



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol The Constitutional and Legislative Affairs Committee

**Dydd Llun, 14 Mai 2012
Monday, 14 May 2012**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Yr Athro/Professor R. Gwynedd Parry	Athro'r Gyfraith a Hanes Cyfreithiol, Cyfarwyddwr Sefydliad Hywel Dda, Prifysgol Abertawe Professor of Law and Legal History, Director of the Hywel Dda Institute, Swansea University
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Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Steve George	Clerc Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk
Alys Thomas	Ymchwilydd Researcher

Dechreuodd y cyfarfod am 2.28 p.m.
The meeting began at 2.28 p.m.

Ethol Cadeirydd Dros Dro
Election of a Temporary Chair

[1] **Mr George:** Good afternoon. I declare this meeting of the Constitutional and Legislative Affairs Committee open. The committee Chair, David Melding AM, has submitted his apologies for today's meeting. The first item of business is, therefore, the election of a temporary Chair. I invite nominations from committee members for a temporary Chair to be elected under Standing Order No. 17.22.

[2] **Eluned Parrott:** I nominate Simon Thomas.

[3] **Suzy Davies:** I second that nomination.

[4] **Mr George:** I see that there are no other nominations. I therefore declare Simon Thomas elected and invite him to take the Chair.

[5] **Simon Thomas:** Diolch yn fawr **Simon Thomas:** Thank you very much.
iawn.

*Penodwyd Simon Thomas yn Gadeirydd dros dro.
Simon Thomas was appointed temporary Chair.*

2.29 p.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant Introduction, Apologies, Substitutions and Declarations of Interest

[6] **Simon Thomas:** Croesawaf Aelodau, swyddogion ac unrhyw aelodau o'r cyhoedd sy'n gwyllo'r cyfarfod hwn o'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol. Os bydd unrhyw fath o argyfwng, bydd y tywyswyr yn dangos y ffordd i'r allanfa agosaf. Mae offer cyfieithu a chwyddleisio'r sain ar gael; y cyfieithiad sydd ar sianel 1 a'r sain wedi'i chwyddleisio ar sianel 0. Dylech ddiffodd eich ffonau symudol a phob dyfais poced, gan eu bod yn gallu effeithio ar y systemau sain a darlledu. Mae gennym ymddiheuriadau oddi wrth y Cadeirydd a Julie James. Nid oes neb wedi dod yn lle Julie, ond rydym yn gwneud cworwm, fwy neu lai, a gobeithiaf y byddwn yn aros felly am y cyfarfod cyfan.

Simon Thomas: I welcome Members, officials and any members of the public who are watching this meeting of the Constitutional and Legislative Affairs Committee. If there is any kind of emergency, the ushers will indicate the nearest exit. Interpretation and amplification equipment is available; channel 1 is the translation and channel 0 is for sound amplification. You should switch off your mobile phones and every other mobile device, because they can affect the sound and broadcast systems. We have received apologies from the Chair and Julie James. No-one has come as a substitute for Julie, but we are quorate, just about, and I hope that we will remain so for the duration of the meeting.

2.30 p.m.

Offerynnau Nad Ydynt yn Cynnwys Unrhyw Faterion i'w Codi o dan Reolau Sefydlog Rhifau 21.2 neu 21.3 Instruments that Raise No Reporting Issues under Standing Orders Nos. 21.2 or 21.3

[7] **Simon Thomas:** Fe welwch fod gennym CLA138, CLA139, CLA140 a CLA141 o dan y weithdrefn penderfyniadau negyddol. Nid oes unrhyw faterion i'w codi, ond a hoffai Aelodau godi unrhyw beth penodol amdanynt? Gwelaf nad oes pwyntiau i'w codi. Rwy'n sylwi, wrth basio, y bydd yn rhaid imi dalu am barcio yn Aberystwyth o hyn ymlaen, gan fod y rheolau'n newid yng Ngheredigion.

Simon Thomas: You will see that we have CLA138, CLA139, CLA140 and CLA141 under the negative resolution. There are no matters arising, but do Members want to raise any specific issues? I see that they do not. I note, in passing, that I will have to pay to park in Aberystwyth from now on, because the rules are to change in Ceredigion.

**Offerynnau sy'n Cynnwys Materion i'w Codi gyda'r Cynulliad o dan Reolau
Sefydlog Rhifau 21.2 neu 21.3
Instruments that Raise Issues to Be Reported to the Assembly under Standing
Orders Nos. 21.2 or 21.3**

[8] **Simon Thomas:** Dyma'r pwynt lle rydym fel arfer yn trafod offerynnau statudol lle mae materion i'w codi, ond nid oes dim i'w adrodd i'r pwyllgor y tro hwn.

Simon Thomas: This is the point at which we usually discuss statutory instruments where there are matters arising, but there is nothing to report to the committee this time.

2.31 p.m.

**Ymchwiliadau'r Pwyllgor: Ymchwiliad i Sefydlu Awdurdodaeth ar Wahân i
Gymru
Committee Inquiries: Inquiry into the Establishment of a Separate Welsh
Jurisdiction**

[9] **Simon Thomas:** Heddiw, rydym yn croesawu'r Athro Gwynedd Parry. Rydych yn edrych yn bell i ffwrdd; mae'r ford hon yn hir iawn.

Simon Thomas: Today, we welcome Professor Gwynedd Parry. You seem to be very far away; this is a very long table.

[10] Byddwn yn awr yn holi ein tyst, Gwynedd Parry, fel rhan o'r ymchwiliad rydym yn ei gynnal ar hyn o bryd ar awdurdodaeth ar wahân i Gymru. Diolch yn fawr i chi am eich tystiolaeth ysgrifenedig. Rwy'n edrych ymlaen at y llyfr, pan fydd hwnnw'n cael ei gyhoeddi, gan fy mod yn deall mai dyfyniadau neu rannau o'r llyfr yw llawer o'r dystiolaeth rydych wedi ei chyflwyno i ni. Mae'r Aelodau wedi darllen y dystiolaeth, felly ni wnaf ofyn am unrhyw sylwadau agoriadol.

We will now put questions to our witness, Gwynedd Parry, as part of the inquiry that we are currently holding into a separate Welsh jurisdiction. Thank you very much for your written evidence. I look forward to the book's publication, because I understand that much of the evidence that you have provided are excerpts or parts of the book. The Members have read the evidence, so I will not ask for any opening statements.

[11] Dyma'r bedwaredd sesiwn lafar rydym wedi ei chynnal fel rhan o'r ymchwiliad hwn. Fel y byddwch yn cofio, roedd y sesiwn ddiwethaf gydag Ysgol y Gyfraith ym Mangor. Daw'r cwestiynau cyntaf gennyf i, ond hoffwn ddweud yn gyntaf fod gennym dipyn o ffordd i fynd yn y cyfarfod hwn, felly pe bai pawb yn gallu bod mor gryno â phosibl, gan gynnwys yr Aelodau, byddai hynny yn help i ni i gyd.

This is the fourth oral evidence session that we have held as part of this inquiry. As you will recall, the last session was with Bangor Law School. I will start the questions, but I will first say that we have quite a lot of ground to cover in this meeting, so if we could all be as concise as possible, including Members, that would be a great help to us all.

[12] Dechreuaf drwy eich cyfeirio at baragraff 38 yn eich tystiolaeth ac at y crynodeb ar ddechrau eich papur lle rydych yn sôn am yr hyn sydd yn gwneud awdurdodaeth. Rwyf am ddiolch i chi am hynny achos rwy'n meddwl mai dyma'r tro cyntaf i rywun ysgrifennu yn blwmp ac yn blaen beth fyddai awdurdodaeth ar wahân i

I will start referring you to paragraph 38 in your evidence and to the summary at the beginning of your paper where you mention what makes a jurisdiction. Thank you for that, because I think that this is the first time that someone has set out clearly what they think a separate Welsh jurisdiction would mean. You mention a high court in Wales, a

Gymru yn ei olygu. Rydych yn sôn am uchel lys yng Nghymru, llys apêl, barnwriaeth, arglwydd brif ustus a phroffesiwn cyfreithiol ar wahân, ynghyd â rheolaeth gan y Cynulliad dros yr heddlu a'r carchardai yng Nghymru. Buasai rhai yn dadlau mai dim ond un o'r rheini sydd gennym ar hyn o bryd, sef proffesiwn cyfreithiol yng Nghymru. A oes modd dweud bod unrhyw fath o awdurdodaeth ar wahân gan Gymru ar hyn o bryd, felly?

[13] **Yr Athro Parry:** Yr hyn roeddwn yn ceisio ei wneud yn y papur hwn oedd ateb y cwestiwn beth fyddai awdurdodaeth i Gymru. Mae hynny'n bwysig, oherwydd mae perygl wrth athronyddu gormod ynglŷn â'r gair 'awdurdodaeth' a gweld pob math o fwganod a rhyw arwyddocad mawr nad yw'n bodoli, efallai. Y cwestiwn, mewn gwirionedd, yw a yw'r system gyfreithiol yng Nghymru heddiw yn addas ar gyfer anghenion Cymru heddiw, ac os nad yw, beth sydd yn rhaid ei wneud er mwyn datblygu'r system gyfreithiol fel ei bod hi'n addas ac yn briodol. Rwy'n credu—a dyma, rwy'n gobeithio, yw'r neges sy'n cael ei chyfleu yn y papur—mai'r peth mawr yw sefydlu system, gweinyddiaeth neu drefniadaeth ar gyfer gweinyddu cyfiawnder yng Nghymru. Rwyf yn sôn am system sydd yn briodol ar gyfer anghenion pobl Cymru ac a fydd yn cynnig yr hyn mae pob dinesydd ym mhob gwlad yn gofyn amdano, sef remedi cyfreithiol cywir ac atebion cyfreithiol i broblemau gan gyfreithwyr sydd yn deall y gyfraith a chan farnwr sydd yn ddiudedd, yn annibynnol ac yn gymwys. Felly, dyna yw natur y drafodaeth, hyd y gwelaf i.

[14] Y cwestiwn oedd: i ba raddau mae awdurdodaeth yn bod? Os ydym yn edrych ar awdurdodaeth fel system gyfreithiol, gellir dadlau bod elfennau o awdurdodaeth wedi esblygu dros gyfnod o amser. Y peth amlwg, wrth gwrs, yw'r sefydliad hwn—y Cynulliad Cenedlaethol. Mae yng Nghymru bellach sefydliad sy'n creu cyfreithiau ar gyfer Cymru. Mae'r fath beth i gael bellach â chyfreithiau Cymreig. Dyna'r cam cyntaf. Law yn llaw â hynny, fel y gwyddoch, mae datblygiadau eraill wedi digwydd. Mae datganoli wedi digwydd o fewn awdurdodaeth Cymru a Lloegr. Er enghraifft, mae'r Llys Gweinyddol, a sefydlwyd dros

court of appeal, judiciary, lord chief justice and legal profession, along with Assembly control over the police and prisons in Wales. Some would argue that we only have one of those at present, namely a Welsh legal profession. Is it therefore possible to say that there is some kind of separate jurisdiction in Wales at present?

Professor Parry: What I was trying to do in this paper was to answer the question of what a jurisdiction for Wales would mean. That is important, because there is a danger of philosophising too much over the word 'jurisdiction' and seeing all sorts of threats and some huge significance that may not exist. The real question is whether the legal system in Wales today meets the needs of contemporary Wales, and, if it does not, what needs to be done in order to develop that legal system so that it is appropriate. I think—and I hope that this is the message conveyed in the paper—that the important thing is to establish a system, an administration or organisation for the administration of justice in Wales. By that I mean a system that is appropriate for the needs of the people of Wales and one that will provide what every citizen in every nation asks for, namely a correct legal remedy and legal solutions to problems by lawyers who understand the law and by a judge who is unbiased, independent and competent. So, that is the nature of the discussion, as I see it.

The question was: to what extent does a jurisdiction exist? If we look at jurisdiction as a legal system, one could argue that elements of a jurisdiction have evolved over a period of time. The most obvious thing, of course, is this institution—the National Assembly. In Wales, there is now an institution that makes laws for Wales. We now have such a thing as Welsh laws. That is the first step. Coupled with that, as you know, there have been other developments. Devolution has occurred within the jurisdiction of England and Wales. For example, the Administrative Court, which was established over a decade ago, is still evolving as an institution because, only

ddegawd yn ôl, yn sefydliad sy'n dal i esblygu oherwydd, dim ond yn lled ddiweddar, cafwyd swyddfa yng Nghymru i brosesu gwaith y llys hwnnw. Felly, i wireddu holl amcanion sefydlu'r llys hwnnw, cafwyd camau ychwanegol. Felly, mae proses o esblygu yn digwydd yng Nghymru bellach.

