

SL(6)769 – The Welsh Language Standards (No. 10) Regulations 2026

Background and Purpose

The Welsh Language (Wales) Measure 2011 (“the Measure”) makes provision for the specification of standards of conduct in relation to the Welsh language (“standards”). These replace the system of Welsh language schemes provided for by the Welsh Language Act 1993.

Section 26 of the Measure enables the Welsh Ministers to specify standards, and section 39 enables them to provide that a standard is specifically applicable to a person by authorising the Welsh Language Commissioner (“the Commissioner”) to give a notice to that person requiring compliance with the standard (a “compliance notice”).

These Regulations specify standards in relation to the conduct of registered social landlords in Wales (which are referred to in the Regulations as “bodies”). The Regulations do not have a direct effect on bodies and will not, by themselves, create rights for people. That will only happen when all the conditions in section 25 of the Measure have been met. However, the Regulations enable the Commissioner to give a compliance notice to those bodies, in relation to standards specified in the Regulations, that require bodies to comply with standards.

The Regulations also amend the Welsh Language Standards (No. 2) Regulations 2016 to add Community Housing Cymru to Schedule 6 to those Regulations.

These Regulations use the Welsh alphabet in the English and Welsh versions. This style is different to the usual numbering style adopted in subordinate legislation made by the Welsh Ministers. The same style was adopted within the Welsh Language Standards (No. 1) Regulations 2015 and subsequent Regulations specifying Welsh language standards.

The title of these Regulations is the Welsh Language Standards (No. 10) Regulations 2026. If passed by the Senedd, these will be the 9th Welsh Language Standards Regulations to be made. Usually, a number in the name of one of a series of Statutory Instruments refers to the number made in the particular year. However, the Explanatory Memorandum (“the EM”) explains that it is intended that all the Regulations made under section 26 of the Measure will be made in a series, in the same way as commencement orders.

Procedure

Senedd approval procedure.

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 point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In paragraph 13 of Schedule 3 to these Regulations, in the Welsh text, in relation to the meaning of “forms”, reference is made to standard 81. This reference does not appear in the equivalent provision in the English text.

Merits Scrutiny

The following 3 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

2. 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.

Paragraph 32 of Schedule 1 to these Regulations states that, for the purposes of standards 35, 38, 59 and 63, and Part 3 of Schedule 1 to these Regulations, references to documents or other materials being available to members of the public in Wales or being produced for public use do not include documents or materials that are only available to the public by virtue of the Freedom of Information Act 2000 (“FOIA”).

It is noted that public access to environmental information held by public authorities is provided by virtue of the Environmental Information Regulations 2004 (“EIR”). FOIA provides public access to most *other* types of information held by public authorities.

Whilst it is noted that equivalent or similar provisions in preceding Welsh Language Standards Regulations do not refer to EIR, the Welsh Government is asked to clarify why the disapplication provided for under paragraph 32 of Schedule 1 has not been extended to documents or material that are only available to the public by virtue of EIR.

For the sake of completeness, it is accepted that the question as to whether a body falls within the definition of a “public authority” under regulation 2 of EIR, and therefore the scope of EIR, is often a complex one.

3. 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.

Regulation 4 of these Regulations is connected to the Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2026 (“the Order”), which was laid before the Senedd on 10 February 2026.

Section 25 of the Measure provides that a person must comply with a standard of conduct specified by the Welsh Ministers if, and for as long as, six conditions are met. Condition 1 is



that the person is liable to be required to comply with standards. Condition 2 is that the standard is potentially applicable to the person.

Section 33 of the Measure provides that a person is liable to be required to comply with standards if the person is (a) within Schedule 5 and also within Schedule 6 to the Measure, or (b) within Schedule 7 and also within Schedule 8. A person is within Schedule 5 if the person falls within a category of persons specified in column 2 of the table in Schedule 5. A person is within Schedule 6 if the person (a) is specified in column 1 of the table in Schedule 6, or (b) is within a category of persons specified in that column. Schedules 7 and 8 are not relevant to the Order.

Sections 35 and 38 of the Measure enable the Welsh Ministers, by order, to amend the Schedule 6 table. The Order amends Schedule 6 to the Measure by inserting Community Housing Cymru into Schedule 6 and specifying classes of standards in column 2.

This amendment to the Measure ensures that Community Housing Cymru is liable to be required to comply with standards. This is relevant to these Regulations in that, via regulation 4, an amendment is made to the Welsh Language Standards (No. 2) Regulations 2016 (“the No. 2 Regulations”) to add Community Housing Cymru to Schedule 6 to the No. 2 Regulations. This authorises the Welsh Language Commissioner to give a compliance notice to Community Housing Cymru, as a person listed in Schedule 6 to the No. 2 Regulations, requiring them to comply with standards specified under regulation 2 of the No. 2 Regulations (see regulation 3(1) of the No. 2 Regulations).

If made, the Order would come into force on 30 March 2026. These Regulations, including regulation 4, would come into force on 31 March 2026, if made.

4. 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.

Paragraph 2.3 of the EM to these Regulations explains that the Welsh Language and Education (Wales) Act 2025 (“the 2025 Act”) places a duty on the Welsh Ministers to complete a review of certain standards which are specified under section 26 of the Measure within 12 months of publishing a Code (“the Code”) to describe Welsh language ability. The Code must be based on the Common European Framework of Reference for Languages.

It is noted that section 4 (which places a duty on the Welsh Ministers to review the specified standards within 12 months of publishing the Code), section 6 (which places a duty on the Welsh Ministers to prepare the Code), and section 7 (which places a duty on the Welsh Ministers to publish and review the Code) of the 2025 Act have not yet been brought into force via commencement order by the Welsh Ministers.

The EM explains that the purpose of the review “*will be to determine whether amendments are necessary to certain standards to facilitate meeting targets set in a revised Welsh Language Strategy or to reflect the Code prepared under the Act.*”



This suggests that, as these Regulations are proposed to be made under section 26 of the Measure, the standards set out in these Regulations will be subject to that review.

Welsh Government response

A Welsh Government response is required in relation to the first and second reporting points only.

Legal Advisers

Legislation, Justice and Constitution Committee

23 February 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee