

Jeremy Miles MS
Counsel General

11 June 2020

Dear Jeremy

Making Justice work in Wales

Thank you very much for your letter of 4 June 2020. The Committee is also looking forward to the challenge of its new responsibility in respect of justice and I welcome your warm comments.

You refer to our terms of reference for our inquiry. These have of course been unanimously agreed by the Committee. You will also appreciate that the way a committee carries out its work - securing and exploring evidence, scrutinising legislation and government and making recommendations to the Welsh Government and the Senedd - is wholly a matter for the Committee. This, as I know you will agree, is essential to ensure the proper division of powers between the Executive and Senedd.

In terms of the future steps for the inquiry, I see our work proceeding in a way that enables us to form an overview of the recommendations of the Commission on Justice in Wales, before then focusing on some key areas where we can, in the short term, influence change.

You will know that many of the Justice Commission recommendations relate to matters which are not yet devolved. However, there is a substantial part of our justice system which is devolved and has never been subject to scrutiny. This is particularly, but not solely, in the field of administrative law. Access to justice is one important field where devolved competence is engaged and where the Welsh Government has committed resources, yet scrutiny has been limited. I am aware that there are reasons for this, particularly due to the way in which powers and resources have accrued. However, there is now an opportunity to put in place a clearly defined scrutiny process and this is where the Committee's work will be important.



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I very much welcome your comments about the Welsh Government's response to the Justice Commission recommendations, and in particular the establishment of a Cabinet sub-committee. We will want to ensure there is effective scrutiny of this sub-committee and its work. We will also wish to scrutinise the operation of the Welsh Government's Welsh Tribunals Unit and the Welsh Tribunals system, as well as the President of Welsh Tribunals. I note, incidentally, that there has been no scrutiny of this role so far, or any debate in the Senedd of the President's annual report, which was laid on the 9 April 2019.

Matters relating to justice evidently link to broader constitutional issues, many of which have been discussed for some years but which have become more prominent, not least because of Brexit and now the coronavirus pandemic. The Sewel convention is of course another important area. The dialectical relationship between all of these is why, in the next few months, our work is likely to become quite focused.

We will explore some of these constitutional issues with you at our meeting next week, particularly in light of the approach taken by the four nations of the UK to the Covid-19 public health emergency.

We look forward to developing a constructive approach to the scrutiny of justice matters and in time, seeing improvements in the justice system for the benefit of all citizens in Wales.

Yours sincerely,



Mick Antoniw MS
Chair of the Legislation, Justice and Constitution Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

