



Llywodraeth Cymru  
Welsh Government

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Technical document

## **Draft Taxonomy for Codes of Welsh Law**

Date of issue : 3 December 2018

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

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## Codification of the law in Wales

1. In its report *Form and Accessibility of the Law Applicable in Wales* (Law Com No 336, June 2016), the Law Commission recommended that the Welsh Government should pursue a policy of consolidating and codifying the law in Wales.
2. Consolidating the law generally involves bringing all legislation on a particular topic together, better incorporating amendments made to legislation after it has been enacted and modernising the language, drafting style and structure. This involves no or only minor amendments to the substance of the law consolidated. In Wales consolidation of the law will involve for the most part re-enacting laws previously made by the UK Parliament, and doing so bilingually.
3. Codifying the law is intended to bring order to the statute book. This involves organising and publishing the law by reference to its content (and not merely when it was made), and maintaining a system under which that law retains its structure rather than proliferating. A “Code” of Welsh law would generally be published once some or all of the primary legislation on a particular subject (taking account of the legislative competence of the National Assembly) has been consolidated, or has been created afresh following wholesale reform. This should usually be accompanied by a process of rationalisation of subordinate legislation made under the primary legislation (generally by the Welsh Ministers). The existing hierarchy within, and the delineation between, legislative instruments (primary and secondary legislation, and guidance or other similar documents made under the Acts or subordinate legislation) would remain. All the legislation within a Code will be made in both English and in Welsh.
4. Therefore a Code would not (generally) be one legislative instrument but rather a collection of enactments under a unifying overarching title. Those enactments which make up the Code on any particular subject would be made available together. Similarly these enactments will remain the means by which the law is formally articulated. The Code is not intended to be a legal instrument in its own right but rather a means of collating and publishing the law more effectively.
5. References in section 2(3) of the Legislation (Wales) Bill 2018 to “codifying” the law mean, generally speaking, the codification of statute law (legislation). Although a Bill that codifies statute law might incorporate the effect of case law on the meaning of the legislation being consolidated and codified, or rules of common law that are closely related to that legislation, the Welsh Government does not intend to undertake wholesale codification of the common law.

## **Developing a taxonomy of Codes**

6. The Office of the Legislative Counsel (OLC) is a team of specialist lawyers who draft Assembly Acts and advise the Government on matters of statutory interpretation and procedure. This team are considering, in detail, the process by which Welsh law should be divided into Codes, the nature of a Code produced as a result of the process, and the arrangements for publishing and maintaining Codes.
7. To assist in understanding how the law could be divided OLC have developed an indicative taxonomy of possible Codes. This is not designed to cover all areas of devolved law at this time, but instead to suggest how legislation in most key areas could be organised.
8. This indicative division of the legislation needs further consideration, including more detailed scoping and analysis of the existing law. It will also be important to take the views of users of legislation, including understanding how they decide what the 'subject' of their search of legislation is. The goal is to organise the statute book by reference to commonly understood subject categories. Although these categories will almost inevitably change as the detailed process of consolidation begins our intention is to set out our high-level goals within each category – and to ensure that others agree that they are broadly sensible objectives.
9. The Counsel General intends to explore these issues in more detail next year.

## **The draft taxonomy**

10. Attached at Annex A is a proposal (in diagram form) for high level codes for particular subject areas, for example “Housing” and sub-topics within that Code such as “Residential tenancies” and “Homelessness”. Annex B sets out the codes in tabular form and includes an indicative list of the primary legislation to be consolidated under each code.

