

# Agenda Supplement – Culture, Communications, Welsh Language, Sport, and International Relations Committee

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Meeting Venue:

Video Conference via Zoom

Meeting date: 29 June 2023

Meeting time: 09.30 – 12.10

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Committee Clerk

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## Remote – Supplementary Pack

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Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

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### 5 National contemporary art gallery: update on the process of the inquiry

(10.00 – 10.15)

(Pages 1 – 3)

Attached Documents:

- Engagement proposal: National Contemporary Art Gallery

### 9 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events

(11.30 – 11.50)

(Pages 4 – 28)

Attached Documents:

- Briefing note: Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events
- Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events



- Explanatory Memorandum: Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events

## **10 The Welsh Language Standards (No. 9) Regulations 2023**

(11.50 – 12.10)

(Pages 29 – 84)

Attached Documents:

- Letter from the Minister for Education and Welsh Language: The Welsh Language Standards (No. 9) Regulations 2023 – 27 June 2023
- The Welsh Language Standards (No. 9) Regulations 2023
- Explanatory Memorandum: The Welsh Language Standards (No. 9) Regulations 2023

Document is Restricted

# Agenda Item 9

By virtue of paragraph(s) vii of Standing Order 17.42

Document is Restricted



Miscellaneous No. 5 (2023)

# Council of Europe

Convention on an Integrated Safety, Security and Service Approach at  
Football Matches and Other Sports Events [CETS No. 218]

Saint Denis, 3 July 2016

[The United Kingdom has not acceded to the Convention]

*Presented to Parliament  
by the Secretary of State for Foreign, Commonwealth and Development Affairs  
by Command of His Majesty  
June 2023*

CP 864

Pack Page 7



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**COUNCIL OF EUROPE CONVENTION ON AN INTEGRATED SAFETY,  
SECURITY AND SERVICE APPROACH AT FOOTBALL MATCHES  
AND OTHER SPORTS EVENTS [CETS NO. 218]**

Recognising that the overlapping character of these measures requires the relevant agencies to develop effective international, national and local partnerships in order to prepare and deliver an integrated and balanced multi-agency approach to safety, security and service in connection with football matches and other sports events;

Recognising that events outside of sports stadiums can have a direct impact on events inside the stadiums and vice versa;

Recognising that consultation with key stakeholders, especially supporters and local communities, can assist the relevant agencies in reducing the risks to safety and security and in creating a welcoming atmosphere inside and outside of stadiums;

Being resolved to take common and co-operative action to reduce the risks to safety and security at football matches and other sports events in order to provide an enjoyable experience for spectators, participants and local communities;

Building upon the content of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No. 120), opened for signature in Strasbourg on 19 August 1985 (hereafter “Convention No. 120”);

Taking into account that extensive European experience and good practices has resulted in the development of a new integrated and partnership approach towards the safety and security of spectators, reflected in particular in the Recommendation Rec (2015) 1 on Safety, Security and Service at Football Matches, and other Sports Events, adopted by the Standing Committee of the Convention No. 120 at its 40th meeting on 18 June 2015, Have agreed as follows:

**Article 1 – Scope**

- 1 The Parties shall, within the limits of their respective constitutional provisions, take the necessary steps to give effect to the provisions of this Convention in respect of football matches or tournaments played in their territory by professional football clubs and national teams.
- 2 The Parties may apply the provisions of this Convention to other sports or sports events hosted in their territory, including non-professional football matches, especially in circumstances where safety or security risks are involved.

## **Article 2 – Aim**

The aim of this Convention is to provide a safe, secure and welcoming environment at football matches and other sports events. To that end, the Parties shall:

- a adopt an integrated, multi-agency and balanced approach towards safety, security and service, based upon an ethos of effective local, national and international partnerships and co-operation;
- b ensure that all public and private agencies, and other stakeholders, recognise that safety, security and service provision cannot be considered in isolation, and can have a direct influence on delivery of the other two components;
- c take account of good practices in developing an integrated approach to safety, security and service.

