

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol
Counsel General



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: CG/PO/153/2024

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

22 May 2024

Dear Mike,

Thank you for your Committee's letter of 24 April 2024 providing details of the Committee's correspondence with UK Parliament on the approach to handling bilingual legislation.

I am very pleased to note the relevant UK Parliamentary Committees have confirmed that there are no procedural barriers to bilingual instruments being laid before them.

We are committed to improving the accessibility of the law and as part of our vision for promoting and facilitating Welsh as a language of the law, we wish to see all statutory instruments, including joint and composite instruments, being made bilingually. Joint and composite instruments have their place and in the case of joint instruments, the enabling power requires an instrument to be made in this manner. There are also benefits of consistency in approach and timing where there are significant cross-border operational overlaps.

However, unless and until the UK Government changes its "well-established position" that joint instruments should be made in English only we are impeded by a significant barrier to making joint instruments bilingually. Regrettably there are limited solutions available to us to change this. A copy of the UK Government's most recent letter on this was shared with the Committee in March 2021 and I include a copy for ease of reference.

I am grateful to the Committee for their continued interest in this point and the engagement with the UK Parliament has been most helpful.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Yours sincerely,

A handwritten signature in blue ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol
Counsel General

Lesley Griffiths MS

Minister for Environment, Energy and Rural Affairs

Cardiff Bay

Cardiff

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Email: Correspondence.Lesley.Griffiths@gov.wales

24 March 2021

Dear Lesley,

I have seen your letter of 11 March to the Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs regarding bilingual joint statutory instruments.

I welcome the constructive work that has taken place between your officials and those in DEFRA to prepare the joint Reservoirs Act (Panels of Chief Engineers) (Applications and Fees) Regulations 2021. Whilst DEFRA officials agreed to explore making this SI bilingually, this was always subject to discussions with my Department on the wider context.

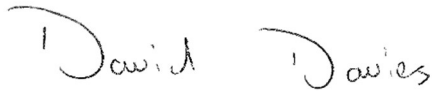
The Government's well-established position is that joint statutory instruments should be made in English only. This is based on the important principle that legislators should be able to read and understand the full extent of the legislation that they are bringing into force. This principle applies equally to Ministers of the Crown and the UK Parliament and is irrespective of any assurances that the Welsh Government may be able to provide on the equivalence of the translation.

The Government remains firmly committed to supporting the Welsh language and DEFRA would be happy to ensure that stakeholders are aware of any separate Welsh translation that is made available by the Welsh Government. If your officials can provide a link to this, they will include it in any communications on this matter.

I am copying this letter to the Secretary of State for Environment, Food and Rural Affairs, the Parliamentary Under Secretary of State, the First Minister, the Counsel

General and the Minister for Mental Health, Wellbeing and Welsh Language. I am also providing a copy to the Senedd's Legislation, Justice and Constitution Committee in line with your original letter.

Yours sincerely,



David TC Davies MP
UK Government Minister for Wales
Gweinidog Llywodraeth y DU dros Gymru