[15] **Simon Thomas:** Rwy'n siŵr y byddwn yn trafod agweddau o'r pwnc hwn wrth gwestiynu, ond hoffwn ofyn cwestiwn penodol. Rydych yn sôn am y Senedd hon—oherwydd Senedd ydyw yn awr—yn creu deddfau newydd. Cawsom dystiolaeth gan John Williams o Aberystwyth a oedd yn dadlau bod angen corff digonol o gyfreithiau er mwyn cyfiawnhau awdurdodaeth gyfreithiol ar wahân. A oes digon o gorff ar hyn o bryd, neu a ydych yn rhagweld y bydd gennym ddigon o gorff cyfreithiol yn ystod y Cynulliad hwn? Sut ydych yn gweld hynny, gan eich bod wedi crybwyll hynny fel rhywbeth rydych yn ei weld fel cynsail i awdurdodaeth ar wahân?

[16] **Yr Athro Parry:** Ydy, mae'n un ffactor fawr, sef y ffaith bod gan Gymru gyfreithiau gwahanol i Loegr. Fodd bynnag, nid dyna'r unig ffactor, oherwydd mae gennym hefyd yr egwyddor o ddatganoli—dyna'r gair—datganoli llywodraeth, datganoli deddfu a datganoli prosesau cyfiawnder. Felly, er fy mod yn derbyn bod y ffaith bod Cymru'n datblygu cyfreithiau ar wahân yn ffactor fawr, nid wyf yn credu y dylem ddweud, 'Hyd nes y daw'r pwynt pan fydd gan Gymru gymaint â hynny o gyfreithiau gwahanol, nid oes dadl dros awdurdodaeth'. Dyna yw fy nehongliad i o'r pwynt. Nid wyf yn derbyn hynny. Rhyw fath o gynllunio adweithiol yw hynny, yn fy marn i, o ran anghenion Cymru. Credaf fod angen cynllunio'n rhagweithiol, o flaen llaw; hynny yw, gweld yr angen am sefydliadau cenedlaethol cyfreithiol i gwrdd ag anghenion Cymru yn awr.

[17] **Simon Thomas:** Beth fyddai'r fantais i'r dinesydd o'r cynllunio rhagweithiol rydych newydd ei ddisgrifio?

[18] **Yr Athro Parry:** Ar un olwg, gallwch ddweud na fyddai gwahaniaeth i'r dinesydd, oherwydd, fel y dywedais ar y

relatively recently was an office established in Wales to process the work of that court. Therefore, to achieve the objectives of establishing that tribunal, additional steps were required. Therefore, there is a process of evolution happening in Wales at present.

Simon Thomas: I am sure that we will discuss aspects of this subject in our questions, but I would like to ask a specific question. You mention the Senedd here—because it is now a Senedd—creating new laws. We heard evidence from John Williams from Aberystwyth who argued that there needs to be a sufficient body of law in order to justify a separate legal jurisdiction. Is there a sufficient body of law at present, or do you foresee that we will have a sufficient body of law in this Assembly? How do you see that, given that you have mentioned that as one of the things that you see as a precedent for a separate jurisdiction?

Professor Parry: Yes, it is one major factor, the fact that Wales has laws that are divergent from those in England. However, that is not the only factor, because we also have the principle of devolution—that is the important word—the devolution of government, the devolution of law making and the devolution of judicial processes. So, although I accept that the fact that Wales is developing separate laws is a major factor, I do not think that we should say, 'Until we reach that tipping point when Wales has such and such a number of divergent laws, there is no case to be made for jurisdiction'. That is my interpretation of the point. I do not accept that. That is reactive planning, in my opinion, to the needs of Wales. I believe that it is necessary to plan proactively, in advance; that is, to see the need for national legal institutions to meet the needs of Wales now.

Simon Thomas: What would be the benefit to citizens of the proactive approach that you just described?

Professor Parry: In a sense, you could say that it would not make a difference to the citizen, because, as I said at the outset, the

dechrau, mae'r dinesydd am weld llys barn teg, diduedd, cymwys a chyfreithwyr sy'n deall y gyfraith ac yn ei gweithredu'n briodol. Felly, ar un olwg, ni fydd y dinesydd ar y stryd yn gweld gwahaniaeth, ond mae hynny'n mynd i ddigwydd oherwydd bod y systemau yn eu lle. Y risg ar hyn o bryd yw y byddwn yn parhau fel yr ydym ar hyn o bryd ac yn mynd ling-di-long nes y down i argyfwng a nes y gwelwn broblemau'n codi—hynny yw, bod cyfreithwyr ddim yn gweithredu'r gyfraith yn gywir a bod y llysoedd yn gorfod cywiro camgymeriadau. Dyna'r opsiwn arall: aros nes ein bod yn gweld bod y datblygiad wedi cyrraedd rhyw bwynt arbennig. Fy nadl i yw y byddai'n llawer gwell i gynllunio ymlaen llaw a datblygu'r systemau heb aros i'r camgymeriadau i ddigwydd.

[19] **Simon Thomas:** Mae llawer o'n trafodaethau a'r dystiolaeth rydym wedi ei dderbyn hyd yma wedi edrych ar weinyddu cyfiawnder yng Nghymru. Rydym wedi ystyried gwneud cyfreithiau, fel rydym newydd ei drafod, ond mae hefyd yr ochr arall, sef y system gyfiawnder troseddol. Mae Prif Weinidog Cymru wedi dweud nad yw o reidrwydd yn gweld datganoli'r system honno fel rhan o sefydlu awdurdodaeth ar wahân, er ei fod wedi dweud bod angen edrych ar awdurdodaeth—dyna un o'r rhesymau yr ydym yn cynnal yr ymchwiliad hwn. Ble ydych chi'n gweld datganoli'r system gyfiawnder troseddol yn y datblygiad yr ydych newydd ei amlinellu tuag at awdurdodaeth ar wahân?

[20] **Yr Athro Parry:** Os edrychwn ar y Deyrnas Unedig yn gyffredinol, mae cyfiawnder troseddol wedi'i ddatganoli, i raddau helaeth iawn beth bynnag, i Ogledd Iwerddon a'r Alban.

[21] **Simon Thomas:** Rydych yn dangos hynny'n glir yn eich papur.

[22] **Yr Athro Parry:** Mewn ambell i wladwriaeth, mae cyfiawnder troseddol yn fater ffederal, sef mater gwladwriaethol, megis yng Nghanada. Yng Nghymru, un o'r dadleuon rwy'n ei chlywed, ac rwy'n ceisio'i hailadrodd, yw'r ddadl gyfansoddiadol. Os taw un o'r dadleuon yw creu gwell cysondeb gyfansoddiadol o fewn y Deyrnas Unedig,

citizen wants to see a fair, unbiased and competent court and lawyers who understand the law and implement it appropriately. So, in one sense, the citizen on the street will not see a difference, but that is going to happen because the systems are in place. The risk now is that we will continue as we are at present, ambling along, until we reach a crisis point and see problems arising—that is, that the lawyers are not implementing the law correctly and the courts are having to correct errors made. That is the other option: to wait until we see that the development has reached a certain point. My argument is that it would be much better to plan ahead and develop the systems without waiting for the mistakes to occur.

Simon Thomas: Many of our discussions and the evidence that we have received to date have looked at the administration of justice in Wales. We have considered making laws, as we have just discussed, but there is also another side, namely the criminal justice system. The First Minister has said that he does not necessarily see the devolution of that system as a part of establishing a separate jurisdiction, although he has said that we need to look at jurisdiction—that is one of the reasons why we are holding this inquiry. Where do you see the role of the devolution of the criminal justice system in the development that you have just outlined towards a separate jurisdiction?

Professor Parry: If we look at the United Kingdom as a whole, criminal justice is devolved, to a very great extent, to Northern Ireland and to Scotland.

Simon Thomas: You show that clearly in your paper.

Professor Parry: In some states, criminal justice is a federal matter, namely a state matter, as in Canada. In Wales, one of the arguments that I hear, and try to repeat, is the constitutional argument. If one of the arguments is to provide more constitutional consistency within the UK, it does not make sense to me that Wales has some sort of

nid yw'n gwneud synnwyr i mi bod gan Gymru rhyw fath o system ddeuffordd mewn ffordd, hynny yw bod llysoedd datganoledig—llysoedd yr awdurdodaeth Gymreig—yn delio gyda rhai materion, ac wedyn bod rhyw fríd o lysoedd troseddol. Ni fyddwn yn siŵr beth fyddai'u statws nhw; ai llysoedd Lloegr neu lysoedd y Deyrnas Unedig byddai'r rheini? Nage, gan fod cyfiawnder troseddol, i raddau helaeth, wedi'i ddatganoli. Felly, gwelaf hynny yn ffynhonnell dryswch mawr. Hynny yw, os ydych yn datganoli'r gyfundrefn gyfiawnder, mae'n llawer gwell datganoli'r cwbl yn iawn a chael cyfundrefn sy'n gweithio gyda'i gilydd na'ch bod yn mynd ati mewn rhyw ffordd dameidiog ac yn gwahanu cyfiawnder troseddol oddi wrth waith sifil neu beth bynnag.

[23] **Simon Thomas:** A ydych chi'n gweld hynny fel rhywbeth sy'n digwydd fel pecyn? Er enghraifft, yn eich papur, cyfeiriwch at hanes Gogledd Iwerddon ac, wrth gwrs, roedd yn rhaid creu awdurdodaeth gyfreithiol dros nos bron yn y fan honno. Roedd goblygiadau go arbennig i hynny nad ydym yn eu hwynebu yng Nghymru. Fodd bynnag, rydym wedi derbyn tystiolaeth gan rhai pobl sy'n gweld hwn yn broses degawd efallai, ac eraill sy'n ei weld fel proses llawer cyflymach. Rydych yn awgrymu y byddech am weld hyn yn digwydd yn weddol gyflym ac yn orffenedig, yn hytrach na phroses sy'n cario ymlaen am gyfnod. A yw hynny'n gywir?

[24] **Yr Athro Parry:** Mewn ffordd, efallai mai cwestiwn gwleidyddol yn rhannol yw hwnnw. Fel cyfreithiwr, rwy'n derbyn bod y profiad gwleidyddol yng Ngogledd Iwerddon yn dra gwahanol, ac nid oes unrhyw un yn awgrymu bod y sefyllfa yr un fath yn y fan hon. Fodd bynnag, edrych ar y peth fel cyfreithiwr ydw i. A oedd hi'n bosibl sefydlu strwythurau cyfreithiol yng Ngogledd Iwerddon dros nos, os oedd angen? Yr ateb yw 'oedd', ac mae'r gyfundrefn yng Ngogledd Iwerddon wedi gweithio. Mi weithiodd pan nad oedd gan Gogledd Iwerddon ddeddfwrfa—diddymwyd Senedd Gogledd Iwerddon yn y 1970au cynnar, ond roedd y system gyfreithiol yn parhau. Mae hynny'n bwysig hefyd achos mae'n profi'r pwynt nad oes angen pwyso gormod ar y

duplicate system if you like, that you have some devolved courts—the Welsh jurisdiction courts—dealing with certain matters, and then the criminal courts as some separate breed. I could not be sure as to what their status would be; would they be English courts or UK courts? No, because criminal justice, to a large extent, is devolved. Therefore, I see that as a cause of great confusion. That is, if you devolve the justice system, it is far better to devolve it all and have a system that works holistically rather than going about it in a piecemeal fashion and separating criminal justice from civil work or whatever else.

Simon Thomas: Do you see that as something that happens as part of a package? For example, you refer in your paper to the history of Northern Ireland and, of course, a legal jurisdiction had to be created overnight there almost. That had specific implications that we do not face in Wales. However, we have received evidence from people who see this process spanning a decade perhaps, and others who see it as a much faster process. You suggest that it is something that you want to see happening quite soon and to be complete, rather than a process that carries on over a period of time. Is that correct?

Professor Parry: In a way, that may be, at least partially, a political question. As a lawyer, I accept that the political experience in Northern Ireland is very different, and no-one is suggesting that the situation is the same here. However, I look at this as a lawyer. Was it possible to establish legal structures overnight in Northern Ireland, if necessary? The answer is 'yes', and the system in Northern Ireland has worked. It worked when Northern Ireland did not have a legislature—the Parliament of Northern Ireland was abolished in the early 1970s, but the legal system remained in place. That is also important because it proves the point that you do not need to place too much emphasis on the fact that laws are made here. We are talking about putting a system of

ffaith bod cyfreithiau'n cael eu creu yma. Rydym yn sôn am greu trefniadaeth llysoedd i Gymru, a dyna'r pwyslais.

courts in place for Wales, and that is where the emphasis should lie.

