

SL(6)577 – The Welsh Language Standards (No. 1, No. 2, No. 4, No. 6 and No. 7) Regulations (Amendment) Regulations 2025

Background and Purpose

These Regulations amend five sets of existing Welsh language standards Regulations so that additional bodies are liable to be required to comply with Welsh language standards. This will enable the Welsh Language Commissioner to give a compliance notice to those bodies.

The Regulations make service delivery standards, policy making standards, operational standards and record keeping standards specifically applicable to the following:

- Welsh Revenue Authority
- Boundary Commission for Wales
- Future Generations Commissioner for Wales
- Trustees of the National Heritage Memorial Fund
- Qualifications Wales
- Adjudication Panel for Wales
- Special Health Authorities.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

These Regulations are subject to the draft affirmative procedure. As we set out above, this means that a draft of the Regulations must be laid before the Senedd, and the Regulations can only be made if the Senedd approves the draft Regulations.

However, the preamble to these draft Regulations includes the following text (our emphasis):

*The Welsh Ministers in exercise of the powers conferred on them by sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011, **having received the***



approval of Senedd Cymru in accordance with section 150(2) of that Measure, make the following Regulations.

This wording suggests it is the Welsh Ministers or the enabling powers that receive the approval of the Senedd. However, it is the **draft Regulations** that receive the approval of the Senedd.

It is unclear why the Welsh Government chose this wording in the preamble and not the standard, recognised wording found in other draft affirmative instruments that makes it clear that it is the draft instrument that requires the approval of the Senedd. For example, the Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025¹ includes the following clear wording:

In accordance with section 50(6) of the Act, a draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

Technical Scrutiny point:

The Government does not consider that this is defective drafting and the reference to section 150(2) of the Measure makes it clear that it is the draft statutory instrument that receives the approval.

All eight extant sets of Standards Regulations use this wording in the preamble.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 10 February 2025 and reports to the Senedd in line with the reporting point above.

¹ Laid on 28 January 2025.

