

# **The Welsh Government's Legislative Consent Memorandum on the British Sign Language Bill**

April 2022



# 1. Background

## The UK Government's British Sign Language Bill

1. The British Sign Language Bill<sup>1</sup> (the Bill) was introduced into the House of Commons on 16 June 2021 as a Private Member's Bill. It is sponsored by Rosie Cooper MP.
2. The long title to the Bill states that it is:

*"A Bill to recognise British Sign Language as a language of England, Wales and Scotland; to require the Secretary of State to report on the promotion and facilitation of the use of British Sign Language by ministerial government departments; and to require guidance to be issued in relation to British Sign Language."*

3. The Bill completed its passage through the House of Commons on 18 March, and had its First Reading in the House of Lords on 21 March 2022. The Bill is scheduled to receive its Third Reading in the House of Lords on 27 April 2022.

## The Welsh Government's Legislative Consent Memorandum

4. Standing Orders 29.1 and 29.2 provide that a legislative consent memorandum is required when a relevant UK Bill makes provision in relation to Wales for any purpose within the legislative competence of the Senedd or which modifies the Senedd's legislative competence.
5. On 8 March 2022 Jane Hutt MS, the Minister for Social Justice (the Minister), laid before the Senedd a Legislative Consent Memorandum (the Memorandum) in respect of the Bill.<sup>2</sup>
6. The Business Committee agreed that the Legislation, Justice and Constitution Committee and the Equality and Social Justice Committee should report on the Memorandum by 26 May 2022.<sup>3</sup> On 22 March 2022, the Business Committee agreed a new reporting deadline of 26 April 2022.<sup>4</sup>

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<sup>1</sup> [British Sign Language Bill, as introduced](#) (Bill 33 2021-22)

<sup>2</sup> Welsh Government, [Legislative Consent Memorandum, British Sign Language Bill](#), March 2022

<sup>3</sup> Business Committee, [Timetable for consideration: Legislative Consent Memorandum on the British Sign Language Bill](#), March 2022

<sup>4</sup> Business Committee, [Revised timetable for consideration: Legislative Consent Memorandum on the British Sign Language Bill](#), March 2022

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## Provisions for which the Senedd's consent is required

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7. Paragraphs 9 to 11 of the Memorandum set out the Welsh Government's assessment of which provisions in the Bill require the consent of the Senedd, namely:

- clause 1: Recognition of British Sign Language;
- clause 2: Duty of Secretary of State to report on British Sign Language; and
- clause 3: Guidance on use of British Sign Language.

8. At paragraph 10 of the Memorandum the Minister states:

*"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."*

9. The UK Government and the Welsh Government agree that consent of the Senedd is required for the three clauses.<sup>5</sup>

## The Welsh Government's position

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10. Paragraph 11 of the Memorandum sets out the reasons why the Welsh Government believes it is appropriate for the Bill to contain devolved provision:

*"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."*

11. The Minister concludes:

*"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*

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<sup>5</sup> For a summary of the UK Government's position, see [Annex A of the Explanatory Notes to the Bill](#).

*therefore recommend the Senedd gives its consent to these provision being included in the Bill.*<sup>6</sup>

## 2. Committee consideration

**12.** We considered the Memorandum at our meeting on 28 March 2022, and we agreed our report on 25 April 2022.<sup>7</sup>

### Our view

**13.** We note the Minister's assessment of the provisions within the Bill that require the consent of the Senedd, and we agree with that assessment.

**14.** We also note the Minister's view that it is appropriate for the Bill to make provision for Wales, and that it offers no direct interference with devolved functions.

**15.** The Bill has however highlighted an important issue related to the way in which backbenchers in the Senedd are able to bring forward Member Bills. While a proposal to introduce backbench legislation in the Senedd on this important subject has secured the support of Members, an opportunity for a Member to introduce the proposed legislation in the Senedd has not arisen.<sup>8</sup> This is disappointing. We view this as a missed opportunity to make legislation for Wales in Wales, and intend to bring this matter to the attention of the Business Committee.

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<sup>6</sup> Memorandum, paragraph 13

<sup>7</sup> [Legislation, Justice and Constitution Committee, 28 March 2022](#) and [Legislation, Justice and Constitution Committee, 25 April 2022](#)

<sup>8</sup> In the fifth Senedd, a debate on a motion to note Mark Isherwood MS's [legislative proposal](#) for a British Sign Language Bill was held in Plenary on [24 February 2021](#); the motion was subsequently agreed. In the sixth Senedd, his [proposal for a British Sign Language Bill](#) was unsuccessful in a [Member Bill ballot](#) announced on [22 September 2021](#).

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