

Mick Antoniw MS
Counsel General

24 April 2024

Dear Mick

Subordinate legislation laid in English only in the Senedd

As a Committee, we have recently sought information to better understand any barriers which prevent some subordinate legislation being laid in the Senedd in both Welsh and English. In addition to the Committee being required to report on such occurrences in line with Standing 21.2(ix), we believe it to be an important matter of principle that both languages are treated equally in the Senedd.

You will be aware that the Welsh Government's response to reporting points under Standing Order 21.2(ix) is that, because the relevant types of subordinate legislation – what are considered as joint statutory instruments, composite statutory instruments, and Orders in Council – are subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for them to be made or laid in both Welsh and English. The Welsh Government has also stated that no routine parliamentary processes exist by which to lay regulations in both Welsh and English before the UK Parliament.

You will also likely be aware that predecessor committees to my Committee have written to the Welsh Government on this matter. For example, in November 2018, the fourth Assembly Constitutional and Legislative Affairs Committee received a response from the then First Minister, Carwyn Jones AM, which confirmed the Welsh Government's position as indicated above.

The Committee therefore decided to write to relevant committees in the UK Parliament to seek their views on the Welsh Government's position. Responses were received to that correspondence in January 2024. The responses are included in full within the papers for our meeting on 19 February 2024; however, I would like to draw your attention to some of the views expressed by these committees in the UK Parliament.



The Chair of the House of Commons Procedure Committee told the Committee:

There is no procedural or other bar to a statutory instrument that contains text in Welsh, including bilingual instruments, being laid before the House of Commons if the relevant Act requires it to be. As you know, this already regularly happens.

Similarly, the Chair of the House of Lords Procedures and Privileges Committee told the Committee:

I can confirm that no procedural barriers exist in the House of Lords that would prevent the laying of a statutory instrument before the House in the form of two distinct texts in English and Welsh, where both texts have equal status in law.

It appears to us from these responses that there would be no procedural barrier in the UK Parliament which would prevent the laying of a fully bilingual statutory instrument.

In light of the information we have received, I would be grateful if you could indicate whether you agree with our view, and if not, explain to us why that is the case. I would also be grateful if you could explain whether you consider any other barriers exist to the laying of a fully bilingual statutory instrument in the UK Parliament.

Yours sincerely,

A handwritten signature in black ink that reads "S. Murphy". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Sarah Murphy
Chair

