
WELSH STATUTORY INSTRUMENTS

2016 No. 409 (W. 127)

WELSH LANGUAGE

**The Welsh Language (Wales) Measure 2011
(Consequential Provisions) Order 2016**

Made - - - - - 15 March 2016

Coming into force - - - - - 31 March 2016

The Welsh Ministers in exercise of the powers conferred upon them by section 154 of the Welsh Language (Wales) Measure 2011⁽¹⁾ make the following Order.

The Welsh Ministers consider it appropriate in connection with, or to give full effect, to the provisions of the Welsh Language (Wales) Measure 2011 to make the following Order.

A draft of this Order was laid before and approved by a resolution of the National Assembly for Wales in accordance with section 150(2)(k) of the Welsh Language (Wales) Measure 2011.

Title and commencement

1.—(1) The title of this Order is the Welsh Language (Wales) Measure 2011 (Consequential Provisions) Order 2016.

(2) This Order comes into force on 31 March 2016.

Consequential amendments to the Government of Wales Act 2006

2. The Government of Wales Act 2006⁽²⁾ is amended as follows—

(a) in section 78—

- (i) omit subsections (2) and (3);
- (ii) in subsection (4)(a) omit “both” and “and the Welsh language scheme”;
- (iii) in subsection (4)(b) for “scheme or revise them” substitute “revise it”;
- (iv) in subsections (5), (6) and (7) in each place it occurs omit “or scheme”;
- (v) in subsection (6) omit “and the Welsh language scheme”;
- (vi) in subsection (6)(b) omit “or the Welsh language scheme”; and
- (vii) for subsection (8) substitute—

(1) 2011 nawm 1.
(2) 2006 c. 32.

“(8) After each financial year the Welsh Ministers must publish a report of how the proposals set out in the Welsh language strategy were implemented in that financial year and how effective their implementation has been in promoting and facilitating the use of the Welsh language and must lay a copy of the report before the Assembly.”; and

(b) in paragraph 48 of Schedule 11—

(i) omit sub-paragraph (2); and

(ii) in sub-paragraph (3) for “Sub-paragraphs (1) and (2) do” substitute “Sub-paragraph (1) does”.

15 March 2016

Carwyn Jones
First Minister for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

The Welsh Language (Wales) Measure 2011 (“the Measure”) created the office of the Welsh Language Commissioner and abolished the Welsh Language Board. The Measure also provided for the transfer of the Welsh Language Board’s functions to the Commissioner.

Section 154 (transitional and consequential provisions etc) of the Measure gives the Welsh Ministers the power, by order, to make such transitional, consequential and other provision as they think necessary or appropriate in connection with, or to give full effect to the Measure. This Order is made under section 154 of the Measure.

Article 2(a) of this Order amends section 78 (the Welsh language) of the Government of Wales Act 2006 (“the 2006 Act”). Section 78 of the 2006 Act places a duty on the Welsh Ministers to adopt a Welsh language strategy and a Welsh language scheme. It also imposes duties on the Welsh Ministers in relation to the revision and publication of that strategy and scheme. Article 2(b) amends paragraph 48 of Schedule 11 to remove a reference to the Welsh language scheme.

The Commissioner has served a compliance notice on the Welsh Ministers in accordance with Chapter 6 of Part 4 (compliance notices) of the Measure. The Welsh Ministers are under a duty to comply with the standards set out in that compliance notice (“the standards”) once all the conditions in section 25 of the Measure are met. Therefore, this Order makes a consequential amendment to section 78 of the 2006 Act so as to omit references to the Welsh Ministers’ Welsh language scheme. The Welsh Ministers must comply with the standards from 31 March 2016 being the date stated in the compliance notice and consequently it is not considered appropriate for the Welsh Ministers to continue to adopt a Welsh language scheme.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.