



JUDICIAL OFFICE

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23 April 2019

Dear Mrs Madeley

I have been informed that the Children, Young People and Education Committee intends to invite members of the judiciary to provide evidence to the Committee in the course of the Committee's scrutiny of the Children (Abolition of the Defence of Reasonable Punishment) (Wales) Bill. I gather the Committee will scrutinise matters such as whether there is a need for legislation to deliver the Bill's stated policy objectives; any potential barriers to the implementation of the key provisions and whether the Bill takes account of them; whether there are any unintended consequences arising from the Bill; the financial implications of the Bill, and the appropriateness of the powers in the Bill for the Welsh Ministers to make subordinate legislation.

Without wishing to be unhelpful, I am afraid that members of the judiciary will not be able to assist the Committee with these matters. Due to long standing constitutional conventions, judges very rarely give evidence to committees of the legislature. In particular, there is a convention against judges commenting on the meaning or likely effect of provisions in a Bill or on the merits of government policy. The convention operates to prevent a judge's impartiality from being called into question in the event of subsequently being asked to apply or interpret those provisions in a case in court, and is a crucial aspect of judicial independence.

I enclose a copy of guidance provided to judges on appearances before select committees. Although the guidance is apparently and therefore regrettably drafted with the UK Parliament in mind, the principles and convention detailed within it apply equally to Committees of the National Assembly for Wales.

I would be very happy to discuss this matter with you if that would be helpful.

Yours sincerely,

REBECCA ARON

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