



Reform Bill Committee
Senedd Cymru,
Cardiff Bay
Cardiff
CF99 1SN

SeneddReform@senedd.wales

26/10/2023

Dear Committee,

Senedd Cymru (Members and Elections) Bill

Thank you for the opportunity to provide you with written and oral evidence on this historic Bill in the development of devolution in Wales. I look forward to meeting you to discuss the Bill in more detail on 9 November.

As the Welsh Language Commissioner my main aim in exercising my functions is to promote and facilitate the use of the Welsh language as set out in the Welsh Language (Wales) Measure 2011. The functions are detailed in Part 2 of that Measure. I also have an important and unique responsibility to recommend the standard forms of Welsh place-names and my officials offer a popular advisory service to organisations of all kinds. I therefore limit my comments to the specific aspects of the Bill that I believe relate to opportunities to use the Welsh language, as well as the potential effects of the Bill on my activities as Commissioner.

1. Increasing the size of the Senedd to 96 Members

The Explanatory Memorandum in setting out the background to the Bill's intention to increase the size of the Senedd to 96 members explains: 'A consistent concern arising in the varied reports has been that the size of the Senedd impacts on its collective ability to effectively hold the Welsh Government to account, including scrutiny of policy and legislation' (36 in the memorandum) and 'In particular, a lack of capacity limits the ability of Members of the Senedd to specialise, as would be the case in other parliaments. Ideally, Members are experts in a particular field of scrutiny, utilising committee meetings to hold the Welsh Government to account, not only on the basis of background briefings from staff, but on the basis of their own research and

Comisiynydd y Gymraeg

Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd CF10 1AT

0345 6033 221

post@comisiynyddygybraeg.cymru

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

comisiynyddygybraeg.cymru

Welsh Language Commissioner

Market Chambers
5-7 St Mary Street
Cardiff CF10 1AT

0345 6033 221

post@welshlanguagecommissioner.wales

Correspondence welcomed in Welsh and English

welshlanguagecommissioner.wales



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

engagement' (39 in the memorandum). I would welcome every possible opportunity to increase the scrutiny of policies and legislation relating to the Welsh language across all areas within the Welsh Government's competence, not just on matters that appear to relate specifically to the Welsh language. There is great potential for many other laws and policies to affect opportunities for people to use the Welsh language in areas as varied as the economy, innovation, the environment, planning and education. It is therefore possible that increasing the size of the Senedd to 96 members would increase that capacity and enable a higher number of Members to become experts on the Welsh language, and for all members to gain a better understanding of the position of the Welsh language in Wales today. However, we cannot take this for granted of course so the importance of the infrastructure provided by the staff of the Senedd Commission and the staff of Members and parties must be emphasised to enable Members to deepen their knowledge of the position of the Welsh language.

In accordance with the [Government of Wales Act 2006](#), the English and Welsh texts of all Assembly Measures or Senedd Cymru Acts which are in both English and Welsh when enacted, and the texts of any subordinate legislation which is in both English and Welsh when it is made, are to be treated for all purposes as being of equal status. It is therefore absolutely essential that Senedd Members are able to scrutinise the legislation in both languages to ensure that the Welsh and English languages are treated equally and that legislation in both languages fulfils its policy aim.

Part 1, Section 35 (2) of the Government of Wales Act states 'The Assembly [now the Senedd of course] must, in the conduct of Assembly proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.' All Members of the Senedd therefore have the right to use the Welsh and English languages in their work as Members. The language that they choose to use is of course a matter for individual Members. Data on the use of Welsh by Senedd Members is published in the annual report on the operation of the Senedd's Official Languages Scheme. The [latest report \(2022–23\)](#), for example, notes that the percentage of Welsh language contributions in Plenary Meetings continued at the same level (30%) as the previous year but that there was a reduction in the percentage of Welsh language contributions in Committees (12%) compared to 2021-22. These figures have been as low as 16% a 6% as [recently as 2019 – 20](#)). The latest report recognises that this is disappointing and worrying and acknowledges the complex factors that can affect the language choice of individuals in different contexts and offers pragmatic solutions to try and reverse the pattern. And this pattern needs to be reversed urgently in order to ensure real status for the Welsh language as a working language on the floor of the Senedd. I would encourage all Members to try to use their Welsh at every possible opportunity and to take a lead role in modelling for Wales and the world how to work truly bilingually.

I believe that this increase in the size of the Senedd is a golden opportunity to introduce new linguistic working practices among Senedd Members and to reconsider whether the existing infrastructure that supports Senedd Members is sufficient to



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

ensure that Members are able to fully scrutinise bilingual Welsh legislation, and sufficient to encourage and enable them to exercise their right to use the Welsh language fully in their work as Members. Consideration should be given at this point to how to address all barriers that mean that Members do not use the Welsh language and that sufficient investment and planning is in place to support Senedd Members to work through the medium of Welsh in this new context. By starting to plan now this is a truly exciting opportunity for our Senedd to innovate to become a truly bilingual legislature.

