**WEISH LAW**

**Introduction**

In a constantly developing world, various processes are becoming increasingly complex and sophisticated. Human processes and interactions are ever changing. Technology is fast advancing and so are the various processes that surround us. In the legal world, new laws are being churned out every other day and jurisdictions becoming more and more sophisticated. This as aspect can be attributed to the overall change that is taking place. That is, as interactions are becoming more and more complex and the world around us is changing, so should the laws that govern us. New laws are needed to cover the new aspects of life introduced by these changing circumstances. One such example is the Welsh law. In a general sense, Welsh law refers to the set of laws that are passed by the National Assembly for Wales. These are laws that govern how various processes are conducted in Wales. This paper is a research paper on Welsh laws. It seeks to examine the origin of Welsh laws, the institutions charged with the responsibility of coming up with these laws and in overall, the general framework of these laws as they relate to Wales.

**Origin.**

Before venturing into the origin of the Welsh laws, it is important to first gain an understanding of the origin of Wales. It can be said that Wales started off with Henry VIII’s Act of Union in 1536 (British Broadcasting Company (BBC), 2014). Prior to this period, History has it that Wales had just been a group of independent kingdoms and lordships with some people from Europe. The origin of the word Wales itself is said to be a variation of some common word that was generally used to refer to foreigners by the Anglo-Saxons (Pryce, 1993).

Today, the people who inhabit Wales are called the Welsh. They can be said to descendants from an amalgamation of many tribes, mostly from Europe, who came to settle in Britain. In fact, scientific research could prove that the Welsh people could be among the first and therefore the most ancient cohort in the United Kingdom. Further, scientific research also suggests that genetically, the Welsh people are different from the rest of the people in mainland Britain (BBC,2012).

Geographically, Wales is one of the countries that form the United Kingdom. It is bordered by England, Irish Sea and the Bristol cannel (Pryce, 1993). The phase of industrial revolution is considered as being very important in changing the country from an agricultural-based nation to an industrial-based nation. As a consequence, this milestone transformation saw a rise in the population of Wales. At present, approximately two-thirds of the population in Wales lives the Southern part of Wales. For most people in Wales, the main language of communication is English. However, as a matter of cultural identity of Wales, it can be concluded that many people are bilingual with many people speaking a combination of both English and the Welsh language (Pryce, 1993).

Today, Wales is a highly industrialized country and is among the developed countries in the world. The constitutional referendum that was held in 1997 posed to establish some form of self-rule in Wales (Stevenson & Huws, 2012). With these came the associated processes that accompany self-governance such as devolution. The devolution process first started off with the Government of Wales Act in the year 1998. This Act established the National Assembly for Wales. This assembly had the powers to rule on how much could be budgeted for in the devolved areas in Wales. In more recent times, specifically 2006, the Government Wales Act of 1998 was amended by the Government Assembly Act of 2006. This amendment introduced more powers to the National Assembly. As a consequence, the National Assembly now possessed the powers to make laws. Members of the National Assembly are known as Assembly members. They represent constituencies. In addition, they are elected after every four years. This therefore now brings this discussion to Welsh laws (Stevenson & Huws, 2012). .

Welsh-laws is used to refer to those set of laws that are passed by the National Assembly for Wales. As mentioned, the National Assembly for Wales received these powers of legislation as a result of the Government of Wales Act of 2006. These legislations include both primary and secondary legislations. The primary legislation in this case refers to Acts of Parliament. On the other hand, secondary legislation refers to those legislations that are made by other branches of government who have been given these legislative powers by an Act (Gazette Newsdesk, 2015). As a matter of definition, each item of these legislations passed by the national assembly is referred to as an Act of Assembly.

In History, the first Act of Assembly to be formally legislated by the National Assembly for Wales was known as the NHS Redress Measure of 2008. However though, Wales has always had its own indigenous laws prior to this time. Historically, these indigenous laws were known as Cyfraith Hywel (The Law of Hywel), first established between 942 and 950. These laws defined the obligations of the King and those of his officials and general laws affecting the country on a diverse range of topics (Pryce, 1993).

