

SL(5)764 – The Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021

Background and Purpose

The Welsh Language (Wales) Measure 2011 (“the 2011 Measure”) makes provision for the specification of standards of conduct in relation to the Welsh language. Schedule 6 lists the persons and organisations to which the 2011 Measure applies and sets out the potentially applicable standards.

These Regulations amend Schedule 6 to the 2011 Measure by adding corporate joint committees established under Part 5 of the Local Government and Elections (Wales) Act 2021. The effect is that the following standards will potentially be applicable to corporate joint committees:

- service delivery standards,
- policy making standards,
- operational standards,
- promotion standards, and
- record keeping standards.

These Regulations are connected with other regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 which establish certain corporate joint committees.

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 points are 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.

The subject heading of the Regulations should include “LOCAL GOVERNMENT, WALES” in addition to “WELSH LANGUAGE”, to indicate the area of law to which the instrument relates.



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

The preamble provides that “a draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with section 174(4) and 5(1) (*sic*) of [the Local Government and Elections (Wales) Act 2021].”

It appears that the reference should be to section 174(4) and 5(k) [*emphasis added*], as paragraph (k) of subsection (5) provides that subsection (4) applies to a statutory instrument containing regulations made under section 83 (corporate joint committees: supplementary etc.).

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument:

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The ‘Legislative background’ section of the Explanatory Memorandum provides:

“These Regulations will be subject to the affirmative resolution procedure in the Senedd by virtue of paragraph 35 of Schedule 11 to the Government of Wales Act 2006.”

However, the preamble to the Regulations correctly cites section 174 of the Local Government and Elections (Wales) Act 2021 as being the provision that sets out the parliamentary procedure applicable to this instrument. It is unclear why reference is made in the Explanatory Memorandum to paragraph 35 of Schedule 11 to the Government of Wales Act 2006, as the provision does not appear to be relevant.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 8 March 2021 and reports to the Senedd in line with the reporting points above.