## **Article 3 – Definitions**

For the purposes of this Convention, the terms:

- a “safety measures” shall mean any measure designed and implemented with the primary aim of protecting the health and well-being of individuals and groups who attend, or participate in, a football match or other sports event, inside or outside of the stadium, or who reside or work in the vicinity of the event;
- b “security measures” shall mean any measure designed and implemented with the primary aim of preventing, reducing the risk and/or responding to any violence or other criminal activity or disorder committed in connection with a football or other sports event, inside or outside of a stadium;
- c “service measures” shall mean any measure designed and implemented with the primary aim of making individuals and groups feel comfortable, appreciated and welcome when attending a football match or other sports event, inside or outside of a stadium;
- d “agency” shall mean any public or private body with a constitutional, legislative, regulatory or other responsibility in respect of the preparation and implementation of any safety, security or service measure in connection with a football match or other sports event, inside or outside of a stadium;
- e “stakeholder” shall mean spectators, local communities or other interested parties who do not have legislative or regulatory responsibilities but who can play an important role in helping to make football matches or other sports events safe, secure and welcoming, inside and outside of stadiums;

- f “integrated approach” shall mean recognition that, irrespective of their primary purpose, safety, security and service measures at football matches and other sports events invariably overlap, are interrelated in terms of impact, need to be balanced and cannot be designed or implemented in isolation;
- g “multi-agency integrated approach” shall mean recognition that the roles and actions of each agency involved in football or other sports planning and operational activities must be co-ordinated, complementary, proportionate and designed and implemented as part of a comprehensive safety, security and service strategy;
- h “good practices” shall mean measures applied in one or more countries that have proven to be very effective in meeting the stated aim or objective;
- i “relevant agency” shall mean a body (public or private) involved in the organisation and/or management of a football match or other sports event held inside or outside of a sports stadium.

#### **Article 4 – Domestic co-ordination arrangements**

- 1 The Parties shall ensure that national and local co-ordination arrangements are established for the purpose of developing and implementing a multi-agency integrated approach to safety, security and service at national and local level.
- 2 The Parties shall ensure that co-ordination arrangements are established to identify, analyse and evaluate the risks pertaining to safety, security and services, and to allow the sharing of updated information on risk assessment.
- 3 The Parties shall ensure that the co-ordination arrangements involve all key public and private agencies responsible for safety, security and service matters connected with the event, both inside and outside of the venue where the event is taking place.
- 4 The Parties shall ensure that the co-ordination arrangements take full account of the safety, security and service principles set out in this Convention and that national and local strategies are developed, regularly evaluated and refined in the light of national and international experience and good practices.
- 5 The Parties shall ensure that national legal, regulatory or administrative frameworks clarify the respective roles and responsibilities of the relevant agencies and that these roles are complementary, consistent with an integrated approach and widely understood at strategic and operational levels.

## **Article 5 – Safety, security and service in sports stadiums**

- 1 The Parties shall ensure that national legal, regulatory or administrative frameworks require event organisers, in consultation with all partner agencies, to provide a safe and secure environment for all participants and spectators.
- 2 The Parties shall ensure that the competent public authorities put in place regulations or arrangements to guarantee the effectiveness of stadium licensing procedures, certification arrangements and safety regulations in general and ensure their application, monitoring and enforcement.
- 3 The Parties shall require the relevant agencies to ensure that stadium design, infrastructure and associated crowd management arrangements comply with national and international standards and good practices.
- 4 The Parties shall encourage the relevant agencies to ensure that stadiums provide an inclusive and welcoming environment for all sections of society, including children, the elderly and those with disabilities, and incorporate, in particular, the provision of appropriate sanitary and refreshment facilities and good viewing conditions for all spectators.
- 5 The Parties shall ensure that stadiums' operating arrangements are comprehensive; make provision for effective liaison with the police, emergency services and partner agencies; and incorporate clear policies and procedures on matters that might impact on crowd management and associated safety and security risks, in particular:
  - the use of pyrotechnics;
  - any violent or other prohibited behaviour; and
  - any racist or other discriminatory behaviour.
- 6 The Parties shall require the relevant agencies to ensure that all personnel, from the public or private sectors, involved in making football matches and other sports events safe, secure and welcoming are equipped and trained to fulfil their functions effectively and in an appropriate manner.
- 7 The Parties shall encourage their competent agencies to highlight the need for players, coaches or other representatives of participating teams to act in accordance with key sporting principles, such as tolerance, respect and fair play, and recognise that acting in a violent, racist or other provocative manner can have a negative impact on spectator behaviour.