[25] Gallaf weld yr ochr ymarferol o ran datblygu hyn dros amser, ond mewn ffordd byddai'n beth buddiol iawn bod cam bras yn cael ei gymryd yn gynnar, er mwyn cael rhyw fath o gysondeb a threfn ar y gyfundrefn. Fel arall, rydych yn datrys un dryswch ac yn creu un arall—dyna'r perygl.

I can see the practicalities in terms of developing this over time, but, in a way, it would be very beneficial if a major step could be taken at an early stage so that we could have consistency and proper administration. Otherwise, you will be solving one problem and creating another—that is the danger.

[26] **Simon Thomas:** Un o'r camau breision yr ydych wedi eu hamlinellu yn y papur oedd y posibilrwydd y byddai'r Llywodraeth hon yn dod yn gyfrifol am ariannu llysoedd Ei Mawrhydi yn y dyfodol agos. Beth yn union oedd gennych mewn golwg? Ai dyhead oedd hynny, neu a ydych yn gweld hynny fel rhywbeth all ddigwydd fel ffrwyth naturiol y broses o ddatganoli gweinyddiad y gyfraith sy'n digwydd ar hyn o bryd?

Simon Thomas: One of the major steps that you have outlined in your paper is the possibility that this Government may become responsible for the funding of Her Majesty's courts in the near future. What exactly did you have in mind? Is that an aspiration, or do you see that as something that may be a natural by-product of this process of devolving the administration of law, which is currently under way?

[27] **Yr Athro Parry:** Rwy'n credu ei fod yn ffrwyth y broses sydd ar waith. Fodd bynnag, yr oeddwn yn meddwl hefyd os ydym am greu cyfundrefn neu system i Gymru, bod rhaid iddi weithio'n gyflawn. Mae angen cynllunio strategol, er enghraifft, ar gyfer y llysoedd yn Nghymru. Rwy'n teimlo o hyd bod diffyg dealltwriaeth mawr, ymysg sefydliadau sy'n gweithredu ar lefel Cymru a Lloegr, o anghenion Cymru.

Professor Parry: I think it is a by-product of the process that is currently under way. However, I was also thinking that if we are to create a jurisdiction or a system for Wales, it has to work holistically. We need to plan strategically, for example, for the courts in Wales. My feeling still is that there is a great lack of understanding, among institutions that are working on an England and Wales basis, of the needs of Wales.

2.45 p.m.

[28] Mae diffyg gwybodaeth a dealltwriaeth ymysg y proffesiwn cyfreithiol yn gyffredinol ac o fewn academia o ran grymoedd y Cynulliad, cynllunio ac ariannu'r llysoedd a phethau fel argaeledd cyfiawnder yng Nghymru. Mae Cymru'n wlad wahanol; mae diffyg cyfiawnder rhwng yr M4 a'r A55. Beth yw'r atebion creadigol i hynny? Yma mae dod o hyd i atebion i bethau felly. Nid wyf yn sôn am y Cynulliad yn ymyrryd yng ngwaith barnwyr o ddydd i ddydd, wrth gwrs, oherwydd mae sicrhau annibyniaeth y farnwriaeth yn hanfodol mewn democratiaeth—a gwlad ddemocrataidd yw Cymru. Rwy'n sôn am gynllunio o ran adnoddau a datblygu cyfleoedd i'r cyhoedd i gael gafael ar arbenigedd cyfreithiol. Dylid meddwl yn fwy gofalus am rôl y

There is a lack of knowledge and understanding among the legal profession in general and within academia about the powers of the Assembly, the planning and funding of the courts system and such matters as access to justice in Wales. Wales is a different country; there is a justice deficit between the M4 and the A55. What are the creative solutions to that? This is where we should be finding the solutions to such things. I am not talking about the Assembly interfering in the work of judges from day to day, of course, because ensuring the independence of the judiciary is essential in a democracy—and Wales is a democracy. I am talking about planning in terms of resources and developing opportunities for the public to access legal expertise. More careful

prifysgolion, er enghraifft, ac am bartneriaeth rhwng prifysgolion a'r proffesiwn. Rhaid meddwl am bethau felly. I mi, Llywodraeth Cymru a'r Cynulliad hwn yw'r cyrff priodol i drafod y pethau hyn ac i fuddsoddi yn natblygiad y math hwn o ddyfodol.

consideration should be given to the role of universities, for example, and the partnership between universities and the profession. Those kinds of things need to be considered. For me, the Welsh Government and the Assembly are the appropriate bodies to discuss these things and to invest in the development of this kind of future.

[29] **Simon Thomas:** Gwn fod cwestiynau i ddilyn ac rwy'n gobeithio y byddwn yn edrych yn fanylach ar rai agweddau o'r pethau hynny. Un peth a amlinellwyd gennych sydd werth sôn amdano yn awr yw argaeledd y gyfraith a'r diffeithwch cyfreithiol—rhyw *green desert* cyfreithiol. Yn fwy penodol, rydym wedi derbyn tystiolaeth bod achosion yn cael eu cychwyn yng Nghymru, ond nad ydynt yn cael eu clywed na'u gorffen yng Nghymru, oherwydd y tueddiad yw cychwyn y gwaith yma ac wedyn symud i Lundain neu ble bynnag i orffen y gwaith hwnnw. A yw hynny'n adlewyrchiad ar y system bresennol neu o allu'r proffesiwn yng Nghymru?

Simon Thomas: I know that there are questions to follow and I hope that we will look in more detail at some aspects of those things. One thing that you outlined that is worth mentioning now is the availability of justice and the legal desert—a legal 'green desert' of sorts. More specifically, we have heard evidence that cases are being started in Wales, but are not heard or finished in Wales. The tendency is to start the work here and then to move to London or wherever to finish that work. Is that a reflection on the current system or on the ability of the profession in Wales?

[30] **Yr Athro Parry:** Mae dwy elfen yn hyn. Mae problem o ran argaeledd arbenigedd, yn sicr mewn meysydd penodol, felly rhaid edrych y tu hwnt i Gymru ar adegau. Ni fydd y sefyllfa honno'n newid dros nos; bydd yn cymryd amser. Yr hyn sy'n bwysig yw bod yr achos, os yw'n dechrau yng Nghymru, ac os mai mater Cymreig ydyw, yn cael ei glywed yng Nghymru. Rwy'n gofidio am allforio busnes cyfreithiol Cymru. Nid yw hynny'n golygu na fydd yn rhaid i gyfreithwyr o Gymru gystadlu â chyfreithwyr o Loegr, o dan amodau arbennig, am y gwaith hwnnw. Fodd bynnag, mae hynny'n symptom o ddiffygion y drefn unedig fel y mae ar hyn o bryd. Mae elfen o allforio mawr o ran gwaith cyfreithiol.

Professor Parry: There are two elements to this. There is a problem in relation to the availability of expertise, certainly in specific fields, so there is a need to look beyond Wales on occasion. That situation will not change overnight; it will take time. What is important is that a case, if it is commenced in Wales, and if it concerns a Welsh issue, should be heard in Wales. I am concerned about exporting legal business from Wales. That does not mean that Welsh lawyers would not have to compete with lawyers from England under certain circumstances for that work. However, that is symptomatic of the deficiencies of the unified system as it currently exists. There is a great element of exportation happening in terms of legal work.

[31] **Simon Thomas:** Diolch am yr ateb hwnnw. Mae cwestiynau pellach ar rai o'r pethau rydych newydd eu crybwyll oddi wrth Eluned Parrott.

Simon Thomas: Thank you for that reply. There are further questions on some of the things that you have just mentioned from Eluned Parrott.

[32] **Eluned Parrott:** Professor Parry, you describe the situation with regard to the skills level of the legal profession in Wales as a potential barrier. In fact, you describe it as a 'skills crisis', which is a very emotive and strong description. Why do you believe that we have reached this crisis point and how might a Welsh strategy for the legal profession help in turning that around, if it is such a dangerous situation?

[33] **Yr Athro Parry:** Rwy'n gobeithio nad ydym wedi gorbwysleisio'r peth ac wedi rhoi darlun rhy negyddol i chi. Mae llawer o bethau da yn digwydd yng Nghymru ac mae tystiolaeth o lwyddiant a ffyniant mewn ardaloedd penodol yng Nghymru, yn enwedig yma yng Nghaerdydd. Yn 2005, cyhoeddwyd gwaith ymchwil gan gydweithwyr i mi ym Mhrifysgol Abertawe a oedd yn edrych ar lefel ac ystod sgiliau cyfreithiol yng Nghymru. Ymysg casgliadau'r adroddiad hwnnw oedd bod llai o gyfreithwyr yng Nghymru nag yn Lloegr, o ystyried y boblogaeth gymharol. Roeddwn mewn cynhadledd yr wythnos diwethaf, a dysgais mai un arwydd o iechyd y proffesiwn mewn rhan arbennig o'r byd yw'r nifer o gytundebau hyfforddi a gynigir i gyfreithwyr ifanc.

[34] Dim ond 131 sydd ar gael drwy Gymru gyfan, o'i gymharu â rhyw 5,400 drwy Gymru a Lloegr. Pan rydych yn dadansoddi hynny, fe welwch nad oes ond rhyw 3% o gytundebau hyfforddi ar gael yng Nghymru. Petaech yn cyfrifo hynny ar sail canran, byddai disgwyl ichi gael 7%. Ar sail ymchwil a wnaethpwyd gan yr Athro Iwan Davies a'r Athro Lynn Mainwaring, ac ar sail y ffeithiau hyn, mae ardaloedd yng Nghymru—byddaf yn dod yn ôl at hynny—lle mae prinder a lle mae gwasgfa ar yr economi gyfreithiol leol o ran gwaith. Rhan o'r rheswm am hynny yw bod gorddibyniaeth, fel rwy'n sôn amdano yn y papur, ar waith sy'n cael ei gyllido gan y wladwriaeth. Efallai bod gorddibyniaeth ar waith traddodiadol—cyfiawnder troseddol, gwaith teulu ac yn y blaen. Gyda'r diwygiadau sydd wedi digwydd o ran cyllido'r math hwnnw o waith, rydym yn gweld gwasgfa ar y proffesiwn yng Nghymru. Rhaid cael atebion i'r pethau hyn. Rhaid cynllunio, rhaid adfywio'r proffesiwn a rhaid cael trafodaeth. Rwy'n gweld y Llywodraeth, yn naturiol, a'r Cynulliad, yn rhoi'r arweiniad i'r math hwnnw o drafodaeth, yn ei gynnal, yn ei gefnogi ac yn cydweithio gyda'r proffesiwn yng Nghymru er mwyn canfod atebion. Felly, dyna'r neges yr oeddwn yn trio ei gyfleu yn y pwynt hwnnw. I'w gyfleu mewn ffordd arall, mae posibiladau o ran datblygu trefniadaeth Gymreig ac mae hynny'n creu, o bosibl, gyfle i adfywio'r proffesiwn ac i adfywio'r

Professor Parry: I hope that we have not overemphasised the point and given you too negative a picture. There are many positive things happening in Wales and there is evidence of success and prosperity in certain areas of Wales, particularly here in Cardiff. In 2005, research work was published by colleagues of mine at Swansea University that looked at the level and range of legal skills in Wales. Among the conclusions of that report was that, in terms of their comparative populations, there are fewer lawyers in Wales than in England. I was at a conference last week, and I learnt that one symptom of the health of the profession in a particular part of the world is the number of training contracts that are offered to aspiring lawyers.

Only 131 are available throughout Wales, compared with around 5,400 throughout England and Wales. When you analyse that, you will see that there are only around 3% training contracts available in Wales. If you calculate that figure on a percentage basis, you would expect to have 7%. On the basis of research done by Professor Iwan Davies and Professor Lynn Mainwaring, and on the basis of these facts, there are areas in Wales—I will return to that—where there is a shortage and pressure on the local legal economy in terms of work. Part of the reason for that is the over-reliance, as I mention in the paper, on work that is funded by the state. Perhaps there is an over-reliance on traditional work—criminal justice and family work and so on. With the reforms that have taken place in relation to the funding of that kind of work, we are seeing pressures on the profession in Wales. We must find solutions to these things. We need to plan, we need to revitalise the profession and we need to have a debate. I see the Government, naturally, and the Assembly, leading that sort of debate, hosting it and working with the profession in Wales to find solutions. So, that is the message that I was trying to convey in making that point. To put it another way, there are possibilities in terms of developing a Welsh jurisdiction and that, potentially, provides an opportunity to revitalise the legal profession and to stimulate the legal economy in Wales.

economi gyfreithiol yng Nghymru.

