

Ms S Wilkins
Clerk to the Committee on Standing Orders
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

18 August 2006

Dear Ms Wilkins,

Committee on Standing Orders – Scrutiny of Legislation

I write further to our telephone conversation regarding the Committee's work and in particular prior to the consideration of Standing Orders for proceedings in relation to proposed Orders in Council, proposed Assembly Measures and subordinate legislation.

The Law Society of England and Wales established a Wales Committee in 2004 (taking the place of a Welsh Affairs Working Party) to respond to devolution. The Wales Committee's terms of reference include the following:

- To monitor progress of Devolution in Wales and its impact on the profession
- To monitor the programme of legislation of, and liaise with, the National Assembly for Wales
- To disseminate information on the activities of the National Assembly for Wales to the profession in Wales and to inform English solicitors of the impact of Welsh legislation

As a profession which is at the 'sharp end' of the law our members are an informed and experienced constituency. Given the Law Society's role in relation to the legal sector, our experience and our representation of solicitors both in Wales and beyond the border we would welcome an opportunity to comment on the proposed Standing Orders of the new Assembly in relation to its various legislative procedures. You will be aware that a number of our members in Wales and indeed members of the Wales Committee itself are public law specialists who will be pleased to provide specific input to the Committee's deliberations if this is required.

As regards the new Assembly's role in considering subordinate legislation, I mentioned when we spoke that the Wales Committee had proposed an amendment to the Government of Wales Bill on the issue of publication of Assembly legislation and the establishment of a register of Welsh legislation. This was debated in the House of Lords. The Presiding Officer has prescribed a form for non-Statutory Instrument subordinate legislation (under Standing Order 32) and although of course this legislation will in the main in future be made through the Welsh Assembly Government, there are still issues to be addressed regarding subordinate legislation, particularly the subordinate legislation which will be considered by the Assembly under the procedures described in the 2006 Act and the procedures which the Assembly will prescribe in relation to subordinate legislation made under Measures.

During the passage of the Bill through the House of Lords we were assured that primary legislation made by the National Assembly would follow other primary legislation and be published by the Queen's Printer. However, in the future when there is a myriad of legislation affecting Wales which will include that made either by the Assembly, Assembly Government, UK Parliament, or UK Government Departments, a single database for such legislation would provide the only sure way to have clear access to the law as it affects Wales. This proposal gained much support in the House of Lords. We would request that the Committee considers such a proposal.

We would welcome an opportunity to comment on the draft Standing Orders in due course. We have worked hard to support the National Assembly and the Welsh Assembly Government; we regularly reply to consultations and wish to offer our assistance to the Committee.

Yours sincerely,

E Kay Powell

Solicitor / Cyfreithiwr

Policy Adviser / Ymgynghorydd Polisi