## **Article 6 – Safety, security and service in public places**

- 1 The Parties shall encourage all agencies and stakeholders involved in organising football matches and other sports events in public spaces, including the municipal authorities, police, local communities and businesses, supporter

representatives, football clubs and national associations, to work together, notably in respect of:

- a assessing risk and preparing appropriate preventative measures designed to minimise disruption and provide reassurances to the local community and businesses, in particular those located in the vicinity of where the event is taking place or public viewing areas;
  - b creating a safe, secure and welcoming environment in public spaces that are designated for supporters to gather before and after the event, or locations in which supporters can be expected to frequent of their own volition, and along transit routes to and from the city and/or to and from the stadium.
- 2 The Parties shall ensure that risk assessment and safety and security measures take account of the journey to and from the stadium.

### **Article 7 – Contingency and emergency planning**

The Parties shall ensure that multi-agency contingency and emergency plans are developed, and that those plans are tested and refined in regular joint exercises. National legal, regulatory or administrative frameworks shall make clear which agency is responsible for initiating, supervising and certifying the exercises.

### **Article 8 – Engagement with supporters and local communities**

- 1 The Parties shall encourage all agencies to develop and pursue a policy of proactive and regular communication with key stakeholders, including supporter representatives and local communities, based on the principle of dialogue, and with the aim of generating a partnership ethos and positive co-operation as well as identifying solutions to potential problems.
- 2 The Parties shall encourage all public and private agencies and other stakeholders, including local communities and supporter representatives, to initiate or participate in multi-agency social, educational, crime-prevention and other community projects designed to foster mutual respect and understanding, especially among supporters, sports clubs and associations as well as agencies responsible for safety and security.

### **Article 9 – Police strategies and operations**

- 1 The Parties shall ensure that policing strategies are developed, regularly evaluated and refined in the light of national and international experience and good practices, and are consistent with the wider, integrated approach to safety, security and service.
- 2 The Parties shall ensure that policing strategies take account of good practices including, in particular: intelligence gathering, continuous risk assessment, risk-

based deployment, proportionate intervention to prevent the escalation of risk or disorder, effective dialogue with supporters and the wider community, and evidence gathering of criminal activity as well as the sharing of such evidence with the competent authorities responsible for prosecution.

- 3 The Parties shall ensure that the police work in partnership with organisers, supporters, local communities and other stakeholders in making football matches and other sports events safe, secure and welcoming for all concerned.

#### **Article 10 – Prevention and sanctioning of offending behaviour**

- 1 The Parties shall take all possible measures to reduce the risk of individuals or groups participating in, or organising incidents of violence or disorder.
- 2 The Parties shall, in accordance with national and international law, ensure that effective exclusion arrangements, appropriate to the character and location of risk, are in place to deter and prevent incidents of violence or disorder.
- 3 The Parties shall, in accordance with national and international law, co-operate in seeking to ensure that individuals committing offences abroad receive appropriate sanctions, either in the country where the offence is committed or in their country of residence or citizenship.
- 4 Where appropriate, and in accordance with national and international law, the Parties shall consider empowering the judicial or administrative authorities responsible to impose sanctions on individuals who have caused or contributed to incidents of football-related violence and/or disorder, with the possibility of imposing restrictions on travel to football events held in another country.

#### **Article 11 – International co-operation**

- 1 The Parties shall co-operate closely on all matters covered by this Convention and related matters, in order to maximise collaboration in respect of international events, share experiences and participate in the development of good practices.
- 2 The Parties shall, without prejudice to existing national provisions, in particular the allocation of powers among the different services and authorities, set up or designate a national football information point within the police force (NFIP). The NFIP shall:
  - a act as the direct and single contact point for exchanging general (strategic, operational and tactical) information in connection with a football match with an international dimension;
  - b exchange personal data in accordance with the applicable domestic and international rules;

- c facilitate, co-ordinate or organise the implementation of international police co-operation in connection with football matches with an international dimension;
  - d be capable of fulfilling efficiently and promptly the tasks assigned to it.
- 3 The Parties shall further ensure that the NFIP provides a national source of expertise regarding football policing operations, supporter dynamics and associated safety and security risks.
  - 4 Each State Party shall notify the Committee on Safety and Security at Sports Events, created by this Convention, in writing, of the name and contact details of its NFIP, and any subsequent changes with regard to it.
  - 5 The Parties shall co-operate at international level in respect of sharing good practices and information on preventative, educational and informative projects and the establishment of partnerships with all agencies involved in the delivery of national and local initiatives, focused on or driven by the local community and supporters.