[35] **Eluned Parrott:** This is perhaps a chicken-and-egg question. Would you say that there is not a sufficient concentration of work of a specialist nature in Wales to support a diverse legal profession or would you say that it is the fact that there is not a diverse legal profession in Wales that leads to more specialist work leaching over the border?

[36] **Yr Athro Parry:** Mae hynny'n gwestiwn da iawn. Mae'n hawdd imi ddweud bod elfen o'r ddau, ond yr hyn sy'n bwysig yw ceisio atebion. Beth yw'r ateb, felly? Ai'r ateb yw gadael i bethau lusgo ymlaen fel y maent yn y gobaith y bydd rhyw wyrth yn digwydd? Ni wn beth yw'r ateb i hynny. Nid wyf yn credu bod gan y proffesiwn ar lefel Cymru a Lloegr ddigon o ddiddordeb yn yr hyn sy'n digwydd yng Nghymru, imi fod yn onest. Dyna yw fy nheimlad. Os ydym yn dweud y byddwn yn cymryd y mater i'n dwylo ein hunain, yn cynllunio ein dyfodol ein hunain ac yn trafod gyda'r prifysgolion sut mae gwella sgiliau a sut mae hybu ystod ehangach o arbenigedd, rwy'n gweld yr ateb yn y cynllunio Cymreig hwnnw, yn hytrach na gadael i bethau fod fel y maent. Nid oes rhaid i bethau fod fel y maent, yn fy marn i. Mae adnoddau yng Nghymru, mae dawn ac mae digon o bobl alluog, ond mae angen cynllunio ac mae angen meddwl am sut mae adfywio'r proffesiwn yng Nghymru.

Professor Parry: That is a very good question. It is easy for me to say that there are elements of both, but what is important is that we seek answers. So, what is the answer? Is it the answer that we should allow things to drag on as they are in the hope that some miracle will occur? I do not know what the answer is to that. I do not think that the profession on an England-and-Wales level has sufficient interest in what is happening in Wales, to be honest. That is my feeling. If we are saying that we are going to take the matter into our own hands, plan our own future and discuss with the universities how to improve skills and how to promote a wider range of expertise, I see the solution in that Welsh planning, rather than letting things drag on as they are. Things do not have to be as they are, in my opinion. There are resources in Wales, and talent and plenty of able people, but we need to plan and think about how we can revitalise the profession in Wales.

[37] **Eluned Parrott:** What kind of leadership role do you envisage for the Welsh Government in leading the development of the legal profession here?

[38] **Yr Athro Parry:** Os ydym yn sôn am y proffesiwn cyfreithiol fel cyfrannwr i'r economi ac fel elfen o'r economi, rwy'n gweld y Llywodraeth fel un o yrwy'r yr economi gyfreithiol yng Nghymru, y corff sy'n medru cynllunio, datblygu, a hyrwyddo'r economi gyfreithiol yng Nghymru, mewn partneriaeth â'r proffesiwn a'r asiantaethau priodol. Mae arwyddion wedi bod dros y blynyddoedd bod y Llywodraeth eisiau cynorthwyo'r proffesiwn lleol. Er enghraifft, crëwyd paneli cwnsleriaid arbenigol i gynghori'r Llywodraeth. Felly, mae ymwybyddiaeth o ddyletswydd y Llywodraeth yng Nghymru i gefnogi'r proffesiwn yng Nghymru ac i sicrhau ei ddatblygiad.

Professor Parry: If we are talking about the legal profession as a contributor to the economy and as part of the economy, I see the Government as one of the drivers of the Welsh legal economy, the body that can plan, develop, and promote the legal economy of Wales, in partnership with the profession and the appropriate agencies. There have been signs over the years that the Government wants to assist the profession at a local level. For example, specialist counsel panels were created to advise the Government. So, there is an awareness of the duty of the Government in Wales in supporting the profession in Wales and ensuring its development.

[39] **Simon Thomas:** Rwyf am ofyn cwestiwn penodol am y Cwnsler Cyffredinol. A ydych yn gweld rôl i'r swydd arbennig

Simon Thomas: I want to ask a specific question about the Counsel General. Do you see a role for that particular office in leading

honno o ran arwain y drafodaeth rydych wedi sôn amdani?

the discussion that you have mentioned?

[40] **Yr Athro Parry:** Rwy'n credu bod gan y Cwnsler Cyffredinol rôl cyfansoddiadol pwysig. Mae cyfle i'r person sy'n dal y swydd honno i fod yn arweinydd o ran y datblygiad hwn ac i fod yn eiriolwr dros hybu'r proffesiwn yng Nghymru mewn ffordd eithaf blaengar—mewn ffordd na fyddai barnwr, er enghraifft, yn gallu gwneud, oherwydd ymarferydd yw'r Cwnsler Cyffredinol.

Professor Parry: I believe that the Counsel General has an important constitutional role. There is an opportunity for the person who holds that office to be a leader in terms of this development and to be an advocate for the promotion of the profession in Wales in an innovative way—in a way that a judge, for example, could not, because the Counsel General is a practitioner.

[41] **Suzu Davies:** To refer back to one of your earlier answers, you made the point that if you had a geographically confined Welsh profession, it would encourage specialism, and everyone throughout the system would know what they were doing. The Law Society told us that the civil procedure rules could include a practice direction saying that Welsh matters should be heard in Wales. Beyond what you have just said about specialism, can you think about any advantages to that, and whether you think that it is practicable? Should we be talking about a presumption that Welsh cases should be heard in Wales or should that be absolute?

[42] **Yr Athro Parry:** Os yw achosion yn cael eu clywed yng Nghymru, mae'n cryfhau'r egwyddor gyffredinol o ddatganoli—hynny yw, bod achosion Cymru'n cael eu clywed yng Nghymru. Mae gan hynny fanteision i'r cyhoedd, wrth gwrs, a'r partïon y mae'r achosion yn effeithio arnynt. Dyna un rhinwedd o gael rheol bendant. Fel rwyf wedi dweud, nid yw hynny'n golygu mai dim ond cyfreithwyr Cymru fyddai'n medru gwneud y gwaith. Byddai'n rhaid i eraill ddod i Gymru i wneud y gwaith, ond dyna ni: mae'n rhaid i gyfreithwyr o Loegr fynd i'r Alban os ydynt am wneud gwaith sy'n deillio o'r fan honno, ac mae'r un peth yn wir o ran Gogledd Iwerddon. Nid wyf yn gweld bod hynny'n broblem. Os yw'r gwaith yn werth ei wneud, bydd cyfreithwyr yn sicrhau eu bod ar gael a byddant yn fodlon teithio i gael y gwaith. Mae digon o gystadleuaeth am waith, felly nid wyf yn gweld unrhyw broblem. Wrth gwrs, nid rheolau caled yw'r canllawiau ymarfer hyn—cyfarwyddiadau ydynt. Nid wyf yn hollol siŵr pa un a fuasent yn ddigon cryf pe bai rhyw achos yn ffeindio ei hun dros y ffin—ni fyddaf yn esgus fy mod yn gwybod yr ateb i hynny. Fodd bynnag, o ran yr egwyddor sydd y tu ôl yr awgrym hwn, fy ymateb i fyddai: pa ddiben cael llys gweinyddol yng Nghymru os bydd yr achos gweinyddol yn cael ei glywed yn rhywle

Professor Parry: If cases are heard in Wales, it strengthens the general principle of devolution—that is, that Welsh cases should be heard in Wales. That has its advantages for the public, of course, and the parties affected by the cases. That is one virtue of having a specific rule in place. As I have said, that does not mean that only Welsh lawyers could undertake the work. Others would have to come to Wales to do the work, but so be it: English lawyers must go to Scotland if they wish to undertake work that emanates from there, and the same is true in terms of Northern Ireland. I do not think that that is a problem. If the work is worth doing, lawyers will ensure that they are available and will be willing to travel to undertake that work. There is plenty of competition for work, so I do not see there being any problems. Of course, these practice directions are not hard-and-fast rules—they are guidance. I am not sure whether they would be robust enough were a case to find itself over the border—I will not pretend that I know the answer to that. However, as regards the principle behind the suggestion, my response would be: what is the point in having an administrative court in Wales if the administrative case is heard elsewhere?

arall?

[43] **Suzy Davies:** That is the Administrative Court, but to go back to the day-to-day, bread-and-butter things you were talking about, such probate cases and family cases—I hesitate to refer to the latter, because there is a devolved element to that—there is a suggestion here is that the real issue is capacity, and that we do not have enough courts across the four parts of the UK. Is there merit in that argument? Do we simply not have enough people to deal with the cases at home, as opposed to not dealing with the cases because they are Welsh? Do you see the distinction that I am trying to make?

[44] **Yr Athro Parry:** Nid wyf yn hollol siŵr beth fyddai'r ateb. Os ydych yn cyfeirio at allforio achosion sy'n tarddu o Gymru—hynny yw, y ffeithiau a'r amgylchiadau a ddaeth â'r achos i fodolaeth—ni allaf weld beth yw'r fantais. Gallaf ddeall hyn o safbwynt gogledd Cymru: yn hanesyddol mae gan Gaer statws arbennig o ran ei pherthynas â'r gogledd. Mae achosion o ogledd Cymru wedi cael eu clywed yng Nghaer ar hyd y blynyddoedd. Efallai fod angen ystyried beth yn union fyddai'r berthynas mewn sefyllfaoedd arbennig. Nid wyf yn gwadu hynny. Fodd bynnag, o ran cadw achosion yng Nghymru, rwy'n credu ei bod yn egwyddor fyddai'n hybu cyfreithwyr Cymru yn hytrach na achosi anhawster iddynt.

Professor Parry: I am not entirely sure what the answer would be. If you are referring to exporting cases that emanate from Wales—that is, as regards the facts and circumstances that gave rise to the case—I cannot see what the advantage would be. I can understand this in relation to north Wales: historically, Chester has a special status as regards its relationship with north Wales. Cases from north Wales have been heard in Chester for many years. Perhaps we need to consider what exactly the relationship would be in particular situations. I do not deny that. However, in terms of retaining cases in Wales, I believe that it is a principle that would further Welsh lawyers, rather than causing them difficulties.

[45] **Suzy Davies:** Thank you. I will move on to a question about the law commission. We have had quite a lot of evidence about the need for a new, separate law reform commission. What are your views on that? Also, do you see any such commission giving rise to so many suggestions for reforms of the law that it will be responsible—pretty much in the same way as the Counsel General in terms of the conversation that we had earlier—for making this place responsible for creating a great mass of new law, beyond administrative law?

3.00 p.m.

[46] **Yr Athro Parry:** Credaf ei bod yn bwysig iawn beth bynnag yw'r gyfraith sy'n cael ei chreu, ac, wrth gwrs, mae cyfreithiau primaidd neu gyfreithiau sylfaenol yn cael eu creu yma bellach. Mae hynny wedi newid natur y gêm, felly, o ran gwaith y sefydliad hwn. Credaf y dylai unrhyw gyfreithiau yn enwedig, efallai, cyfreithiau sydd ag effaith pellgyrhaeddol, gael eu hystyried yn ofalus ac y dylai fod corff megis y comisiwn cyfraith yng Nghymru i ystyried goblygiadau unrhyw newid i'r gyfraith neu, wrth gwrs, awgrymu newid i'r gyfraith fel bo angen. Credaf y byddai corff o'r fath yn cefnogi gwaith y Cynulliad gan wneud yn sicr bod unrhyw ddiwygio cyfreithiol yn seiliedig ar dystiolaeth ac ymchwil y byddai'r comisiwn

Professor Parry: I think that it is very important whatever law is made, and, of course, primary legislation is made here now. That has changed the nature of the game, therefore, in terms of the work of this institution. I believe that any laws, particularly, perhaps, ones that have a far-reaching impact, should be considered very carefully and a body such as the law commission in Wales should consider any change to the law or, of course, suggest changes to the law as required. I believe that such a body would support the Assembly's work by ensuring that any change to the law is based on evidence and research that the commission would promote and lead.

yn ei hyrwyddo a'i arwain.

