



Y Comisiwn ar Gyfiawnder yng Nghymru

The Commission on Justice in Wales

Law Council of Wales

We are expecting to publish our report on 24 October, but in advance of the Legal Wales Conference on 11 October, and as the idea was first raised at the 2017 conference, we publish our recommendation regarding a Law Council of Wales.

We recommend a Law Council of Wales should be established to promote the interests of legal education and the awareness of Welsh law, to ensure proper provision of teaching the law through the medium of Welsh, and to assist students in their education and training as future practitioners.

Our proposal and its publication

1. As this does not require any change to the current devolution scheme and as there is a need to progress the establishment of such a Council, we issued a consultation paper in October 2018. We received a number of responses.
2. In early October 2019 we published this part of our report as it was not contingent on any other issues we are considering and does not necessarily require any action by the Assembly or the Welsh Government. It was and remains very important that this be taken forward given the matters that need to be resolved on a timely basis.

The details of the proposed Law Council of Wales

3. During the Legal Wales Conference in 2017, Lord Lloyd-Jones called for the establishment of an Institute of Welsh Law to promote the study of Welsh law and to avoid duplication of work. Lord Lloyd-Jones saw the Welsh Government as having a crucial role in coordinating the Institute, with the Welsh law schools, the professional bodies and the Judicial College being collaborators. He also saw a role

for the Learned Society of Wales, the Legal Wales Foundation and close liaison with the Law Commission in view of its responsibilities for law reform in Wales.

4. The need for collaboration across the professions and the law schools has long been recognised in Scotland. This is reflected in the long-established Joint Standing Committee for Legal Education in Scotland (JSC). This is a non-statutory body that brings together people with a key role (judiciary, the Bar, Law Society, the law schools and lay members) in relation to legal education and training in Scotland. The JSC aims to promote the interests of legal education in academia and in the legal professions. It cannot require any organisation to do anything, but it does have political force. Its negotiations with the Scottish Government blocked the Solicitors Qualifying Examination being introduced in Scotland. The JSC is not funded by the Government and is resourced mainly by Edinburgh University Law Faculty which provides the meeting room for the JSC, its secretariat and website.
5. However, the Law Council we propose for Wales will go further than legal education. As set out in the consultation paper , a similar institution in Wales would be a voice for legal Wales by promoting awareness of Welsh law, ensuring the provision of legal resources through the medium of Welsh and helping Welsh law schools to provide their students with the necessary education and training to thrive in practice. Building on the good work of the Legal Wales Foundation, the Council should be an umbrella body that shares resources, supports training on Welsh law for the judiciary and the professions and ensures collaboration and cooperative working. The responses to our consultation paper indicated wide support for such a Council, with detailed comments on its composition and the support needed for a secretariat.
6. In light of the consultation, our view is that the Law Council should comprise a senior Welsh judge, the President of Welsh Tribunals, three representatives of the legal profession, heads of law schools, a lay representative with experience of business and legal affairs, the Counsel General and one member each from the Legal Wales Foundation, the Law Commission and the Judicial College. It is our view that a committee that we refer to in paragraph 7 should have a balanced membership and be as small as practicable. Ideally the heads of the Welsh law schools should be represented by two of their number, but the way in which they

participate can to be left to agreement between them and the senior Welsh judge. There should also be an annual meeting involving broader representation from all those with an interest in legal education and professional development within the legal sector.

7. We would anticipate that a small committee would be formed of around five or seven members that would carry out the functions of the Law Council. The membership of the Council and the possible development of specialist bodies should be kept under review.
8. The Law Council should have a designated secretariat team that develops and maintains a clear forward work programme. The secretariat should be responsible for scheduling meetings and publishing agendas, minutes and papers produced by the Council. We would expect it to be jointly funded by the law schools and the professions.
9. The Law Council should be established as soon as practicable.

2 October 2019