2. Decreasing the length of time between Senedd ordinary general elections from five to four years.

I have no view on changing the period of time between ordinary Senedd elections back to four years as it used to be. However, I know that it is not an easy and quick matter to develop policy and legislation in any area, and that considerable resources are needed to enable that. Therefore, I ask Members to ensure that they believe that four-year terms allow sufficient time to scrutinise and legislate on policy and legislation in all areas within the competence of the Senedd, including the Welsh language. Similarly, should the periods between elections be shorter, it would have to be ensured that every Welsh Government department has sufficient resources to enable policy and legislation to be developed in all areas within its competence in which it intends to legislate within the time available for it to do so.

3. Increasing the maximum number of Deputy Presiding Officers from one to two

I have no view on increasing the maximum number of Deputy Presiding Officers from one to two. I would encourage that consideration be given to the need for at least one Deputy Presiding Officer to be able to speak Welsh in order to facilitate the use of the Welsh language in the Senedd and to provide guidance in doing so.

4. Increasing the legislative limit on the size of the Welsh Government to 17 (plus the First Minister and Counsel General), with power to further increase this limit to 18 or 19.

The Welsh language is a matter within the competence of the Welsh Government and Senedd that is completely unique to Wales. However, the Welsh language has always been part of the Welsh Government ministers' portfolio since the beginning of devolution. It is possible that increasing the number of ministers would enable the Welsh Government to create a minister who could concentrate solely on the Welsh language. Allocating a minister's time to strategically lead on the overarching subject of the Welsh language would possible allow an additional ministerial resource to ensure that the Welsh language is considered strategically across the portfolios of all ministers in the Government.

5. Require candidates to, and Members of, the Senedd to be resident in Wales (by disqualifying candidates and Members who are not registered to vote in a Senedd constituency).

I have no comment on this matter.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

6. Provide a mechanism for the Seventh Senedd's consideration of job-sharing of offices relating to the Senedd (by requiring the Llywydd in the Seventh Senedd to propose the establishment of a Senedd committee to review specified matters).

In terms of the Welsh language in particular, I do not have a view on this matter. However, I would welcome every opportunity to remove barriers that prevent people from becoming Members of the Senedd. The last census showed that the age profile of Welsh speakers is lower than the general population. Of those who reported being able to speak Welsh in 2021, more than half were under the age of 33 and three quarters were under 57. A small increase was seen in the number of speakers in the 20-44 age group who are an age group where many plan to raise families and develop their careers. It is therefore possible that more flexible working methods would attract more Welsh speakers.

7. Change the Senedd's electoral system so that all Members are elected via closed list proportional representation, with votes translated into seats via the D'Hondt formula.

I have no comment on this matter.

8. Repurpose and rename the Local Democracy and Boundary Commission for Wales. Provide the renamed Democracy and Boundary Commission Cymru (DBCC) with the functions needed to establish new Senedd constituencies and undertake ongoing reviews of Senedd constituency boundaries; and provide instructions for the DBCC to follow when undertaking boundary reviews.

This section has specific implications for the work of the Welsh Language Commissioner. It places the specific requirement on the Local Democracy and Boundary Commission for Wales that will be called Democracy and Boundary Commission Cymru to consult with the Welsh Language Commissioner on the proposed orthography of names for communicating through the medium of Welsh and to take account of any comments received from the Welsh Language Commissioner in considering its proposals. This is in relation to a 2026 boundary review and subsequent Senedd constituency boundaries after that.

As you know, my office has a specific responsibility to recommend standard forms of place-names. We have a [panel of experts](#) to support us in this work and the panel has developed [national standardisation guidelines](#) to ensure a consistent and robust basis for the work. We have a good and successful relationship with the officers of the Local Democracy and Boundary Commission for Wales and the Boundary Commission for Wales since the establishment of the Commissioner's office and have provided them with regular advice on naming issues as they carry out reviews. Indeed, we have just started advising the Local Democracy and Boundary Commission on the names of communities as part of their series of community reviews. I therefore welcome extending this relationship to encompass the constituency names of the Senedd and that the relationship is formalised in legislation.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

However, it must be emphasised that this collaboration has not always led to the adoption of the forms recommended by the Commissioner. The Commissioner's work is to *recommend* and there is no statutory requirement for anyone to follow these recommendations. This can lead to a situation where inconsistent decisions are being made in relation to place-names, as in the case of some names on electoral wards confirmed in recent Welsh Government regulations. My predecessor as Commissioner, Aled Roberts, wrote to Jeremy Miles MS as Minister for Education and Welsh Language outlining some of the challenges that arose at the time. [REDACTED]

[REDACTED] These challenges can lead to confusion and inconsistency. Some of these frustrations about naming processes were further reinforced as the Commissioner responded to the [Boundary Commission for Wales' Parliamentary Review 2023](#) as well. This opportunity must be used to learn lessons and refine the system ensuring that the Welsh language is treated no less favourably than the English language in determining those names that will be at the heart of democracy in Wales.