[47] Hefyd, hoffwn wneud y pwynt fod gan Ogledd Iwerddon ei chomisiwn cyfreithiol ei hun, o'r diwedd, i fod yn gyson gyda'r Alban a Chymru a Lloegr. Mae'r comisiwn hwnnw, yn sicr, yn cyfoethogi'r broses deddfu yng Ngogledd Iwerddon. Dyna mae'n ei roi. Mae'n ychwanegu at ansawdd y deddfu a'r holl broses. Felly, rwyf o blaid comisiwn diwygio'r gyfraith i Gymru.

Also, I would make the point that Northern Ireland has its own law commission, at last, in line with Scotland and Wales and England. That commission, certainly, enriches the legislative process in Northern Ireland. That is what it does. It adds to the quality of legislation and of the process as a whole. Therefore, I am in favour of a law reform commission for Wales.

[48] **Suzy Davies:** In terms of monitoring quality and preserving and supporting good law-making, that is not the same as saying that it is foreseeable that it would suggest to this place new streams of law that we should be considering or new competences, even, for this place. Would you envisage a Wales-only law commission doing that as well?

[49] **Yr Athro Parry:** Mae hynny'n dibynnu ar ddymuniad y Cynulliad, mewn ffordd, o ran yr hyn hoffech iddo'i wneud. Gallai'r gwaith fod ynghylch ceisio gwneud synnwyr o'r gwahaniaethau rhwng Lloegr a Chymru, oherwydd un o'r problemau mawr yn awr yw gwybod ble mae'r gyfraith yr un fath yng Nghymru a Lloegr a ble mae'n gwahaniaethu. Ble mae'r *points of departure*? A yw rheini yn bethau da? A oes angen diwygio'r gyfraith yng Nghymru i gadw i fyny gydag datblygiadau yn Lloegr? Mae pethau fel hynny i'w hystyried. Mae sawl rôl y gallai comisiwn o'r fath gyflawni i sicrhau bod y gyfraith yng Nghymru yn addas ac yn cwrdd ag anghenion cymdeithasol ac yn y blaen. Felly, gwelaf sawl rôl i gomisiwn o'r fath.

Professor Parry: That depends on the Assembly's wishes, in a way, in terms of what you would like it to do. The work could be to do with making sense of the differences between Wales and England, because one of the big problems now is knowing where the law is the same in Wales and England and where it differs. What are the points of departure? Are those good things? Is there a need to reform the law in Wales to keep up with developments in England? There are things like that to be considered. There are several roles that such a commission could fulfil to ensure that the law is appropriate and meets social needs and so forth. Therefore, I see several roles for such a commission.

[50] **Suzy Davies:** Of course, it does not have to look like the current England-and-Wales commission, does it? That was the evidence of Professor John Williams. Where would be the best place to draw on expertise for a Wales-only reform commission?

[51] **Yr Athro Parry:** Eto, nid wyf yn siŵr fan hyn, oherwydd yn Lloegr yr hyn sydd gennych yw trawstoriad o arbenigedd. Os cofiaf yn iawn, mae gennych farnwr llys apêl, Syr James Munby, yn gadeirydd ar y comisiwn, ac mae gennych ymarferwyr cyfreithiol ac academyddion cyfreithiol ar y comisiwn. Mae'r union yr un fath yng Ngogledd Iwerddon. Yr unig wahaniaeth yw eu bod yn rhan amser yng Ngogledd Iwerddon, oherwydd, fel oeddech yn ei awgrymu gynnu, efallai nad oes digon o waith i gyfiawnhau cyflogi pum cyfreithiwr llawn amser. Efallai nad oes angen hynny yng Nghymru chwaith. Felly, byddwn i'n

Professor Parry: Once again, I am not sure here, because what you have in England is a cross-section of expertise. If I remember rightly, you have an appeal court judge, Sir James Munby, as chair of the commission, and you have legal practitioners and academics on the commission. It is exactly the same in Northern Ireland. The only difference is that they are part-time in Northern Ireland, because, as you suggested earlier, there is perhaps not enough work to justify employing five full-time lawyers. Perhaps there is no need for that in Wales either. Therefore, I would say that Northern Ireland, again, provides the most appropriate

dweud mai Gogledd Iwerddon eto sy'n cynnig y model ac rhan amser y byddai comisiynwyr yng Nghymru yn gweithredu.

model and that commissioners in Wales would operate part time.

[52] Er hyn, ni fuaswn am weld dim ond academyddion neu dim ond barnwyr ar gomisiwn yng Nghymru. Mae cydbwysedd yn rhinwedd ac yn dod â'r holl safbwyntiau gwahanol, o ran profiad a dealltwriaeth ddwfn o faes arbennig. Byddai aelodau'r comisiwn, petai'n bosibl, yn cael eu penodi am dymor penodedig. Petai'n bosibl, efallai byddai'r Cynulliad yn ystyried o flaen llaw'r meysydd y byddai am i'r comisiwn edrych arnynt, ac wedyn yn dewis a dethol y comisiynwyr, os yn bosibl, ar sail rhywfaint o arbenigedd yn y meysydd hynny. Felly, byddai'r academyddion yn adlewyrchu y meysydd hynny y mae angen edrych arnynt. Mae modd cynllunio felly hefyd.

However, I would not want to see only academics or only judges on a commission in Wales. Balance is a virtue and it brings all the different perspectives, in terms of experience and understanding of a particular field in depth. Commission members would, if possible, be appointed for a designated term. If it were possible, perhaps the Assembly would consider in advance the areas that it would want the commission to look at, and then select the commissioners, if possible, on the basis of expertise in those areas. Therefore, the academics would reflect those areas that need to be looked at. You could plan in that way.

[53] **Suzy Davies:** Thank you for that. I would like to take you back briefly to the beginning of the legal profession, that is, law students. Where do most of the law students in Wales come from? Do they come from Wales? Perhaps you can talk only about your own institution.

[54] **Yr Athro Parry:** Gwneuthum ychydig o waith ar hyn cyn dod yma gan fy mod yn gobeithio rhoi ychydig o ffeithiau caled i chi o ran hynny. Ni fedraf ddweud y byddaf yn ateb ar ran ysgolion eraill Cymru ag unrhyw fanylder, ond o ran Ysgol y Gyfraith Abertawe, fel hyn y mae hi eleni: mae 35% o'r myfyrwyr yn dod o Gymru—mae eu cartref yma. Hynny yw, o 1,122 o fyfyrwyr, rydych yn sôn am ychydig o dan 400 o Gymru, a hynny ar draws yr holl raglenni—israddedigion a'r rhai sydd ar gyrsiau Meistr, ond mae'r mwyafrif ar y cwrs gradd LLB. Felly, mae 35% o Gymru, mae 25% o Loegr, sef rhyw 275 o fyfyrwyr, ac mae 35% o dramor, o'r tu allan i'r Undeb Ewropeaidd—a'r ddwy wlad amlycaf a gynrychiolir yn Abertawe yw Tsieina gyda 187 o fyfyrwyr, a Nigeria gyda 69. Yna, 5% yn unig sydd o'r Undeb Ewropeaidd y tu allan i Loegr a Chymru. Prin neb o'r Alban sydd gennym yn Abertawe, a rhyw un bach o Ogledd Iwerddon. Dyna ddemograffeg Ysgol y Gyfraith yn Abertawe. Mae tair prif etholaeth: Cymru, Lloegr, a'r rhyngwladol, sydd fwy neu lai yn cyfrif am draean yr un.

Professor Parry: I did a bit of work on this before coming here as I was hoping to give you a few hard facts on that. I cannot say that I can respond on behalf of Wales's other law schools in any detail, but this is how it is at Swansea School of Law this year: 35% of students come from Wales—that is, they are Welsh domiciled. Of 1,122 students, you are talking about just under 400 from Wales, and that is across all programmes—undergraduates and those studying for a Masters, although the majority are on the LLB degree course. So, 35% come from Wales, 25% come from England, which is 275 students, and 35% come from abroad, but outside the European Union—and the two most prominent nations represented in Swansea are China with 187 students, and Nigeria with 69. After that, only 5% come from the European Union outside England and Wales. We have hardly anybody from Scotland at Swansea, and only one from Northern Ireland. That is the demography of Swansea's School of Law. There are three main constituencies: Wales, England and the international, each of which accounts for roughly a third.

[55] **Suzy Davies:** So, the chances of the majority of them having any idea of a separate

Welsh element to what they might learn in the future must be quite small, then. What about those from Wales? Are they aware of the separate Welsh element, particularly if they are on administrative law courses?

[56] **Yr Athro Parry:** Credaf fod yr elfen Gymreig yn datblygu fwyfwy, yn sicr ar y lefel israddedig. Soniasoch am y gyfraith gyhoeddus. Nid wyf yn dysgu'r pwnc hwnnw, felly ni allaf siarad ag awdurdod, ond mae datganoli yn y Deyrnas Unedig yn ffurfio rhan bwysig o'r cwrs craidd. Ond mae hefyd nifer o gyrsiau opsiynol ar gael sy'n cynnwys ystyriaeth o ddatganoli o wahanol safbwyntiau. Er enghraifft, rwy'n dysgu cwrs hanes cyfraith Cymru, sy'n edrych ar y cefndir hanesyddol yn bennaf. Mae hefyd yn edrych ar y sefyllfa yng Nghymru heddiw o ran datganoli a dyfodol datganoli yma. Mae cydweithiwr i mi sy'n cynnig elfennau Gymreig i bwnc cyfraith plant sydd wedi rhoi tystiolaeth yma yn y gorffennol. Mae modd gwneud traethawd estynedig ar bwnc sy'n ymwneud â datganoli fel rhan o'r radd.

Professor Parry: I believe that the Welsh element is developing more and more, particularly at undergraduate level. You mentioned public law. I do not teach that subject, so I cannot talk about it with any authority, but devolution in the United Kingdom forms an important core part of the course. However, several optional courses are also available that take account of devolution from various perspectives. For example, I teach the legal history of Wales course, which looks mainly at the historical context. It also considers the position of devolution in Wales today and the future of devolution here. A colleague of mine who has given evidence here in the past offers Welsh elements to the subject of child law. It is also possible to submit a dissertation on a subject relating to devolution as part of the degree course.

[57] Nid wyf wedi sôn am hyn eto, ond rhaid cofio am astudiaethau cyfrwng Cymraeg, sydd ychydig yn wahanol. Mae modd gwneud nifer o bynciau bellach drwy gyfrwng y Gymraeg, er enghraifft, cyfraith contract neu gyfraith camweddau. Efallai nad oes elfen Gymreig iddynt, ond mae cyfle i'w hastudio drwy gyfrwng y Gymraeg. Felly, mae honno'n elfen arall sy'n rhoi naws Gymreig i waith yr adran.

I have not touched on this yet, but one must also bear in mind Welsh-medium studies, which are slightly different. It is now possible to study a number of subjects through the medium of Welsh, such as contract law or torts. They may not have a Welsh element, but it is possible to study them through the medium of Welsh. So, that is another element that adds a Welsh ethos to the work of the department.

[58] **Suzy Davies:** On that second one, do you think that demand is growing?

[59] **Yr Athro Parry:** Cefais fraw o weld bod gennym fymryn o dan 60 o fyfyrwyr yn honni eu bod yn rhugl yn y Gymraeg yn Ysgol y Gyfraith yn Abertawe, achos, na, nid yw'r galw wedi bod yn gryf hyd yn hyn, ond mae'r farchnad a'r potensial yno i ddatblygu pethau, rwy'n credu. Mae'r adran yn Abertawe wedi bod yn cydweithio â'r Coleg Cymraeg Cenedlaethol, a gobeithiaf y medrwn hybu'r galw am gyrsiau cyfrwng Cymraeg. Felly, rwy'n rhagweld y bydd yn tyfu yn y dyfodol.

Professor Parry: I was shocked to see that we had just fewer than 60 students claiming that they were fluent in Welsh at Swansea, Law School, because, no, the demand has not been great so far, but there is the market for it and the potential to develop things further, I believe. The department at Swansea has been collaborating with the Coleg Cymraeg Cenedlaethol, and I hope that we can promote greater demand for Welsh-medium courses. So, I anticipate that growing in the future.

[60] **Suzy Davies:** So, in the two parts, you can see courses in Wales changing quite considerably over the next couple of decades, or however long, in a way that they will not be doing in England.

