

Constitutional and Legislative Affairs Committee

CLA(4)-02-13 Paper 1

Constitutional and Legislative Affairs Committee Draft Report

Title: The Welsh Language Schemes (Public Bodies) Order 2012

Procedure: Negative

This Order specifies the Natural Resources Body for Wales for the purposes of Part II of the Welsh Language Act 1993 ('the Act'), which is the Part that deals with language schemes.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

This is the first order of this type since the passing of the Welsh Language (Wales) Measure 2011 ('the Measure'). The purpose of that Measure is to replace the system of Welsh Language schemes established under the Act and enforced by the Welsh Language Board with language standards enforced by the Welsh Language Commissioner. The three bodies to be united in the Natural Resources Body for Wales have their own language schemes, and the purpose of this order is to ensure that there will be no gap in the legal status of the services provided in Welsh following that union.

What is of interest is what the Order reveals about the timetable for implementation of the Measure. The following appears in the Regulatory Impact Assessment laid with the Order –

“In addition, it is likely to be some time before the Welsh Language Commissioner will be in a position to issue the NRBW with a compliance notice under section 45 of the Welsh Language (Wales) Measure 2011, requiring it to comply with standards. Before that notice can be issued the Welsh Ministers would have to make an order to amend Schedule 6 of the Measure to include NRBW as a body potentially liable to comply with standards. Regulations will need to be made to specify standards and to authorise the Welsh Language Commissioner to give NRBW a compliance notice requiring it to comply with the specified

standards. In the meantime, were the NRBW not to have an enforceable Welsh Language Scheme in place, this would be likely to leave a long period in the transition from the three existing bodies (the Countryside Council for Wales, the Forestry Commission and the Environment Agency), with their enforceable Schemes, to the imposition of standards on the NRBW.” (legal advisers’ emphasis)

Thus, although the Welsh Language Board has now been replaced by the Welsh Language Commissioner in accordance with the Measure, it appears that language schemes in accordance with the Act will continue in force for some time to come.

[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 Assembly;]

**Legal Advisers
Constitutional and Legislative Affairs Committee**

December 2012

The Government has responded as follows:

The Welsh Language Schemes (Public Bodies) Order 2012

Response to Merits Scrutiny Reporting Point

The Government notes the point raised in the report. We have dealt with this issue in the Regulatory Impact Assessment and we have nothing further to add.”