## **Next steps**

11. The Welsh Government will continue to refine this draft taxonomy, and part of this work will include seeking the views of users of legislation. In the meantime, any views on this current draft can be sent to [LegislativeCounsel@gov.wales](mailto:LegislativeCounsel@gov.wales)

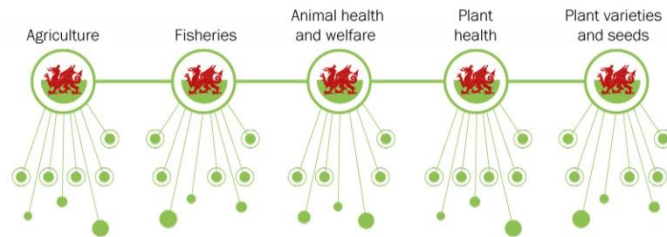
# Annex A

## Food

Food hygiene and safety

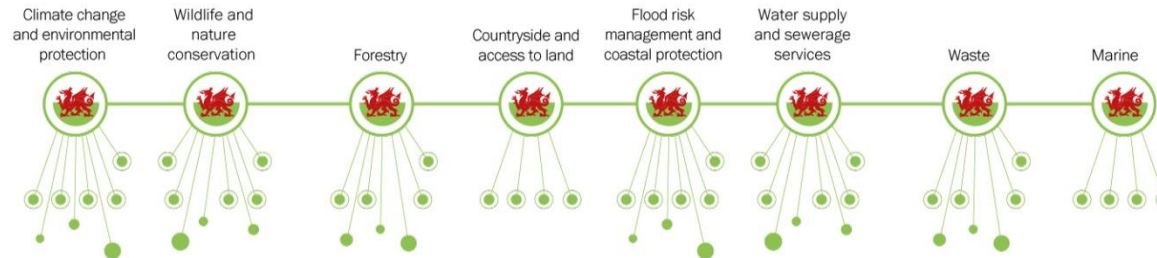


## Agriculture, animals and plants






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## Environment and natural resources

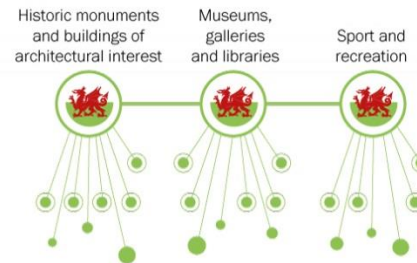


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## Codes of Welsh law

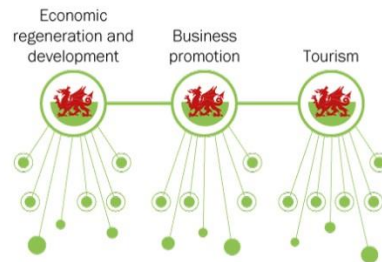
-  Acts
-  Statutory Instruments
-  Guidance

## Culture, sport and historic environment

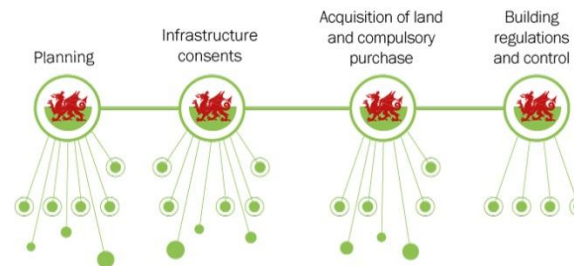


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## Economic development and tourism






## Planning, building and land

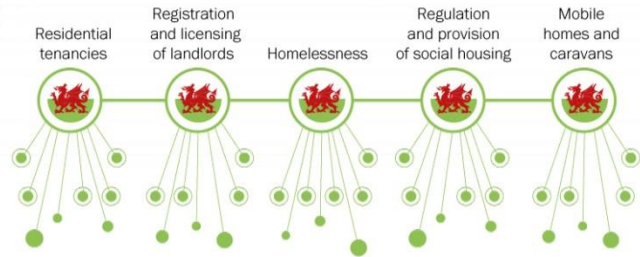


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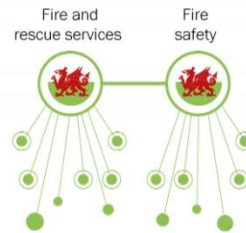
## Codes of Welsh law

