



Llywodraeth Cymru
Welsh Government

Report on the Implementation of Law Commission Proposals

2021-2022

Contents

1	Introduction
2	Scope of the Report
2	Proposals that have been implemented
3	Proposals that have not yet been implemented
3	• Planning Law in Wales
3	• Electoral Law
4	• Taxi and Private Hire Services
4	• Leasehold and Commonhold Reform
5	• Wildlife Law
5	• Devolved Welsh Tribunals
5	Current and Future Law Commission Projects
5	• Coal Tip Safety
6	• Automated Vehicles
6	Decisions taken not to implement

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.



Mark Drakeford MS
FIRST MINISTER OF WALES

Introduction

I am pleased to present this report on the Welsh Ministers' implementation of Law Commission proposals. This is the seventh annual report to be presented following the passing of the Wales Act 2014. It covers the period from 15 February 2021 to 14 February 2022.

The Law Commissions Act 1965, as amended by the Wales Act 2014, places the Welsh Ministers under a duty to report to Senedd Cymru each year on the extent to which they have implemented Law Commission proposals relating to Welsh devolved matters.

This report provides updates on the progress made over the last twelve months on a range of issues that have been the subject of Law Commission recommendations. We have formally committed to deliver a Planning Consolidation Bill during this Senedd term, working closely with the Law Commission on the production of the Bill. We have published a set of principles for electoral reform in Wales and have made further progress in taking forward Law Commission proposals in relation to taxi and private hire services, leasehold and commonhold reform, wildlife law and devolved Welsh tribunals.

This report also provides information about how we are engaging with the Law Commission on its current and future projects such as coal tip safety legislation and automated vehicles.

This update and the progress noted demonstrates the importance the Welsh Government places on Law Commission proposals.

Mark Drakeford

Scope of the report

- 1.** Section 3C of the Law Commissions Act 1965, as inserted by Section 25 of the Wales Act 2014, places a duty on the Welsh Ministers to report annually to Senedd Cymru on the extent to which Law Commission proposals have been implemented that year.
- 2.** This is the seventh annual report to be published by the Welsh Ministers under the Act. The report covers the period from 15 February 2021 to 14 February 2022.
- 3.** As stipulated by the Act, the report covers Law Commission proposals relating to Welsh devolved matters that have been implemented during the year, and proposals relating to Welsh devolved matters that have not been implemented, including plans for implementation and decisions taken not to implement proposals.
- 4.** The report covers the reports of the Law Commission of England and Wales as far as they relate to Welsh devolved matters.

Proposals that have been implemented

- 5.** The Welsh Government has not completed the implementation of any Law Commission proposals during this reporting period.

Proposals that have not yet been implemented

Planning Law in Wales

6. **The future of Welsh law: A programme for 2021-2026** was announced and published by the Government in September 2021 confirming its formal commitment to the delivery of a Planning Consolidation Bill during this Senedd term. The Bill forms an important part of this programme and is an area of work the Government has wanted to bring forward in light of the Law Commission's detailed review of planning law in Wales and its long held view about the complexity of this area of law.
7. The Welsh Government continues to work closely with the Law Commission on the production of the Bill, which is being informed by the **Law Commission report on planning law in Wales**, the **interim response to the Law Commission report on planning law in Wales** and the **detailed response to the Law Commission report on planning law in Wales**.

Electoral Law

8. The Law Commission's recommendation in the Electoral Law report published in March 2020 around the consolidation of electoral law continues to be considered as part of the Welsh Government's electoral reform agenda.
9. In July 2021 the Welsh Government published a set of principles for electoral reform in Wales which reflect the values of social justice, inclusivity and democracy in Wales. These principles are: equity, accessibility; participation; improving citizen's experience; simplicity; and integrity, and they will continue to be used to benchmark our Welsh electoral reform agenda and approaches to supporting democratic engagement and participation.
10. The electoral pilots that will be taking place as part of the 2022 local government elections will seek to increase voting opportunities and will help inform work to consider ways to consolidate and codify electoral legislation in Wales.

11. The Welsh Government intends to adopt a different approach in Wales to the approach the UK Government has taken in its Elections Bill and seek to deal with some provisions through Welsh legislation. This will contribute to the development of a modern electoral system in Wales fit for the twenty-first century.
12. Work to review the National Assembly for Wales (Representation of the People) Order 2007, to replace it with a new consolidated Order will contribute toward the long term vision of the consolidation of electoral law.

