

2007 No. 2044 (W.169)

DEVOLUTION, WALES

OATHS

WELSH LANGUAGE

**The Welsh Forms of Oaths and
Affirmations (Government of Wales
Act 2006) Order 2007**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes Welsh forms of oaths and affirmations which certain members of the Welsh Assembly Government, and members of the National Assembly for Wales, are required by the Government of Wales Act 2006 (c.32) (“GOWA 2006”) to take. GOWA 2006 provides that the English forms of those oaths and affirmations are to be ones which are contained in the Promissory Oaths Act 1868 (c.72) and the Oaths Act 1978 (c.19)

By virtue of section 26 of the Welsh Language Act 1993 (c.38), where an Act of Parliament specifies a form of words which is to be used for certain official or public purposes, the appropriate Minister of the Crown may make an Order which prescribes a form of words in Welsh to be used in circumstances which are specified in the Order.

The power to make such an Order was given to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672, Article 2, Schedule 1). The power was subsequently transferred to the Welsh Ministers by virtue of paragraph 30(1) of Schedule 11 to GOWA 2006.

Article 2 of this Order sets out a Welsh form of words which may be used by a person who has been appointed as the First Minister for Wales, a Welsh Minister or the Counsel General to the Welsh

Assembly Government, to take the official oath which is required by section 55(1) of GOWA 2006.

Article 3 of this Order sets out a Welsh form of words which may be used by such a person to make an affirmation which corresponds to the official oath which is required by section 55(1) of GOWA 2006.

Article 4(1) of this Order provides that where a person appointed as the First Minister, a Welsh Minister, the Counsel General or a Deputy Welsh Minister takes the oath of allegiance which is required by section 55(2) of GOWA 2006, they may use the Welsh form of words which is set out in Article 5(2) of this Order. Article 4(2) provides that where they make an affirmation corresponding to the oath of allegiance, they may use the Welsh form of words set out in Article 6(2) of this Order. Those forms of words are the ones which may be used by Assembly members after they have been returned. Section 55(2) of GOWA 2006 only requires a person appointed as the First Minister, a Welsh Minister, the Counsel General or a Deputy Welsh Minister to take the oath of allegiance, or make a corresponding affirmation, if they have not done so already in the role of an Assembly member.

Article 5 of this Order sets out a Welsh form of words which may be used by an Assembly member to take the oath of allegiance required by section 23(1) of GOWA 2006.

Article 6 of this Order sets out a Welsh form of words which may be used by an Assembly member to make an affirmation which corresponds to the oath of allegiance which is required by section 23(1) of GOWA 2006.

The effect of Article 7 of this Order is that the name of the Sovereign to be used in the Welsh forms set out in this Order is the name of the Sovereign at the time the oath is taken or the affirmation is made.

Article 8 revokes the National Assembly for Wales (Oath of Allegiance in Welsh) Order 1999 (S.I 1999/1101), which sets out the Welsh forms of the oath of allegiance, and the corresponding affirmation, which section 20 of the Government of Wales Act 1998 required Assembly members to take.

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Act 2006) Order 2007

Made 17 July 2007

Laid before the National Assembly for Wales
17 July 2007

Coming into force 18 July 2007

The Welsh Ministers make the following Order in exercise of the power in section 26(2) of the Welsh Language Act 1993(1).

Title, interpretation and commencement

1.—(1) The Title of this Order is the Welsh Forms of Oaths and Affirmations (Government of Wales Act 2006) Order 2007.

(2) In this Order —

“the 2006 Act” means the Government of Wales Act 2006(2); and

“Assembly member” has the meaning in section 1(3) of the 2006 Act.

(3) This Order comes into force on 18 July 2007.

(1) 1993 c.38. The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2, Schedule 1, directed the power in section 26(2) of the Welsh Language Act 1993 to be exercisable by the National Assembly for Wales concurrently with any Minister of the Crown by whom the power is exercisable. The power was transferred from the National Assembly for Wales to the Welsh Ministers by virtue of paragraph 30(1) of Schedule 11 to the Government of Wales Act 2006 (“the 2006 Act”).

(2) 2006 c.32.

Welsh form of official oath taken or corresponding affirmation made by a person appointed as the First Minister for Wales, as a Welsh Minister or as the Counsel General to the Welsh Assembly Government

2.—(1) This article applies when a person takes the official oath required by section 55(1) of the 2006 Act.

(2) That person may take the official oath in this form —

“Yr wyf i,....., yn tyngu y gwasanaethaf Ei Mawrhydi y Frenhines Elizabeth yr Ail gydag iawnder a didwylledd yn swydd Cynorthwyed Duw fi.”

3.—(1) This article applies when a person makes the corresponding affirmation required by section 55(1) of the 2006 Act.

(2) That person may make the corresponding affirmation in this form —

“Yr wyf i, yn datgan ac yn cadarnhau yn ddifrifol, yn ddiffuant ac yn ddidwyll, y gwasanaethaf Ei Mawrhydi y Frenhines Elizabeth yr Ail gydag iawnder a didwylledd yn swydd”

Welsh form of oath of allegiance taken or corresponding affirmation made by a person appointed as the First Minister for Wales, as a Welsh Minister, as the Counsel General to the Welsh Assembly Government, or as a Deputy Welsh Minister

4.—(1) When a person takes the oath of allegiance required by section 55(2) of the 2006 Act(1) they may take that oath in the form set out in article 5(2).

(2) When a person makes the corresponding affirmation required by section 55(2) of the 2006 Act they may make that affirmation in the form set out in Article 6(2).

(1) Section 55(2) of the 2006 Act requires a person appointed as the First Minister for Wales, as a Welsh Minister, as the Counsel General to the Welsh Assembly Government or as a Deputy Welsh Minister to take an oath of allegiance in the form set out in section 2 of the Promissory Oaths Act 1868 (c.72), or make a corresponding affirmation. Section 55(3) of the 2006 Act excepts such persons from this requirement if they have taken the oath of allegiance or made the corresponding affirmation in compliance with a duty on being returned as an Assembly member. The duty on Assembly members to take the oath of allegiance or make a corresponding affirmation is imposed by section 23(1) of the 2006 Act.

Welsh form of oath of allegiance taken or corresponding affirmation made by an Assembly member

5.—(1) This article applies when an Assembly member takes the oath of allegiance required by section 23(1) of the 2006 Act.

(2) That Assembly member may take the oath of allegiance in this form —

“Yr wyf i,, yn tyngu y byddaf yn ffyddlon ac yn wir deyrngar i’w Mawrhydi y Frenhines Elizabeth yr Ail, ei hetifeddion a’i holynwyr, yn unol â’r gyfraith. Cynorthwyed Duw fi.”

6.—(1) This article applies when an Assembly member makes the corresponding affirmation required by section 23(1) of the 2006 Act.

(2) That Assembly member may make the corresponding affirmation in this form —

“Yr wyf i, yn datgan ac yn cadarnhau yn ddifrifol, yn ddiffuant ac yn ddidwyll, y gwasanaethaf Ei Mawrhydi y Frenhines Elizabeth yr Ail, ei hetifeddion a’i holynwyr, yn unol â’r gyfraith.”

Name of Sovereign for the time being to be used in oaths or affirmations

7. Where the name of Her present Majesty appears in the forms of oaths or affirmations prescribed by this Order, the name of the Sovereign of this Kingdom shall be substituted from time to time.

Revocation

8. The National Assembly for Wales (Oath of Allegiance in Welsh) Order 1999(1) is revoked.

Jane E. Hutt

Minister for Budget and Business Management, one of the Welsh Ministers

17 July 2007

(1) S.I. 1999/1101.