[61] **Yr Athro Parry:** Rwy'n gobeithio y bydd hwn y gyfle i ysgolion cyfraith Cymru. Mae pobl yn gofyn imi weithiau a fyddai datblygu'r elfen Gymreig yn ormodol yn anneniadol i fyfyrwyr o Loegr neu fyfyrwyr rhyngwladol. Yr ateb i hynny fyddai creu rhywbeth gwahanol yng Nghymru, rhywbeth nad yw'n blwyfol ond sy'n edrych yn allanol drwy'r adeg. Yn hytrach na dysgu cyfraith trosedd Lloegr, byddech yn dysgu cyfraith trosedd Cymru a Lloegr, gan edrych allan efallai ymhellach na hynny hefyd, a datblygu diwylliant o astudiaethau mwy cymharol. Dyna beth sydd ei angen ar gyfreithwyr Cymru—a Lloegr, os meiddiaf ddweud. Dyma'r cyfle i ni yng Nghymru arbenigo ar gyfreithiau'r ddwy awdurdodaeth—os daw hi i hynny. Ni ddylid dweud mai cyfreithiau Cymru yn unig fydd ar gael yn ysgolion cyfraith Cymru. Byddai hynny'n gam gwag. Rhaid i ysgolion cyfraith heddiw fod yn llawer mwy hyblyg a mentrus. Mae angen yr hyblygrwydd hynny.

[62] **Suzy Davies:** A phragmatig.

[63] **Yr Athro Parry:** Mae angen bod yn bragmatig, hefyd, wrth gwrs. Mae'n cyfoethogi'r profiad addysgiadol i'r myfyriwr. Rhaid cofio bod sgiliau cyfreithiol yn teithio'n dda. Hyd yn oed os yw'r cynnwys yn wahanol, bydd y sgiliau sylfaenol o fedru ymresymu, dehongli a dadlau o werth mewn unrhyw awdurdodaeth. Rhaid peidio ag anghofio hynny. Mae'r cynnwys neu'r wybodaeth yn elfen bwysig, ond mae llawn mor bwysig bod cyfreithiwr, os nad yw'n gwybod yr ateb, yn gwybod sut mae mynd ati i chwilio am yr ateb a'i ddehongli mewn ffordd gyfreithiol gywir.

[64] **Simon Thomas:** I orffen ar y pwynt hwn, roeddech yn sôn yn gynt am y diffyg gwybodaeth sydd y tu allan i Gymru am natur y gyfraith sy'n datblygu yng Nghymru. Roeddech yn sôn am y ffordd yr ydych, yn yr ysgol yn Abertawe, yn trwytho pobl yn y sgiliau, o leiaf. Ni fedrwn aros i genhedlaeth newydd ddod drwy'r ysgolion cyfraith; mae angen i'r holl broffesiwn fod yn fwy ymwybodol o natur lled-ffederal cyfraith ynnysoedd Prydain. Ble ydych yn gweld y gwaith hwnnw'n cael ei wneud? A oes angen i'r proffesiwn ei hun godi mwy o ymwybyddiaeth o'r ffaith bod y gyfraith yn

Professor Parry: I hope that this will be an opportunity for the law schools of Wales. People sometimes ask me whether developing the Welsh element to too great an extent would make it unattractive to students from England or international students. The solution would be to create something different in Wales, something that is not parochial but is always looking outwards. Rather than teaching English criminal law, you would teach the criminal law of England and Wales, and maybe look further afield, too, thereby developing a culture of more comparative studies. That is what lawyers in Wales need—and those in England, dare I say it. This is an opportunity for us in Wales to develop expertise in the laws of both jurisdictions—if it comes to that. It should not be said that only the laws of Wales will be studied at law schools in Wales. That would be a mistake. Law schools today must be much more flexible and bold. We need that flexibility.

Suzy Davies: And pragmatic.

Professor Parry: We also need to be pragmatic, of course. It enriches the educational experience for the student. We must also bear in mind that legal skills are good transferable skills. Even if the content is different, the basic skills of being able to reason, interpret and debate will be valuable in any jurisdiction. We must not lose sight of that. The content or information is one important element, but it is just as important for a lawyer, if he or she does not know the answer, to know how to seek out the answer and how to interpret it correctly in a proper legal manner.

Simon Thomas: To conclude on this point, you mentioned earlier the lack of information there is outside Wales about the nature of the laws that are developing in Wales. You mentioned how, at the law school in Swansea, you are giving people a good grounding in the skills, at least. We cannot wait for a new generation to come through the law schools; the whole profession has to be more aware of the quasi-federal nature of the laws of the British isles. Where do you see that work being done? Does the profession itself need to do more awareness raising of the fact that the law is developing

datblygu yn wahanol yng Nghymru?

[65] **Yr Athro Parry:** Oes. Os ydyw i weithio, rhaid iddo weithio ar sail partneriaeth rhwng y gwahanol etholaethau o fewn y gymuned gyfreithiol: yr academia, y fainc, proffesiwn y bar a'r cyfreithwyr. Nid gwaith ar gyfer un gangen yw hwn. Rwy'n derbyn hynny. Mae angen cydweithio. O ran addysg gyfreithiol, y gwir plaen amdani yw bod ysgolion cyfraith Cymru ar hyn o bryd yn gweithio ar wahân, i raddau helaeth. Wrth gwrs, mae elfen o reoleiddio cyffredin gan Gymdeithas y Cyfreithwyr a Chyngor y Bar, ond, at ei gilydd, maent yn sefydliadau annibynnol sy'n gwneud eu peth eu hunain. Nid oes ysbryd cenedlaethol. Nid oes syniad o fod yn ysgol gyfraith Gymreig ar hyn o bryd. Mae hynny'n effeithio rywfaint ar gynllunio o fewn yr ysgolion a'u hagwedd at y ffaith eu bod yng Nghymru. A oes y fath beth ag ysgolheictod cyfraith Gymreig bellach? Derbyniaf y dylai gynnwys elfennau rhyngwladol cymharol, ond a oes angen datblygu rhyw fath o strwythur cynhenid?

[66] I fynd yn ôl at gynllunio a rheoli, dyna beth yw'r Coleg Cymraeg Cenedlaethol. Crëwyd y coleg am nad oedd sefydliadau unigol, am nifer o resymau cymhleth a hanesyddol, yn cynllunio'n iawn ar gyfer addysg cyfrwng Cymraeg mewn prifysgolion. Ymyrrodd Llywodraeth Cymru drwy greu sefydliad cenedlaethol i'w chynllunio a'i hybu.

[67] Teimlaf fod angen yr ymyrraeth honno. Dyna pam, yn fy mhapur, rwy'n sôn am sefydlu cyngor addysg gyfreithiol i Gymru a fyddai'n cynnwys yr holl bartneriaid, barnwyr ac ati, i greu cynllun a fframwaith cydweithio mwy ffurfiol na'r hyn sy'n bodoli ar y funud. Mae angen strwythurau cenedlaethol ar Gymru—ac rydym yn dychwelyd at y thema honno dro ar ôl tro—i greu patrwm gwahanol sy'n addas i anghenion Cymru.

3.15 p.m.

[68] **Eluned Parrott:** I want to return for a minute to the domicile information that you gave on the student figures at Swansea University School of Law. Looking at the figures for Northern Ireland and Scotland, it could be construed as there being a barrier for students from those jurisdictions coming to Wales to study law. People could say that that barrier is that people do not want to study English and Welsh law. Could you provide the committee with

differently in Wales?

Professor Parry: Yes. If this is to work, it has to work on the basis of a partnership between the various constituencies within the legal community: the academia, the bench, the bar, and solicitors. This is not work for one branch only. I accept that. We need to work together. In respect of legal education, the plain truth is that the law schools in Wales are, to a large extent, working separately at the moment. Of course, there is an element of common regulation by the Law Society and the Bar Council, but, for the most part, they are independent institutions doing their own thing. There is no national esprit de corps. There is no sense of being a Welsh law school at present. That has some impact on planning within schools and on their attitude to the fact that they are in Wales. Is there such a thing as Welsh legal academia now? I accept that it should include some international comparative elements, but is there a need to develop some kind of indigenous structure?

To return to planning and management, that is what the Coleg Cymraeg Cenedlaethol is about. The college was created because individual institutions, for various complex and historical reasons, did not plan properly for Welsh-medium education in universities. The Welsh Government intervened by creating a national institution to plan and promote it.

I feel that we need that intervention. That is why, in my paper, I talk about establishing a council of legal education for Wales that would include all partners, judges and so on, to create a more formal plan and framework for collaboration than currently exists. We need national structures in Wales—and we return to this theme time and again—to create a divergent model that would be appropriate to the needs of Wales.

information on recruitment from Northern Ireland and Scotland across the disciplines in Swansea University, because, from my experience of student recruitment elsewhere professionally, that is roughly the number that you get across all disciplines?

[69] **Yr Athro Parry:** Nid oes gennyf y wybodaeth honno, ond gallwn gael gafael arni a'i rhannu gyda chi. Mae'ch pwynt yn ddiddorol. Mae awdurdodaethau gwahanol yn ffactor, ond os edrychwch ar waith ysgolion cyfraith yr Alban ac Ysgol y Gyfraith ym Mhrifysgol Queen's Belfast, gwelwch ei fod o safon uchel iawn. Maent yn brifysgolion rhyngwladol eu golwg a'u gorwelion, ac yn fwriadol felly, ond mae lle ynddynt hefyd i'w cyfraith eu hunain. Hynny yw, mae lle ym Mhrifysgol Caeredin i astudio cyfraith yr Alban, ond nid dim ond hynny y maent yn ei wneud—maent hefyd yn gwneud gwaith rhyngwladol ar hawliau dynol ac ati, sef pethau sy'n apelio ar draws gwladwriaethau eraill heblaw'r Deyrnas Unedig. Nid wyf yn siŵr iawn beth yw'r rheswm am hynny. Fy mhrofiad yn Abertawe dros y blynyddoedd diwethaf yw bod myfyrwyr yn dueddol o gael eu denu i brifysgolion sy'n agos atynt yn ddaearyddol. Pe baem yn edrych ar y myfyrwyr o Loegr yr oeddem yn sôn amdanynt, gwelem fod y mwyafrif llethol ohonynt yn dod o dde-orllewin Lloegr.

Professor Parry: I do not have that information, but I could get hold of it and share it with you. You make an interesting point. Different jurisdictions are a factor, but if you look at the work of law schools in Scotland and the School of Law at Queen's University Belfast, you will see that it is of a very high standard. They are international universities in respect of their outlook and their horizons, and deliberately so, but there is also a place for their own legal system. That is, in Edinburgh University, there is a place for studying Scottish law, but that is not all that they do—they also undertake international work on human rights and so on, which are elements that appeal to nation states other than the United Kingdom. I am not certain what the reason is for that. My experience in Swansea over the past few years has shown me that students tend to be attracted to universities that are geographically close to them. If we look at the students from England that we were talking about, we would see that the vast majority of them come from the south-west of England.

[70] **Eluned Parrott:** It is two hours' drive time.

[71] **Yr Athro Parry:** Yn hollol. Efallai y byddem yn canfod nad oes llawer yn dod o ogledd-orllewin neu ogledd-ddwyrain Lloegr i Abertawe. Mae sawl esboniad am y peth, ac nid yw o anghenraid yn ddim i'w wneud â'r ffaith bod awdurdodaeth ar wahân. Efallai ei fod yn ymwneud hefyd â rhesymau economaidd ymarferol a hefyd natur Prifysgol Abertawe. Nid yw Abertawe yn un o brifysgolion Grŵp Russell, ac efallai bod mwy o dueddiad i deithio i fynd i'r prifysgolion hynny. Mae pobl yn fwy parod i fynd yn bell i brifysgolion mawr Llundain, Rhydychen a Chaergrawnt, ac yn y blaen, nag ydynt i Brifysgol Abertawe. Efallai y dylem gymharu Abertawe â phrifysgolion megis Hull neu East Anglia, lle mae patrwm tebyg o ran denu myfyrwyr ar sail mwy rhanbarthol.

Professor Parry: Exactly. Perhaps we would discover that not many come from the north-west or the north-east of England to Swansea. There are many explanations for that, and it is not necessarily anything to do with the fact that there is a separate jurisdiction. There could also be practical economic reasons to account for it and also the nature of Swansea University. Swansea is not one of the Russell Group universities, and there may be more of a tendency for students to travel to those universities. People are more willing to travel further to the large universities of London, Oxford and Cambridge, and so on, than they are to Swansea University. Perhaps we should compare Swansea with universities where there is a similar pattern of attracting students on a more regional basis, such as Hull and East Anglia.

