

EXPLANATORY MEMORANDUM TO

The Welsh Language (Wales) Measure 2011 (Consequential Provisions) Order 2016

This Explanatory Memorandum has been prepared by Education and Public Services Group and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Welsh Language (Wales) Measure 2011 (Consequential Provisions) Order 2016.

The Right Honourable Carwyn Jones AM
First Minister

23 February 2016

1. Description

1.1 The Welsh Language (Wales) Measure 2011 (Consequential Provisions) Order 2016 makes necessary amendments to the Government of Wales Act 2006 ("*the 2006 Act*") to remove the duties on the Welsh Ministers in relation to their Welsh Language Scheme.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 There are no matters of special interest to the Constitutional and Legislative Affairs Committee to note.

3. Legislative background

3.1 Section 78 of the 2006 Act places a duty on the Welsh Ministers to adopt a Welsh language scheme. It also imposes duties on the Welsh Ministers in relation to the revision and publication of the scheme.

3.2 Section 144(2) of the Welsh Language (Wales) Measure 2011 ("*the Measure*") provides that Part 2 of the Welsh Language Act 1993 (duty of the public bodies to have a Welsh Language Scheme) is not to apply once a person is under a duty to comply with Welsh language standards. However, the Measure does not remove the duty that the Welsh Ministers are under the 2006 Act to have a Welsh Language scheme. The purpose of this Order is to make consequential amendments to the 2006 Act in response to the fact that the Welsh Ministers will have to comply with Welsh language standards from 31 March 2016 onwards.

3.3 The Welsh Language Commissioner has issued a Compliance Notice to the Welsh Ministers under section 44 of the Measure requiring them to comply with Welsh language standards from 31 March 2016 onwards.

3.4 Section 154 of the Measure gives the Welsh Ministers the power, by order, to make such transitional, consequential and other provision as they think necessary or appropriate in connection with, or to give full effect to the Measure. This Order is made under section 154 of the Measure.

4. Purpose & intended effect of the legislation

Purpose

4.4 The purpose of this Order is to remove the duty on the Welsh Ministers to have a Welsh language Scheme after 31 March 2016. From this date, they will be required to comply with Welsh language Standards.

Effect

4.5 This Order makes a consequential amendment to section 78 and paragraph 48 of Schedule 11 of the 2006 Act so as to omit references to the Welsh Ministers' Welsh language scheme. The Welsh Ministers must comply with the standards from 31 March 2016, which is the date stated in the compliance notice and consequently it is not considered appropriate for the Welsh Ministers to continue to adopt a Welsh language scheme.

Risk if legislation changes are not made

4.1 If this Order is not made, after 31 March 2016 the Welsh Ministers would still be under a duty to have a Welsh language Scheme under the Government of Wales Act 2006, even though they would be required to comply with Welsh language Standards. There would be no purpose in having a Welsh language scheme after this date.

5. Consultation

5.1 The Welsh Ministers have not consulted on this Order, as it makes consequential amendments and does not place duties on any body.

6. Regulatory Impact Assessment (RIA)

6.1 A Regulatory Impact Assessment is not considered necessary in respect of the Welsh Language (Wales) Measure 2011 (Consequential Provisions) Order 2016 as it does not impose direct costs.