-  Acts
-  Statutory Instruments
-  Guidance

## Housing

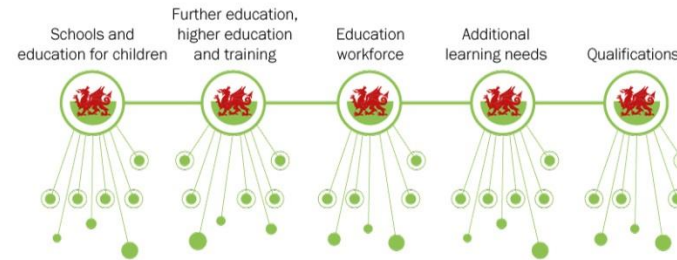


## Fire and rescue

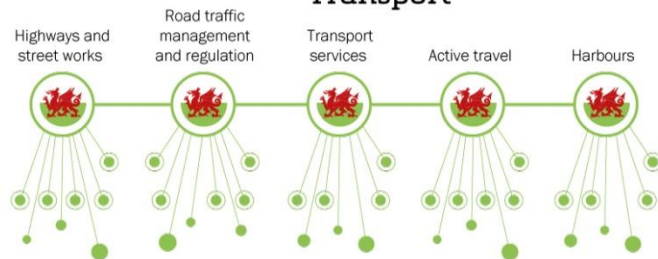


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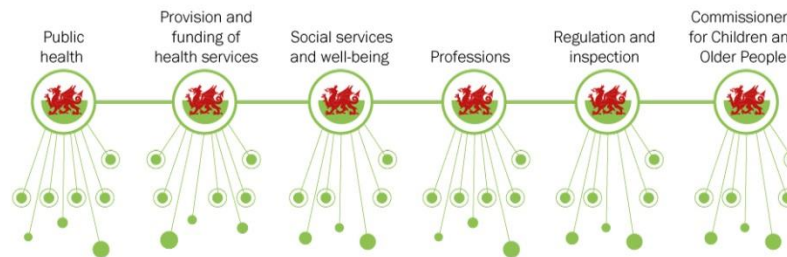
## Education and skills



## Transport



## Health and social care



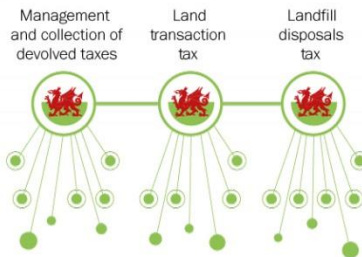
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## Codes of Welsh law

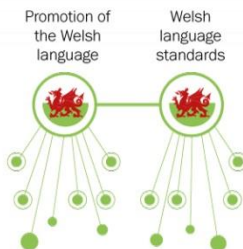
- Acts
- Statutory Instruments
- Guidance



## Taxation

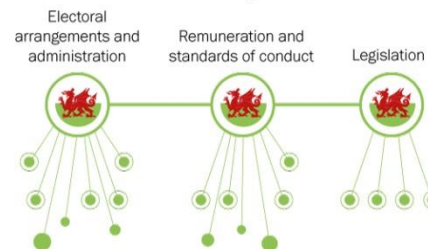


## Welsh language

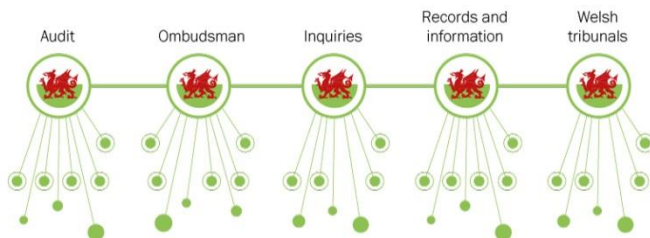


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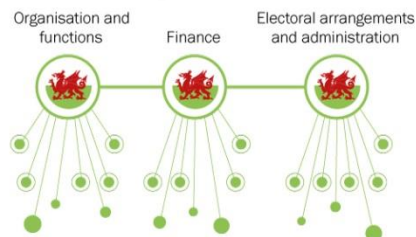
## Senedd and legislation



## Public administration



## Local government






## Future generations



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National Assembly for Wales

## Codes of Welsh law

-  Acts
-  Statutory Instruments
-  Guidance

## Annex B

*Proposed Code and topics*

*Examples of existing legislation which could be included in the Code*

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### **Agriculture, animals and plants**

Agriculture

Fisheries

Animal health and welfare

Plant health

Plant varieties and seeds

Agriculture Acts 1967 to 1993; Slaughter of Poultry Act 1967; Sea Fisheries (Shellfish) Act 1967; Salmon and Freshwater Fisheries Act 1975; Plant Health Act 1967; Plant Varieties Act 1997; Animal Health Acts 1981 and 2002; Animal Welfare Act 2006; Red Meat Industry (Wales) Measure 2010; Agricultural Sector (Wales) Act 2014; Control of Horses (Wales) Act 2014.

