

**2012 No. 59 (W. 13)**

**WELSH LANGUAGE, WALES**

**The Advisory Panel to the Welsh  
Language Commissioner  
(Appointment) Regulations 2012**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Welsh Language (Wales) Measure 2011 (“the Measure”) provides for the establishment of the office of Welsh Language Commissioner (“the Commissioner”). The Commissioner will be supported in his or her work by a panel of advisers. Section 23 of the Measure imposes a duty upon the Welsh Ministers to appoint the members of this advisory panel and explains that the panel is to be known as the Advisory Panel to the Welsh Language Commissioner (“the Advisory Panel”).

Paragraph 1 of Schedule 4 to the Measure provides that the Welsh Ministers must comply with appointment regulations in appointing members of the Advisory Panel.

Paragraph 5(1) of that Schedule provides that the Welsh Ministers must make appointment regulations.

The Welsh Ministers make these Regulations to comply with their duty to make appointment regulations.

Regulation 2 imposes a duty upon the Welsh Ministers, in appointing members of the Advisory Panel, to follow the principles of ministerial responsibility, merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality taking into account the description of those principles set out in the Commissioner for Public Appointments’ Code of Practice for Ministerial Appointments to Public Bodies of August 2009. A copy of the Code of Practice of August 2009 can be found on the Commissioner for Public Appointments’ website: [www.publicappointmentscommissioner.org/](http://www.publicappointmentscommissioner.org/)

Regulation 3 requires the Welsh Ministers, in appointing members of the Advisory Panel, to have

regard to the fact that it is desirable for the Advisory Panel's membership to include persons with knowledge of, and proficiency in, the Welsh language.

Regulation 4 makes provision relating to the Advisory Panel's members' knowledge and experience of matters in respect of which the Commissioner exercises functions.

Regulation 4(1) places a duty upon the Welsh Ministers, before appointing persons as members of the Advisory Panel, to ascertain as far as is reasonably practicable the Commissioner's knowledge and experience of the following matters: corporate governance, exercising functions conferred by or under an enactment, promoting and facilitating the use of Welsh or another language, public relations, regulatory regimes, and working in partnership with organisations in the public, private or voluntary sectors.

Regulation 4(2) requires the Welsh Ministers, in appointing members of the Advisory Panel, to have regard to the fact that it is desirable that the combined knowledge and experience of the Commissioner and Advisory Panel's members includes knowledge and experience of the following matters: corporate governance, exercising functions conferred by or under an enactment, promoting and facilitating the use of Welsh or another language, public relations, regulatory regimes, and working in partnership with organisations in the public, private or voluntary sectors.

A Regulatory Impact Assessment has not been prepared for these Regulations.

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Language Commissioner  
(Appointment) Regulations 2012**

*Made* 11 January 2012

*Laid before the National Assembly for Wales*  
12 January 2012

*Coming into force* 6 February 2012

The Welsh Ministers, in exercise of the powers conferred by section 23(4) and paragraph 5 of Schedule 4 to the Welsh Language (Wales) Measure 2011(1), make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Advisory Panel to the Welsh Language Commissioner (Appointment) Regulations 2012.

(2) These Regulations come into force on 6 February 2012 and apply in relation to Wales.

**Principles to be followed**

2. In appointing members of the Advisory Panel the Welsh Ministers must follow the principles of ministerial responsibility, merit, independent scrutiny, equal opportunities, probity, openness and transparency and proportionality taking into account the description of those principles in the Commissioner for Public Appointments' Code of Practice for Ministerial Appointments to Public Bodies of August 2009.

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### **Knowledge of, and proficiency in, Welsh**

3. In appointing persons to be members of the Advisory Panel the Welsh Ministers must have regard to the fact that it is desirable that the Advisory Panel's membership includes persons with knowledge of, and proficiency in, the Welsh language.

### **Knowledge and experience**

4.—(1) Before appointing persons as members of the Advisory Panel the Welsh Ministers must, as far as is reasonably practicable, ascertain the Commissioner's knowledge and experience of the following matters—

- (a) corporate governance;
- (b) exercising functions conferred by or under an enactment;
- (c) promoting and facilitating the use of Welsh or another language;
- (d) public relations;
- (e) regulatory regimes; and
- (f) working in partnership with organisations in the public, private or voluntary sectors.

(2) In appointing persons as members of the Advisory Panel, the Welsh Ministers must have regard to the fact that it is desirable that the knowledge and experience of the Commissioner and the Advisory Panel's members (taken together) includes knowledge and experience of the matters referred to in paragraph (1).

*Leighton Andrews*

Minister for Education and Skills, one of the Welsh Ministers

11 January 2012