[72] **Eluned Parrott:** Okay, thank you. I want to talk a little now about some other evidence that we have received from organisations such as the Law Society, which remarked

on the lack of commentary that we have on Welsh law and cases. That causes difficulty in the teaching of Welsh law, apart from anything else. How would you like to see that gap being bridged, and do you think that there is a role there for higher education institutions such as Hywel Dda Institute?

[73] **Yr Athro Parry:** Eto, rydym yn dod yn ôl at y drafodaeth am y comisiwn, os defnyddiwn hwnnw fel rhyw fath o fodel. Os ydym yn sôn am sylwebaeth ar gyfer y proffesiwn a'r cyhoedd, y patrwm yn Lloegr yw bod y mathau hynny o gyfrolau a llyfrau yn aml iawn yn ffrwyth cydweithredu rhwng barnwyr, ymarferwyr ac academyddion. Os edrychwch ar *Archbold* neu *Blackstone's*, er enghraifft, fe welwch mai ffrwyth cydweithio ydynt rhwng sidanwyr, bargyfreithwyr, barnwyr ac academyddion. Partneriaeth sydd ei hangen, yn enwedig yng Nghymru, rhwng arbenigwyr o gefndiroedd gwahanol. Mae cyfraniad i'w wneud gan brifysgolion, a gobeithio Sefydliad Hywel Dda a sefydliadau tebyg yn Aberystwyth, Morgannwg, Caerdydd a Bangor, ond mae'n dibynnu'n llwyr ar yr adnoddau, yr aelodaeth a'r cyllid—dyna sy'n mynd i wneud y peth yn bosibl.

[74] Rhaid cael rhyw ffordd o gyllido'r fath waith. Eto, rydym yn dod yn ôl at y Llywodraeth neu'r Cwnsler Cyffredinol yn arwain ar hynny, efallai. Cymdeithas o academyddion sy'n rhannu'r un diddordeb yw Sefydliad Hywel Dda—mae yno wahanol bersbectif, ond yr un diddordeb yn natblygiad Cymru'r Gyfraith. Mae cymdeithas neu sefydliad o'r fath yn aml yn gweithio fel siambrau bargyfreithwyr, yn yr ystyr bod pobl yn rhannu'r un to ond bod ganddynt berffaith ryddid i ddilyn eu trywydd eu hunain. Maent hefyd yn hunan-gyflogedig yn yr ystyr hwnnw. Beth mae hynny'n ei olygu o fewn Sefydliad Hywel Dda yw y byddwn, efallai, yn anghytuno ar nifer o bethau. Mae'r papur a gyflwynais i'r ymgynghoriad hwn yn adlewyrchu fy marn i ar bethau. Efallai fod rhai o'm cydweithwyr yn Abertawe yn anghytuno gyda llawer, neu'r cwbl, o'r hyn rwy'n ei ddweud.

[75] **Simon Thomas:** Mae croeso iddynt gysylltu â ni i roi eu tystiolaeth eu hunain.

[76] **Yr Athro Parry:** Yn sicr. Dyna beth yw natur rhyddid academiaidd—y rhyddid i ddilyn eich trywydd eich hun ac i ddatgan

Professor Parry: Again, we return to the discussion on the commission, if we use that as some kind of model. If we are talking about commentary for the profession and for the public, the pattern in England is for those types of volumes and tomes to often be the result of collaboration between judges, practitioners and academics. If you look at *Archbold* or *Blackstone's*, for instance, you will see that they are the product of collaboration between silks, barristers, judges and academics. A partnership is what is needed, especially in Wales, between specialists from different backgrounds. There is a contribution to be made by universities, and, hopefully, by the Hywel Dda Institute and similar institutions in Aberystwyth, Glamorgan, Cardiff and Bangor, but it depends entirely on resources, membership and funding—that is what will make it possible.

There must be some means of funding that sort of work. Again, we return to the Government or the Counsel General leading on that, perhaps. Hywel Dda Institute is an association of academics with a shared interest—there are differing perspectives, but a shared interest in the development of Legal Wales. That sort of association works very often in the same way as barristers chambers, in the sense that people share the same premises but have freedom to follow their own interests. They are also self-employed in that sense. What that means within the Hywel Dda Institute is that we will, perhaps, disagree on a number of things. My paper to this consultation reflects my views on these issues. Some of my colleagues in Swansea may disagree with much, or all, of what I say.

Simon Thomas: They are welcome to contact us to give their own evidence.

Professor Parry: Absolutely. That is the nature of academic freedom—the freedom to follow your own path and express your own

barn ar unrhyw beth. Felly, mae'n dibynnu ar sut rydych yn perswadio pobl. Mae'n golygu llawer o waith—rwy'n sicr o hynny. Mae gwaith enfawr i'w wneud, a rhaid cael rhyw ffordd o berswadio pobl i ymgymryd â'r gwaith, neu roi rhyw fath o gymhelliad iddynt i fwrw ati. Unwaith eto, dyna lle mae cynllunio a chyllido yn mynd i fod yn allweddol.

opinions on any subject. Therefore, it depends on how you persuade people. It involves a great deal of work—I am certain of that. There is a huge amount of work to be done, and there must be some way of persuading people to undertake that work or to incentivise it. Again, that is where planning and funding will be key.

[77] **Eluned Parrott:** Considering that the commentaries in England are, as you say, collaborations, how are they funded and led? Why do you think that Wales needs the Government to take a leading role in this work?

[78] **Yr Athro Parry:** Mae llawer o'r bargyfreithwyr sy'n ysgrifennu llyfrau arbenigol yn Lloegr yn bobl gyfoethog iawn, ac mae ysgrifennu llyfrau fel hyn yn rhan o'u busnes. Mae'n ffordd o farchnata eu harbenigedd i gleientiaid ac mae'n codi eu proffil. Maent hefyd yn gwneud arian mawr wrth werthu'r llyfrau hyn i'r proffesiwn cyfreithiol. Felly, mewn ffordd, mae'r farchnad yn Lloegr yn ddigon cryf—gellir gadael i'r farchnad a'r bobl hyn wneud y gwaith. Maent yn codi eu proffil eu hunain ac yn gwneud enw iddynt eu hunain ymhlith eu cleientiaid, ac maent hefyd yn gwneud arian. Byddai'n rhaid derbyn yng Nghymru na fyddai'r sefyllfa honno, ar y dechrau efallai, yn bodoli. Efallai fod angen rhywbeth i ddechrau'r broses. Efallai y down i fan lle byddai'r peth yn gynaliadwy yn economaidd a bod hyn yn beth proffidiol i'w wneud—gallaf ragweld hynny'n digwydd—ond ar y dechrau, byddwn yn awgrymu bod angen hwb i danio proses a fyddai, gobeithio, maes o law, yn aeddfedu ac yn tyfu.

Professor Parry: Many of the barristers who write specialist books in England are very wealthy people, and writing such books is part of their business. It is a means of marketing their expertise to clients and it increases their profile. They also make a great deal of money in selling these books to the legal profession. So, in a way, the market in England is strong enough—the work can be left to the market and to these people. They raise their own profile and develop a reputation among their clients, and they also profit financially. We would have to accept in Wales that that situation, at the outset perhaps, would not exist. Something is needed, perhaps, to kickstart the process. We might reach a point where it would become economically sustainable and profitable—I can see that happening in the future—but at the outset, I would suggest that we need something to kickstart a process that would, hopefully, mature and develop.

[79] **Eluned Parrott:** This is also a result of having a weaker than ideal legal profession in this country.

[80] **Yr Athro Parry:** Mae cymaint o bethau i'w taclo ac mae un peth yn arwain at y llall. Mae'r gwendid hwnnw, efallai, yn arwain at wendid arall, felly mae'n rhaid cael rhyw fath o gynllun cyfannol i ddatrys y cyfan, nid dim ond datrys un peth heb ystyried y goblygiadau ar bethau eraill.

Professor Parry: There are so many issues that need to be tackled and one thing leads to another. That weakness, perhaps, leads to another, so a holistic plan is needed to try to resolve all of these problems, rather than just solving one issue without thinking of the implications in other areas.

[81] **Simon Thomas:** Yng Ngogledd Iwerddon, onid yw'r brifysgol yn chwarae rôl mwy blaenllaw wrth wneud y sylwadau hyn ynglŷn â'r gyfraith? Mae gennyf gof o weld rhywbeth gan Brifysgol Queen's, er

Simon Thomas: In Northern Ireland, does the university not take a more prominent role in making these commentaries on the law? I seem to remember seeing something by Queen's University, for example—some sort

enghraifft—rhyw fath o gyfnodolyn sy'n edrych ar ddatblygiadau yno.

[82] **Yr Athro Parry:** Oes, mae gan Queen's gylchgrawn, sy'n hen bellach—*Northern Ireland Legal Quarterly*—a sefydlwyd yn 1937. Cyhoeddiad academiaidd yw hwnnw bellach, ond mae'n ddifyr iawn.

[83] **Simon Thomas:** Nid yw'n cyflawni'r un peth efallai.

[84] **Yr Athro Parry:** Nid yw'n cyflawni beth mae'r holwraig yn ei ofyn. Y gwir plaen yw mai aelodau'r bar, yn aml iawn, yng Ngogledd Iwerddon sy'n gyfrifol am ysgrifennu rhai o'r llyfrau a'r testunau ar gyfer ymarferwyr. Nid wyf yn gwybod sut mae'r peth yn cael ei gyllido—mae bwlch yn fy ngwybodaeth ynglŷn â sut yn union mae'r peth yn gweithio.

[85] **Simon Thomas:** Bydd y pwyllgor yn mynd i Ogledd Iwerddon i ganfod yr ateb i'r cwestiwn hwnnw.

[86] **Eluned Parrott:** I see a business opportunity, if you like, for work of this nature to be done under the innovation and engagement framework, to demonstrate impact under the research excellence framework in higher education. That is a potential methodology for getting it done.

[87] To move on to some other issues, you talk about whether there is a need for a referendum about the issue of a separate Welsh jurisdiction and you also talk about a commission being desirable or required, but a referendum not being required. There are those who would argue that this is a significant enough constitutional change to require a referendum, or at least to be worthy of one. Can you give us some ideas of why you think 'no' to a referendum, but 'yes' to a commission?

[88] **Yr Athro Parry:** Rwy'n credu y byddai comisiwn yn fuddiol ar sail y farn sydd wedi dod yn sgîl ymgynghoriad fel hwn. Mae cwestiynau technegol wedi codi—pob math o gwestiynau ynglŷn â gorfodi dyfarniadau ar draws ffiniau a chwestiynau felly. Byddai'n dda cael atebion i gwestiynau o'r fath ac, yn wir, i'r holl gwestiynau rydych wedi bod yn eu gofyn y prynhawn yma. Gallai comisiwn, ar ffurf adroddiad, roi rhywbeth i'w drafod yn iawn ar y bwrdd. Byddai'n ffrwyth ymchwil ac ystyriaeth ac efallai'n cynnig modelau i Gymru. Beth yw'r model? Beth yw'r polisi? Sut mae symud ymlaen? Beth yw'r opsiynau? Mae'n siŵr bod sawl opsiwn. Beth yw'r amserlen ar gyfer datblygu awdurdodaeth i Gymru, os o

of journal that looks at developments there.

Professor Parry: Yes, Queen's does have a journal, which is now well established—*Northern Ireland Legal Quarterly*—dating back to 1937. It is now more of an academic publication, but it is very interesting.

Simon Thomas: It does not achieve the same aim perhaps.

Professor Parry: It does not achieve what the questioner was asking. The plain truth is that it is, very often, members of the bar in Northern Ireland who are responsible for compiling some of the texts and books for practitioners. I do not know how that is funded—there is a gap in my knowledge as to how exactly it works.

Simon Thomas: The committee will be going to Northern Ireland to find the answer to that question.

Professor Parry: I believe that a commission would be beneficial based on the views that have come forward as a result of consultations such as this one. Technical questions have been raised—all sorts of questions about enforcing judgments across borders and similar questions. It would be a good thing to find answers to such questions and, indeed, to all the questions that you have been asking this afternoon. A commission, in a report, could table something that can be properly debated. It would be the result of research and reflection, and perhaps it would suggest models for Wales. What is the model? What is the policy? How can we move forward? What are the options? There are, no doubt, several options. What is the

gwbl? Dyna pam roeddwn i'n awgrymu y byddai comisiwn neu ymchwil pellach yn beth da. Dywedaf gomisiwn oherwydd y byddwn yn hoffi gweld y peth yn ffrwyth cydweithio, yn hytrach na dim ond un sefydliad neu un garfan o'r gymuned yn cynnal yr ymchwil. Hoffwn ei weld yn ffrwyth proses yn ymwneud â thrawsdoriad o farnwyr, academyddion ac yn y blaen. Dyna oedd gennyf dan sylw.