Taxi and Private Hire Services

13. In last year's report on the implementation of Law Commission proposals, the Welsh Government noted that decisions on the development and introduction of a White Paper and Bill in the next Senedd would be a matter for the next Government. The First Minister subsequently set out the new **Programme for Government** on 15 June 2021 which contains a commitment to 'Legislate to modernise the taxi and private hire vehicle sector and address the problems of crossbordering'.

Leasehold and Commonhold Reform

14. Having welcomed the publication in 2020 of the Law Commission's reports on Enfranchisement, the Right to Manage and Commonhold, the then Minister for Housing and Local Government, issued a further **Ministerial Written Statement** on 17 March. In this statement the Minister confirmed her support for the Law Commission's recommendations and highlighted the merits of continuing with a joint England and Wales legislative approach to the reforms. The statement also coincided with the **publication of research commissioned by the Welsh Government** into the sale and use of leaseholds in Wales, which included the finding that the position and experience of leaseholders in Wales is not substantially different from that of leaseholders in England.
15. In 2021, the newly elected Welsh Government published its Programme for Government, which included a commitment to 'Legislate to enact the recommendations of the Law Commission in relation to leasehold reform'.
16. The **Minister for Climate Change wrote** to the Senedd's Local Government and Housing Committee on 1 October 2021 confirming her view that it was more expedient to continue to work with the UK Government to legislate on an England and Wales basis in respect of the Law Commission's recommendations. The Welsh Government is continuing to work with the Law Commission and UK Government to achieve that goal within the lifetime of the current Parliament. This includes the issuing of a joint consultation in January 2022 regarding voting thresholds for enfranchisement and the right to manage, and certain other detailed matters relating to the Law Commission's recommendations.

Wildlife Law

17. The Programme for Government published on 15 June included a commitment to ban the use of snares in Wales. The consultation on the proposal to ban the use of snares was included in the Welsh Government's [Agriculture \(Wales\) White Paper](#).

Devolved Welsh Tribunals

18. As part of the Law Commission's 13th Programme of Law Reform, the Commission and the Welsh Government agreed to embark on a Wales only project on the law relating to devolved Welsh tribunals. The project is now completed and the Law Commission published its report in early December 2021. The Welsh Government has welcomed the report and has made clear that it broadly supports the reform proposals recommended. Work to pursue the recommendations will now begin.

Current and Future Law Commission Projects

Coal Tip Safety

19. To support the work of the Coal Tip Safety Task Force, in October 2020, the Welsh Ministers invited the Law Commission to evaluate existing coal tip safety legislation and to provide its views on a new integrated and future-proofed regulatory system.
20. The Law Commission immediately commenced its review and consulted on its findings and proposals between June and September 2021. The review found the current legislation relating to coal tip safety, the Mines and Quarries (Tips) Act 1969, does not effectively address the management of disused coal tips.
21. The Law Commission is expected to publish its report in spring 2022 and will provide vital evidence for the development of a new management regime of disused coal tips in Wales. The Welsh Government is committed to introducing primary legislation during this Senedd to provide a modern regime, which can help respond to future climate change impacts.

Automated Vehicles

- 22.** In March 2018, the UK Government's Centre for Connected and Autonomous Vehicles (CCAV) asked the Law Commission to undertake a far-reaching review of the UK's regulatory framework for road-based automated vehicles.
- 23.** The Law Commission of England and Wales and the Scottish Law Commission (the Law Commissions) published their joint report on 26 January 2022, making recommendations for the safe and responsible introduction of self-driving vehicles. The report recommends introducing a new Automated Vehicles Act, to regulate vehicles that can drive themselves. It recommends drawing a clear distinction between features which just assist drivers, such as adaptive cruise control, and those that are self-driving.
- 24.** The Welsh Government welcomes the Law Commission's work on this critical area for the future of passenger transport. The Welsh Government published its twenty-year transport strategy Llwybr Newydd in March 2021 and transport's contribution to decarbonisation was set out in Net Zero Wales – Carbon Budget 2, published in October 2021. The Welsh Government recognises the potentially significant impact that connected and autonomous vehicles could have on managing transport demand, road safety and transport's contribution to greenhouse gas emissions and the importance of a legal framework to underpin this work.

Decisions taken not to implement

- 25.** The Welsh Government has not taken any decisions not to implement proposals in the Law Commission's report during this reporting period. The Welsh Government has taken no decisions not to implement recommendations made by a Law Commission report during this reporting period.