

LEGISLATIVE CONSENT MEMORANDUM

BRITISH SIGN LANGUAGE BILL

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within, or which modifies the legislative competence of the Senedd.
2. British Sign Language Bill (“the Bill”), a Private Members’ Bill, was introduced in the House of Commons on 16 June 2021 and House of Commons Committee Stage concluded on 23 February 2022. The Bill as agreed Commons Committee Stage at can be found at: [newbook.book \(parliament.uk\)](https://www.newbook.book.parliament.uk)

Policy Objectives

3. The stated policy objectives of the Bill are to promote and facilitate the use of British Sign Language. British Sign Language is the primary form of communication for nearly 90,000 residents of the United Kingdom, with around 150,000 users in total. Its vocabulary and syntax do not replicate spoken English and, particularly where individuals have been Deaf from birth or early childhood, subtitles or written English are not an adequate alternative as British Sign Language is not a signed version of written or spoken English. Many Deaf British Sign Language users have a lower reading comprehension age than the general population, and users in the United Kingdom can face social exclusion as a direct result of linguistic exclusion, adversely affecting employment, education, and access to healthcare.
4. British Sign Language was recognised as a language in its own right by a Written Ministerial Statement to the House of Commons on 18 March 2003 by the then Secretary of State for Work and Pensions, Mr Andrew Smith MP. This sought to place British Sign Language on a similar level to many indigenous languages in the United Kingdom as recognised by the

Council of Europe's Charter for Regional of Minority Languages¹.

5. The Equality Act 2010 requires 'reasonable adjustments' to be made by a wide range of people and sectors. Public sector organisations may, therefore, be required to make use of British Sign Language in certain circumstances. Public sector organisations may also consider the use of British Sign Language in relation to the Public Sector Equality Duty (PSED).
6. The Bill seeks to help to promote and facilitate the use of British Sign Language by providing legal recognition, whilst preserving the architecture of the Equality Act 2010.

Summary of the Bill

7. The Bill is a UK Government backed Private Members' Bill introduced by Rosie Cooper MP. The content of the Bill has been revised from its original long title with the agreement of the sponsoring MP.
8. The Bill consists of four clauses:
 - (i) Recognising British Sign Language as a language of Great Britain in its own right;
 - (ii) A duty on the Secretary of State for Work and Pensions to report on the promotion of British Sign Language in Ministerial Departments;
 - (iii) A duty on the Secretary of State to issue guidance on the general promotion and facilitation of British Sign Language; and
 - (iv) The extent of the clauses and when the provisions will commence.

Provisions in the Bill for which consent is required

9. The following provisions of the Bill are within legislative competence of the Senedd:
 - Clause 1: Declaration recognising British Sign Language as a language of England, Wales and Scotland. The purpose of this
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provision is the encouragement of equal opportunities which falls within devolved competence and is linked with new duties on the Secretary of State for Work and Pensions to meet certain obligations set out in Clauses 2 and 3.

- Clause 2: The duty of the Secretary of State to report on British Sign Language. The duty relates to the preparation and publication of a report on what United Kingdom Government Departments have done to promote and facilitate the use of British Sign Language in their public communications.

- Clause 3: The duty of the Secretary of State to issue guidance on the use of British Sign Language. The guidance will focus on;
 - How Government departments will comply with the request to report set out in Clause 2
 - Information on best practise for communicating with British Sign Language users

Subsection 3(3) provides that the guidance must not include advice or material which relates only to Wales and does not relate to reserved matters.

10. All the provisions relate to the 'equal opportunities' reservation in Schedule 7A of the Government of Wales Act 2006 but fall within the exception of the 'promotion of equality of opportunities'. We therefore consider these provisions, to be within the legislative competence of the Senedd. As such, it is considered the legislative consent of the Senedd is required in respect of all of the above provisions.

Reasons for making these provisions for Wales in the British Sign Language Bill

11. The promotion of equal opportunities is a duty that falls to both the UK Government and the Welsh Government. The Welsh Government formally recognised British Sign Language as a language in its own right in January 2004, but this does not have legal effect. The Bill does not affect the operation of any enactment or rule of law and it does not place any obligations on the Welsh Government or other devolved Welsh Authorities. The provisions in the Bill will benefit the people of Wales by facilitating the use of British Sign Language by United Kingdom Government departments, who exercise their reserved functions in Wales. The Bill gives legal effect to British Sign Language as a language in Wales through

imposing duties and obligations on reserved authorities and there would be nothing to prevent the Senedd from legislating in a similar way to impose similar duties and obligations on devolved Welsh Authorities.

Financial implications

12. There are no financial implications for the Welsh Government and Senedd as a result of this Bill.

Conclusion

13. It is my view that it is appropriate to deal with these provisions in this UK Bill as the Bill's promotion of equality of opportunity is commensurate with our own position and offers no direct interference with devolved functions. I therefore recommend the Senedd gives its consent to these provision being included in the Bill.

Jane Hutt MS

Minister for Social Justice

8 March 2022