[89] Mae rhai yn dweud bod datganoli yng Nghymru wedi dioddef o ddiffyg cynllunio a'i fod wedi esblygu wrth weld pethau'n gweithio neu ddim yn gweithio a cheisio eu datrys wrth symud ymlaen—ac eithrio adroddiad Richard, lle cafwyd gweledigaeth. Rwy'n credu bod hwnnw'n help i ddatganoli am fod yn do weledigaeth a rhywbeth i'w drafod a'i ystyried yn iawn. Felly, dyna fy marn ar hynny.

[90] I droi at y pwynt arall roeddech yn sôn amdano, mae refferendwm yn gofyn cwestiwn i'r cyhoedd. Ni allaf weld beth fyddai'r cwestiwn y byddai'r cyhoedd yn ei ateb yn y fan hon. Yn naturiol, ni fydddech yn gofyn 'A ydych am gael eich profi mewn llys barn a'ch cynrychioli gan gyfreithiwr cymwys a wynebu barnwr diduedd?', achos dyna fyddai'n digwydd beth bynnag. Nid oes newid, fel y dywedais, i brofiad yr unigolyn. Mae'r un safonau cyfiawnder yn bodoli. Mewn ffordd, ceisio sicrhau safonau cyfiawnder yr ydym yn y fan hon a sicrhau bod y proffesiwn cyfreithiol a'r barnwyr yng Nghymru yn gymwys ac yn gallu delio gyda ffenomenon datganoli a'r hyn mae'n ei olygu o ran creu deddfwriaeth.

[91] Felly, nid wyf yn gweld bod angen refferendwm. Er enghraifft, beth yn ymarferol a fyddai'n digwydd pe bai'r Llys Apêl yn ymgynnull yng Nghaerdydd yn hytrach na Llundain? Nid wyf yn credu bod angen refferendwm ar gwestiwn felly, oherwydd nid ydych yn diddymu'r Llys Apêl neu'r broses apêl—mae'r broses yn parhau. Mae'r lleoliad a'r drefniadaeth yn newid, ond yr un yw'r egwyddorion craidd a'r strwythur sylfaenol. Hefyd, ffurf o ddatganoli yw creu awdurdodaeth, beth bynnag. Ar un lefel,

timetable for developing a jurisdiction for Wales, if that is to be done at all? That is why I suggested that a commission or further research would be good. I choose a commission because I would want to see this being the result of collaboration rather than only one institution or one section of the community carrying out the research. I would like to see it being the result of a process involving a cross-section of judges, academics and so on. That was what I had in mind.

Some say that devolution in Wales has suffered from a lack of planning, and that it has evolved by seeing what works or what does not work and trying to resolve any issues as things are going along—with the exception of the Richard report, where a vision was set out. I think that that was of assistance to devolution, because it contained a vision and something to discuss and consider properly. So, that is my opinion on that.

Turning to the other point that you raised, a referendum asks a question of the public. I cannot see what question the public would answer here. Naturally, you would not ask 'Do you want to be tried in a court of law represented by a competent lawyer and face an unbiased judge?', because that is what would happen in any event. The individual's experience, as I mentioned earlier, does not change. There are the same standards of justice. In a way, we are seeking to secure standards of justice here and ensure that the legal profession and the judiciary in Wales are competent and able to deal with the phenomenon of devolution and what that means in terms of creating legislation.

So, I do not see that there is a need for a referendum. For example, what would happen on a practical level if the Court of Appeal convened in Cardiff rather than London? I do not think that a referendum is necessary on such a question, because you are not abolishing the Court of Appeal or the appeals process—that process continues. The location and the administration is changing, but the core principles remain constant and the same fundamental structure is in place. In addition, the creation of a jurisdiction is, in

bydd strwythurau'r wladwriaeth, y Deyrnas Unedig, yn dal i fodoli. Er enghraifft, y llys pennaf, fwy na thebyg, ar gyfer Cymru fyddai Goruchaf Lys y Deyrnas Unedig. Dyna fyddai'r fforwm uchaf ar gyfer unrhyw apêl ar bwynt cyfreithiol. Dyna lle fyddai'r cynsail pennaf yn cael ei greu. Felly, nid wyf yn gweld datblygiad system gyfiawnder i Gymru yn creu digon o angen am refferendwm arall. Byddai'n peri diflastod, os rhywbeth, i'r cyhoedd. Gallent feddwl, 'Pam maen nhw'n gofyn hyn inni eto?'

any case, a form of devolution. On one level, the structures of the state, the United Kingdom, will still exist. For example, the highest court for Wales will, more than likely, be the Supreme Court of the United Kingdom. That would be the highest forum of appeal on a point of law. That is where the main precedent would be set. So, I do not believe that the development of a justice system for Wales makes it necessary to hold another referendum. It would cause ennui, if anything, among the public. They might think, 'Why are they asking us this again?'

3.30 p.m.

[92] Mae pen draw i refferenda, ac mae hwn yn rhywbeth a ddylai gael ei gydnabod. Rydym wedi gweld hyn ar lefel Ewropeaidd. Mae cyfraith Ewrop wedi datblygu ac mae strwythurau traws-Ewropeaidd yn bodoli bellach ar gyfer gweinyddu cyfiawnder. Mae awdurdodaeth droseddol ar draws Ewrop, er enghraifft. Gofynnwyd i neb bleidleisio ar lawer iawn o'r pethau hyn.

There is a limit to referenda, and this is something that should be recognised. We have seen this on a European level. European law has developed and trans-European structures now exist for the administration of justice. There is a criminal jurisdiction across Europe, for example. No-one was asked to vote on many of these things.

[93] **Simon Thomas:** Byddai llawer yn dadlau y dylid bod wedi gofyn i bobl am y datblygiadau hynny.

Simon Thomas: Many would argue that people should have been asked about those developments.

[94] **Yr Athro Parry:** Efallai, ond eto mae'n dibynnu sut rydych yn gweld democratiaeth. Nid wyf yn hoff o'r syniad o gael refferendwm; mae pobl yn cyhoeddi maniffesto, maent yn cael eu hethol ond yna mae'n rhaid gofyn i'r cyhoedd eto, dro ar ôl tro, gwestiynau ynglŷn â'u polisïau.

Professor Parry: Perhaps, but again it depends how you interpret democracy. I am not fond of the idea of holding a referendum; people publish their manifesto, they are elected but then they repeatedly have to ask the public questions about their policies.

[95] **Simon Thomas:** I fod yn benodol, yn hanesyddol ym Mhrydain mae refferenda naill ai yn dilyn deddfwriaeth gynradd o bwys neu gytundeb rhyngwladol, megis cytuniad Ewropeaidd. A ydych wedi gweld rhywbeth wrth sefydlu awdurdodaeth gyfreithiol ar wahân a fyddai'n golygu cam o'r fath, ynteu a ydych yn rhagweld proses weinyddol beth bynnag? Hynny yw, rydym yn ceisio gweld lle mae'r *trigger point* ar gyfer refferendwm. Mae hanes Ewrop yn un diddorol, achos bod proses wedi digwydd. Nid yw'r cyhoedd wedi cael eu holi, ond efallai ein bod wedi cyrraedd sefyllfa lle nad yw'r cyhoedd i gyd yn teimlo'n gwbl gysurus.

Simon Thomas: To be specific, historically in Britain referenda follow either primary legislation of importance or international agreements, such as European treaties. Have you seen something in setting up a separate legal jurisdiction that would lead to such a step, or do you anticipate an administrative process in any case? That is, we are trying to see what the trigger point would be for a referendum. The history of Europe is an interesting one, because a process has taken place. The public has not been asked about it, but we may have reached a point where some members of the public do not feel completely comfortable.

[96] **Yr Athro Parry:** Efallai eich bod yn iawn ac efallai nad yw'r gymhariaeth yn gwbl addas, ond, yng Nghymru, mae'r penderfyniad i greu deddfwrfa sy'n creu cyfreithiau sylfaenol wedi bod yn penderfyniad cwbl allweddol. Hwnnw oedd y penderfyniad allweddol, mewn ffordd.

[97] **Simon Thomas:** Mae hwn yn sgîl-ffaith.

[98] **Yr Athro Parry:** Nid wyf yn credu y byddai'r cyhoedd am weld sefyllfa lle mae dryswch o fewn y gyfundrefn gyfreithiol yng Nghymru—bod cyfreithwyr nad ydynt yn deall y gyfraith sy'n cael ei chreu yng Nghymru. Mae'r cyhoedd wedi gwneud y penderfyniad allweddol. Fy marn i yw mai'r hyn a wneir yn awr yw creu strwythurau sy'n ymateb i hynny yn hytrach na rhywbeth sy'n newid cyfansoddiadol sylfaenol sy'n galw am refferendwm.

[99] **Simon Thomas:** Dyna ddiwedd ein cwestiynau. Diolch yn fawr am eich tystiolaeth lafar ac ysgrifenedig. Credaf ein bod wedi trafod pob agwedd, ond mae cyfle ichi ddweud unrhyw beth nad ydych wedi cael cyfle i'w ddweud hyd yn hyn. Fodd bynnag, mae'r pwyllgor yn hapus gyda'r drafodaeth.

[100] **Yr Athro Parry:** Rwy'n falch o glywed eich bod yn cymryd tystiolaeth o Ogledd Iwerddon, oherwydd bydd hynny o fudd ichi.

[101] **Simon Thomas:** Byddwn yn cymryd y dystiolaeth honno ymhén rhyw fis.

[102] **Yr Athro Parry:** Bydd gwersi i'w dysgu o'r fan honno. Yr hyn sy'n poeni rhai pobl, yn sicr yn ôl yr ymatebion rydych wedi eu cael, yw y byddai hyn yn creu rhyw fath o sefyllfa ynysig i Gymru—hynny yw, bod ffiniau yn cael eu creu. Profiad Gogledd Iwerddon yw nad oes llawer o ffiniau wedi bod. Mae hynny wedi bod yn gryfder, a chredaf y byddai hynny'n tawelu ofnau llawer o bobl ynglŷn â'r berthynas rhwng Cymru a Lloegr. Gorau po leiaf o ffiniau sydd.

[103] **Simon Thomas:** Diolch ichi am eich amser.

Professor Parry: You may be right and the comparison may not be entirely suitable, but, in Wales, the decision to create a primary-law-making legislature has been a key decision. That was the key decision.

Simon Thomas: This is a secondary effect.

Professor Parry: I do not think that the public would want to see a situation where there is confusion within the legal system in Wales—that there are lawyers who do not understand the law that is being created in Wales. The public has made the key decision. My view is that what is being done now is the creation of structures that respond to that decision, rather than something that is a fundamental constitutional change that requires a referendum.

Simon Thomas: That concludes our questions. Thank you for your oral and written evidence. I believe that we have discussed all aspects, but there is now an opportunity for you to say anything that you have not had a chance to say so far. However, the committee is happy with the discussion.

Professor Parry: I am glad to hear that you are taking evidence from Northern Ireland, because that will be beneficial to you.

Simon Thomas: We will take that evidence in about a month's time.

Professor Parry: There will be lessons to learn there. What worries some people, certainly in the replies that you have received, is that this development would isolate Wales in some way—that is, that boundaries would be created. The experience in Northern Ireland is that there have not been a lot of boundaries. That has been a strength and I think that that would allay the fears of many people about the relationship between Wales and England. The fewer boundaries, the better.

Simon Thomas: Thank you for your time.

3.33 p.m.

Dyddiad y Cyfarfod Nesaf
Date of the Next Meeting

[104] **Simon Thomas:** Mae cyfarfod dydd Llundun nesaf, 21 Mai, wedi ei gadarnhau. Cynhelir y cyfarfod ar yr amser arferol ac yn y lleoliad arferol.

Simon Thomas: Next Monday's meeting, on 21 May, has been confirmed. The meeting will be held at the usual time and in the usual place.

3.34 p.m.

Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Meeting

[105] **Simon Thomas:** Cynigiaf fod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog Rhif 17.42(vi).

Simon Thomas: I move that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi).

[106] Gwelaf fod y pwyllgor yn gytûn. I see that the committee is in agreement.

Derbyniwyd y cynnig.
Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 3.34 p.m.
The public part of the meeting ended at 3.34 p.m.