Both Acts, 1998 and 2006, provided for devolved responsibilities for the Welsh Assembly. It is over these devolved responsibilities that the National Assembly for Wales legislated with the powers of legislation conferred upon it by the 2006 Act. At times, situations may arise where the national assembly sees need to make laws over areas that it has not received devolved powers. In such cases, the procedure aptly followed by the National Assembly for Wales is to apply for these legislative powers using an order known as the Legislative Competency Order. Another alternative that is within reach of the national assembly to get these legislative powers is via parliamentary bills (Gazette Newsdesk, 2015).

For each of these legislative powers granted through an Order, approval must first be sought for from the Secretary of State for Wales, all the Houses of Parliament and last but not least, Queen in Council. After this final procedural requirement from the queen, this new devolved area where the Welsh Assembly has received legislative powers over is included in Schedule 5, contained in Part 1 of the Government of Wales Act of 2006.

Another important aspect of the milestone Government of Wales Act of 2006 is that it offered a chance for referendums to be conducted so as to decide on whether the assembly could have the competencies for legislation to pass primary laws in all areas covering 20 subject areas without it first seeking the orders of legislative competencies that require that approval of the Queen among others. Recently, in 2011, this position was favored by a referendum that was conducted in Wales on March of that year. On the other hand, if a situation arises where the government of U.K feels need to legislate over any of the devolved areas that the national assembly legislated over, the U.K government would first of all have to move a motion addresses towards the National Assembly for Wales. The determination of this motion, that is , whether the national assembly approves this motion or rejects it, will hold the fate of the intent of the U.K government in the specific devolved area (Stevenson & Huws, 2012).

Among the 20 devolved areas that the Welsh Assembly can pass legislations for include;

* Sports and recreation
* Social welfare
* Tourism
* Country planning
* Food
* Environment
* Culture
* Education and training
* Economic development
* Health and health services

**How does Welsh Law relate to English Law?**

In order to understand the relationship between these two systems of law, an understanding is required of the English law. English law refers to the common law system that rules over England and Wales. It is a legal system that governs these two jurisdictions. It is made up of criminal and civil laws (Stevenson & Huws, 2012).

Unlike Welsh laws, English generally does not have codification. What this means is that English law has no specific place where it has been written down. Usually, it is established by judges, that is, more or less like impromptu laws. Otherwise, they can be made from legal precedents from the cases ruled on before.

Therefore, it can be said that English law still stands to be effective in Wales, the devolution notwithstanding. So, with both English and Welsh laws in place at the same time in Wales, how do the two operate?

Welsh laws are laws relating to the aspects of life relating to Wales. It tends to be specific on the Welsh way of life and as mentioned, it covers the devolved areas. English law on the other hand will relate to aspects considered to be more general in a sense. More critically, it can be viewed that Welsh laws are an extension of U.K parliament laws as they are essentially derived from them. So, English law is still held to be effective in Wales. However, not every other law applicable in England is also applicable in Wales especially some laws relating to the devolved areas.

Some Acts are however recognized as Wales-only laws as contained in the United Kingdom Acts of Parliament. This means that it is only the Welsh Assembly that can make such laws. For example, laws pertaining to Welsh language and contained in an Act of Parliament of the United Kingdom, are held to be applicable only in Wales (Stevenson & Huws, 2012)..

Another important consideration of Welsh law in modern times is that it does not contain any criminal law. This is due to the fact that Wales cannot have a separate jurisdiction from that of the United Kingdom. The judiciary system in Wales and England follow laws encompassing both English and Wales law, as established by the parliament of the United Kingdom.

**Conclusion**

Welsh laws refer to the laws made by the Welsh Assembly. This was as a result of the Government of Wales Act of 2006 that conferred upon the National Assembly of Wales the powers to make laws. Prior to this though, Welsh laws existed indigenously as Cyfraith Hywel (Laws of Hyweth). Today, these laws especially cover the devolved areas that fall under National Assembly of Wales. Both English law and Welsh law are applicable in Wales. However, Welsh law does not contain criminal law as Wales does not have a distinct legal jurisdiction from the United Kingdom.

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