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### **Food**

Food hygiene and safety

Food Safety Act 1990; Food Standards Act 1999; Food Hygiene Rating (Wales) Act 2013.

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### **Environment and natural resources**

Climate change and environmental protection (including pollution control)

Wildlife and nature conservation (including biodiversity and habitats)

Forestry

Countryside and access to land

Environmental Protection Act 1990; Planning (Hazardous Substances) Act 1990; Environment Act 1995; Pollution Prevention and Control Act 1999; Waste and Emissions Trading Act 2003; Clean Neighbourhoods and Environment Act 2005; National Parks and Access to the Countryside Act 1949; Forestry Act 1967; Countryside Act 1968; Conservation of Seals Act 1970; Wildlife and Countryside Act 1981; Deer Act 1991; Protection of Badgers Act 1992; Commons Acts 1899 and 2006; Commons Registration Act 1965; Countryside and Rights of Way Act 2000; Coast Protection Act 1949; Reservoirs Act 1975; Land Drainage Act 1991; Water Industry Act 1991; Water Resources Act 1991; Flood and Water Management Act 2010; Waters Acts 2003 and 2014; Marine and Coastal Access Act 2009 (parts); Waste (Wales) Measure 2010; Environment (Wales) Act 2016.

*Proposed Code and topics*

*Examples of existing legislation which could be included in the Code*

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Flood risk management and coastal protection

Water supply and sewerage services

Waste

Marine

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**Planning, building and land**

Planning

Infrastructure consents

Acquisition of land and compulsory purchase

Building regulations and control

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Town and Country Planning Act 1990; Planning (Consequential Provisions) Act 1990; Planning and Compulsory Purchase Act 2004; Planning Act 2008; Planning (Wales) Act 2015; Defective Premises Act 1972; Building Act 1984; Domestic Fire Safety (Wales) Measure 2011; Compulsory Purchase Act 1965; Compulsory Purchase (Vesting Declarations) Act 1981; Acquisition of Land Act 1981; Housing and Planning Act 2016; Neighbourhood Planning Act 2017.

**Culture, sport and historic environment**

Historic monuments and buildings of architectural interest

Museums, galleries and libraries

Sport and recreation

Protection of Wrecks Act 1973; Ancient Monuments and Archaeological Areas Act 1979; Planning (Listed Buildings) Act 1990; Public Libraries and Museums Act 1964; Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010; Historic Environment (Wales) Act 2016.

*Proposed Code and topics*

*Examples of existing legislation which could be included in the Code*

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**Economic development and tourism**

Economic regeneration and development

Business promotion

Tourism

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Development of Tourism Act 1969; Welsh Development Agency Act 1975.

**Education and skills**

Schools and education for children

Further education, higher education and training

Education workforce

Additional learning needs

Qualifications

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Education Reform Act 1988; Further and Higher Education Act 1992; Education Acts 1996, 1997, 2002 and 2005; Learning and Skills Act 2000; Apprenticeships, Skills, Children and Learning Act 2009 (part); Learning and Skills (Wales) Measure 2009; Healthy Eating in Schools (Wales) Measure 2009; Education (Wales) Measures 2009 and 2011; School Standards and Organisation (Wales) Act 2013; Education (Wales) Act 2014; Higher Education (Wales) Act 2015; Qualifications Wales Act 2015; Additional Learning Needs and Education Tribunal (Wales) Act 2018.

**Fire and rescue**

Fire and rescue services

Fire safety

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Fire and Rescue Services Act 2004; Regulatory Reform (Fire Safety) Order 2005.