I therefore recommend that, on the basis of considerable experience in this area, the Committee considers the following issues:

A requirement under Schedule 1 of the Bill to set out the names of Senedd constituencies in a report is a requirement to 'identify both names— (a) in the Welsh version, and (b) in the English version, unless the Commission considers that one name is acceptable for communication in either language'. In addition, following the publication of its second report on the 2026 boundary review (c) 'if the Commission is considering any changes to the proposals set out in the initial report for the names of the Senedd constituencies to be used for communicating through the medium of Welsh— (i) to consult the Welsh Language Commissioner on the orthography of the proposed names, and 5 (ii) have regard to any comments made by the Commissioner'.

I welcome the acknowledgement of the fact that one name may be acceptable for communication in either language. I believe that it should go further than that and give priority to names that would be appropriate for use in both languages in order to avoid unnecessary dual names. In the case of a number of constituencies at present, only one name - a Welsh name - exists as a name for the constituency in both languages. The [Guidelines for Standardising Place-names in Wales](#) note 'If the difference between the Welsh form and the 'English' form consists of only one or two letters, the use of a single form is recommended, with preference being given to the Welsh form. This accords with the recommendations of the Ordnance Survey and the Highway Authorities.' We would strongly recommend that this principle be adopted by the Commission in its work.

The current Bill therefore places the responsibility on the Commission to consider and decide whether one name would be acceptable for communication in either language. My officials know from experience that this is not always an easy decision and a number of factors can inform decisions. It is essential that consistent guidance is drawn



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

up at the beginning of this process which will provide robust criteria for reaching decisions like this to ensure that these decisions are not made on the whim of individuals. A robust policy in favour of monolingual names - which are Welsh names - would be a means of avoiding lengthy discussions about names and a means of promoting and popularising the use of Welsh only names as has recently become a popular practice among our national parks. Adopting a Welsh-only name would be a powerful indicator of the status of the Welsh language in Wales.

Despite the possibility of one name being suitable for both languages, it is noted that the intention is to consult the Welsh Language Commissioner on the orthography of the proposed name for communicating through the medium of Welsh only. It must be inquired why the same advisory service is not available to Commission officers as they determine the names to be used in English texts? As already noted, it is very possible that a constituency will have a Welsh name only so noting that the requirement is to consult the Commissioner regarding names for communicating through the medium of Welsh is misleading. Neither does it do justice to the extensive expertise that the Commissioner has in the field. The Commissioner is responsible for standardising the place names of Wales – and not just names that originate from the Welsh language.

As a pairing exercise will take place for the 2026 elections it may well be necessary to use compound words when referring to constituency names. Take for example, if the Dwyfor Meirionnydd constituency were to be paired with the Ynys Môn constituency. It must be asked what would be the name of this constituency, which has the same name in Welsh and English, in the case of current Westminster Parliamentary constituencies, by the time of the 2026 elections. For example, would it have to be 'Dwyfor Meirionnydd ac Ynys Môn' in Welsh as well as 'Dwyfor Meirionnydd and Ynys Môn' in English or could it be 'Dwyfor Meirionnydd Ynys Môn' which would work in both languages, but would possibly not be acceptable to constituents as it is a made-up name that piles up elements and is strange at first sight. My intention by noting this is to highlight that there are a number of considerations in relation to recommending the forms of constituency names that may not be apparent at first sight, and appropriate time must be set aside to discuss and reach agreement on principles and clear patterns to be followed. It would be highly desirable if agreed conventions were developed by a committee of experts and kept under consideration in undertaking such a task and for that to be a statutory requirement as part of the Commission's work in conjunction with the Commissioner. As has already been noted, my staff have considerable experience of working with the Boundary Commission for Wales on the boundaries of Westminster constituencies and with the Local Democracy and Boundary Commission for Wales on the names of electoral wards and communities. In addition, they have considerable experience of working with local authorities and other national bodies on projects to standardise the forms of place-names and landscape features, which in turn underpin many administrative names. It is fair for me to point out here that I would find it desirable for consideration to be given to the need for an additional resource because of this statutory requirement that will be upon me and my staff, specifically to develop the agreed conventions referred to above.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

In terms of the involvement with the Welsh Language Commissioner, a similar process to the one with 2026 constituencies is outlined in Schedule 2 of the Bill in the case of constituencies for the period post 2026 and specifically when conducting a 'full' boundary review before the Senedd Election in 2030. The above points are therefore relevant in that case too.

I look forward to continuing to discuss the specific provisions of the Bill in relation to the work of the Welsh Language Commissioner further with the Local Democracy and Boundary Commission for Wales (to be called the Democracy and Boundary Commission for Wales in due course).

9. Provide for review of the operation and effect of the new legislative provisions following the 2026 election (by requiring the Llywydd after the election to propose the establishment of a Senedd committee to review specified matters).

It seems reasonable to undertake a review of the impact of the legislative provisions following the 2026 election and the way in which they are implemented. I would welcome if consideration were given to the impact of the provisions on opportunities for people to use the Welsh language.

I look forward to discussing the Bill further with you on 9 November.

Yours sincerely,

Efa Gruffudd Jones
Welsh Language Commissioner

Enc.