

DEVOLUTION IN WALES

Introduction

Christopher Pitchford Q.C.

The pace of change in the law and legal institutions in Wales is bewildering. Since I became leader of the Wales and Chester Circuit in January 1999 the Government of Wales Act 1998, the Human Rights Act 1998 and the Civil Procedure Act 1997 have between them changed fundamentally the government of Wales, have imposed upon public authorities, including the Courts, the duty to apply to their activities the European Convention on Human Rights and have overhauled civil justice procedure to a degree not seen since the nineteenth century. At the same time providers of legal services and services in education have been bludgeoned into the mindset of the consumer society by the searching analyses of the Lord Chancellor, his predecessor and the Departments of Education and Home Affairs.

In my experience, barristers who practise on the Wales and Chester Circuit have always felt a sense a distinction from their colleagues in London and the other circuits in the same way that all Welsh men and women retain their loyalty to the place of their birth or upbringing. I doubt we are unique among the professions. So, while Devolution came to Wales by the narrowest of margins, it has served to focus the attention of all of us, lawyers or not, towards the separate identity it affords and the duties and responsibilities it brings to those who now govern in and serve the institutions of Wales.

It seems to me that if we, as educators or lawyers, are to serve our constituency in the regions of Wales and Chester competently and faithfully we must ensure that our efforts are informed, co-ordinated and effective.

It was with this objective in mind that the Wales Public Law and Human Rights Association was founded on 17th April 1999 by a combination of barristers, solicitors and academic lawyers. This booklet comprises generous contributions on the subject of the impact of Devolution and Human Rights upon Wales from distinguished lawyers and academic writers who spoke at the Association's inaugural Conference. They deserve study. Not only do they provide a permanent record of the occasion but demonstrate the importance of these subjects to all those engaged in the study and practise of law in Wales.

Every area of public administration will be affected by Devolution and Human Rights. In this respect Wales is ahead of England. From the day of its formation no action by the National Assembly of Wales in breach of the EHCR or Community law will be sustainable. Judicial review of administrative decisions by Welsh public authorities will, before long, be tried in Wales. A Mercantile Court for Wales is already in being. The Court of Appeal Civil Division will sit in Wales for the first time on 20th October 1999. The Counsel General to the National Assembly, Winston Roddick Q.C., already exercises in Wales some of the functions of the Attorney General.

These observations alone justify the view that if Welsh legal practitioners and their academic colleagues are to keep pace with the administration of justice and formation of legal

precedent in their own country they need to combine in the interests of each other and those they serve. It is this combination which the Association seeks to achieve.

I should like to thank the Association's steering committee for the successful gestation from idea to formation. An expression of particular appreciation is due to its first President, the Honourable Mr. Justice John Thomas, Presiding Judge of the Wales and Chester Circuit, and its provisional chairman, Rhodri Williams, without whose enthusiasm and judgement there would have been no such Conference or Association.

The Association is now guided by a committee of barristers, solicitors and academic lawyers whose challenge is to gather members throughout Wales and Cheshire for the purpose of shared education, study and professional development. These groups have tended to keep the distance of a long pole between them in the organisation of their affairs. Progress is breaking down restrictive practices and the relevance of academic study to the practise of law is at last being recognised. What more appropriate start to the Welsh adventure than the formation of ties, in Wales, which promote closer co-operation between the professions in the provision of legal education and services?

I commend this publication to all those with an interest in its subjects and wish, for the Association, widespread support within the professions across Wales and Cheshire.

October 1999