## **Health and social care**

Public health

Provision and funding of health services

Social services and well-being

Professions

Regulation and inspection of health and social care

Commissioners for Children and Older People

Mental Health Acts 1983 and 2007; Access to Health Records Act 1990; Tobacco Advertising and Promotion Act 2002; Health Act 2006; National Health Service (Wales) Act 2006; NHS Redress (Wales) Measure 2008; Mental Health (Wales) Measure 2010; Human Transplantation (Wales) Act 2013; National Health Service Finance (Wales) Act 2014; Nurse Staffing Levels (Wales) Act 2016; Public Health (Wales) Act 2017; Public Health (Minimum Price for Alcohol) (Wales) Act 2018; Children Acts 1989 and 2004; Care Standards Act 2000; Health and Social Care (Community Health and Standards) Act 2003; Commissioner for Older People (Wales) Act 2006; Children and Families (Wales) Measure 2010; Social Services and Well-being (Wales) Act 2014; Regulation and Inspection of Social Care (Wales) Act 2016.

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## **Housing**

Domestic tenancies

Registration and licensing of landlords (including HMOs)

Homelessness

Regulation and provision of social housing

Mobile homes and caravans

Rent Act 1977; Protection from Eviction Act 1977; Housing Acts 1985, 1988, 1996 and 2004; Housing Associations Act 1985; Housing Grants, Construction and Regeneration Act 1996; Homelessness Act 2002; Housing (Wales) Measure 2011; Mobile Homes (Wales) Act 2013; Housing (Wales) Act 2014; Renting Homes (Wales) Act 2016; Abolition of the Right to Buy and Associated Rights (Wales) Act 2018; Regulation of Registered Social Landlords (Wales) Act 2018

## **Transport**

Highways and street works

Road traffic management and regulation

Transport services (including buses and taxis)

Active travel

Harbours

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Harbours Act 1964; Transport Acts 1968-2000; Chronically Sick and Disabled Persons Act 1970; Highways Act 1980; Cycle Tracks Act 1984; Road Traffic Regulation Act 1984; New Roads and Street Works Act 1991; Road Traffic Reduction Act 1997; Local Transport Act 2008; Active Travel (Wales) Act 2013.

## **Local government**

Local government organisation and functions

Local government finance

Local government electoral arrangements and administration

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Local Government Acts 1972, 1986, 2000 and 2003; Local Authorities (Land) Act 1963; Local Authorities (Goods and Services) Act 1970; Local Government (Miscellaneous Provisions) Act 1982; Local Government and Housing Act 1989; Local Government (Wales) Acts 1994 and 2015; Local Government (Contracts) Act 1997; Local Government (Wales) Measures 2009 and 2011; Local Government Byelaws (Wales) Act 2012; Local Government (Democracy) (Wales) Act 2013; Local Government Finance Acts 1988 and 1992.

## **Public administration**

Audit

Ombudsman

Public Audit (Wales) Acts 2004 and 2013; Public Services Ombudsman (Wales) Act 2005; Inquiries Act 2005; Freedom of Information Act 2000; provisions in various Acts establishing Welsh tribunals.

*Proposed Code and topics*

*Examples of existing legislation which could be included in the Code*

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Inquiries

Records and information

Welsh tribunals

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## **Senedd and legislation**

Senedd electoral arrangements and administration

Remuneration and standards of conduct of Members of the Senedd

Government of Wales Act 2006; National Assembly for Wales Commissioner for Standards Measure 2009; National Assembly for Wales (Remuneration) Measure 2010; Statutory Instruments Act 1946; Legislation (Wales) Bill 2018.

Legislation (making, meaning, publishing)

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## **Taxation**

Management and collection of devolved taxes

Land transaction tax

Tax Collection and Management (Wales) Act 2016; Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017; Landfill Disposals Tax (Wales) Act 2017.

Landfill disposals tax

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*Proposed Code and topics*

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## **Welsh language**

Promotion of the Welsh language

Welsh Language Act 1993; Welsh Language (Wales) Measure 2011.

Welsh language standards

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## **Future generations**

Well-being of future generations

Well-being of Future Generations (Wales) Act 2015

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