

## **Explanatory Memorandum to the Welsh Language Tribunal (Appointment) Regulations 2013.**

This Explanatory Memorandum has been prepared by the Department of Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

### **Minister's Decision**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Welsh Language Tribunal (Appointment) Regulations 2013.

The Right Honourable Carwyn Jones AM

First Minister

10 December 2013

## **Description**

1. The Welsh Language Tribunal (Appointment) Regulations 2013 set out the duties placed on the Welsh Ministers in making appointments to the Welsh Language Tribunal.

## **Matters of special interest to the Constitutional and Legislative Affairs Committee**

2. None.

## **Legislative background**

3. These Regulations are made under section 120(4) of, and paragraph 9 of Schedule 11 to, the Welsh Language (Wales) Measure 2011.

## **Purpose and intended effect of the legislation**

4. These Regulations place a duty on the Welsh Ministers in appointing the members of the Tribunal the Welsh Ministers will have regard to the need to uphold the principles of the independence of the Tribunal and uphold the rule of law.
5. Appointments by the Welsh Ministers must be on merit, and the person selected must be of good character.
6. The Welsh Ministers will not be able to appoint the President unless they are satisfied that the person has sufficient knowledge of, and proficiency in, the Welsh language.
7. The Welsh Ministers will also need to have regard to the knowledge of and proficiency in the Welsh language of the Tribunal's members when appointing Tribunal members other than the President.
8. The Regulations also place a duty on the Welsh Ministers to have regard to the need to encourage diversity in the range of people they appoint as members of the Welsh Language Tribunal.

## **Consultation**

9. No public consultation has been undertaken on the policy principles or on the regulations as they will not have a direct impact on the public, private or voluntary sectors.
10. However, the Welsh Government have discussed the principles that underpin these regulations with the Lord Chief Justice, members of the panel who will appoint the Tribunal members and representatives of the Judges' Council Committee for Wales.

## **Regulatory Impact Assessment**

11. A Regulatory Impact Assessment has not been prepared as the regulations will not have any material impact on business, the voluntary sector, local government and others.
12. This legislation has no impact on the statutory duties (sections 77 to 79 of the Government of Wales Act 2006) or statutory partners (sections 72 to 75 of that Act).