHER INFORMATION ABOUT THE CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE AND GUIDANCE ON SUBMITTING WRITTEN EVIDENCE

The Committee's remit is to carry out the functions of the responsible committee set out in Standing Order 21 and to consider any other constitutional or governmental matter within or relating to the competence of the Assembly or Welsh Ministers

Within this, the Committee considers the political and legal importance as well as technical aspects of all statutory instruments or draft statutory instruments made by the Welsh Ministers and reports on whether the Assembly should pay special attention to the instruments on any of the grounds set out in Standing Orders 21.2 and 21.3.

The Committee also considers and report on the appropriateness of provisions in Assembly Bills and UK Parliament Bills that grant powers to make subordinate legislation to the Welsh Ministers, the First Minister or the Counsel General.

Guidance on written submissions

When preparing your submission, please keep the following in mind:

Information to include

As a general guide, written evidence should consist of a self-contained document accompanied by a covering letter. Evidence should be presented as concisely as possible (a good rule of thumb is that the memorandum should not exceed 6 pages of A4)

The covering letter should include:

- the name and contact details of the persons or organisation submitting the evidence;
- whether the evidence is submitted on behalf of an organisation, or as an individual;
- any request to give oral evidence;
- any request that the committee treat the whole, or part, of the written evidence as confidential, with reasons for the request.

(The National Assembly normally makes responses to public consultation available for public scrutiny and they may be seen and discussed by Assembly Members at Committee meetings.

If you do not want your response or name published, it is important that you clearly specify this in your submission and your reasons for this. However you should be aware that it may not be given the same weight by the Committee when considering the evidence. You should also be aware that the information you have provided in your response to this consultation, including

company information, may be published or disclosed in accordance with the Freedom of Information Act 2000.)

The memorandum should contain the following information:

- a brief summary of the main points made in the submission
- a brief introduction to the person or organisation submitting evidence, perhaps explaining their or the organisation's area of expertise
- any factual information the submitter has to offer from which the committee might be able to draw conclusions, or which could be put to other witnesses for their reactions
- any recommendations for action by the Government or others which the submitter would like the committee to consider for inclusion in its report to the Assembly.
- Your response should address the issues the Committee is considering in particular the matters set out in this invitation to submit evidence.

(You should be careful not to comment on matters currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect the written evidence you can submit.)

How to format your evidence

Some points to note:

- Paragraphs should be numbered, to assist the committee in referring to the submission during oral evidence.
- If you wish to include supplementary material with your memorandum—for example, leaflets, or articles from periodicals - ensure your memorandum is nevertheless self-contained.
- If your submission uses colour, it should still make sense when reproduced in black and white as Committee Members may make use of photocopied versions in Committee.
- If you are submitting your evidence electronically, your memorandum should be in Microsoft Word, rich text or PDF format.

Annexe - Research Service Background Briefing