## **Procedural Clauses**

### **Article 12 – Provision of information**

Each Party shall forward to the Committee on Safety and Security at Sports Events, in one of the official languages of the Council of Europe, all relevant information concerning legislative and other measures taken by it for the purpose of complying with the terms of this Convention, whether with regard to football or other sports.

### **Article 13 – Committee on Safety and Security at Sports Events**

- 1 For the purposes of this Convention, the Committee on Safety and Security at Sports Events is hereby established.
- 2 Any Party to this Convention may be represented on the committee by one or more delegates representing lead governmental agencies, preferably with responsibility for sport safety and security, and the NFIP. Each Party to this Convention shall have one vote.
- 3 Any member State of the Council of Europe or other State Party to the European Cultural Convention which is not a Party to this Convention, as well as any non-member State which is a Party to Convention No. 120, may be represented on the committee as an observer.
- 4 The committee may, by unanimous decision, invite any non-member State of the Council of Europe which is not a Party to this Convention or to Convention

No. 120 and any organisation interested in being represented to be an observer at one or more of its meetings.

- 5 The committee shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within one year of the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Convention. It shall subsequently meet at least every year after its first meeting. In addition it shall meet whenever a majority of the Parties so request.
- 6 A majority of the Parties shall constitute a quorum for holding a meeting of the committee.
- 7 Subject to the provisions of this Convention, the committee shall draw up and adopt by consensus its own rules of procedure.

#### **Article 14 – Functions of the Committee on Safety and Security at Sports Events**

- 1 The committee shall be responsible for monitoring the application of this Convention. It may in particular:
  - a keep under review the provisions of this Convention and examine any necessary modifications;
  - b hold consultations and, where appropriate, exchange information with relevant organisations;
  - c make recommendations to the Parties to this Convention concerning measures to be taken for its implementation;
  - d recommend the appropriate measures to keep the public informed about the activities undertaken within the framework of this Convention;
  - e make recommendations to the Committee of Ministers concerning non-member States of the Council of Europe to be invited to accede to this Convention;
  - f make any proposal for improving the effectiveness of this Convention;
  - g facilitate the collection, analysis and exchange of information, experience and good practices between States.
- 2 The committee, with the prior agreement of the Parties concerned, shall monitor compliance with this Convention through a programme of visits to the States Parties, in order to provide advice and support on the implementation of this Convention.

- 3 The committee shall also gather the information provided by States Parties according to Article 12, and transmit relevant data to all States Parties of the Convention. It may in particular inform each State Party about the nomination of a new NFIP, and circulate its contact details.
- 4 In order to discharge its functions, the committee may, on its own initiative, arrange for meetings of groups of experts.

### **Article 15 – Amendments**

- 1 Amendments to this Convention may be proposed by a Party, the Committee on Safety and Security at Sports Events or the Committee of Ministers of the Council of Europe.
- 2 Any proposal for amendment shall be communicated by the Secretary General of the Council of Europe to the member States of the Council of Europe, to the other States Parties to the European Cultural Convention, to any non-member State of the Council of Europe having acceded to Convention No. 120 prior to the date of opening for signature of this Convention and to every non-member State which has acceded to or has been invited to accede to this Convention in accordance with the provisions of Article 18.
- 3 Any amendment proposed by a Party or the Committee of Ministers shall be communicated to the committee at least two months before the meeting at which it is to be considered. The committee shall submit its opinion on the proposed amendment to the Committee of Ministers.
- 4 The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the committee and may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.
- 5 The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 4 of this article shall be forwarded to the Parties for acceptance in accordance with their respective internal procedures.
- 6 Any amendment adopted in accordance with paragraph 4 of this article shall come into force on the first day of the month following the expiration of a period of one month after all Parties have informed the Secretary General of their acceptance thereof.

### **Final Clauses**

#### **Article 16 – Signature**

- 1 This Convention shall be open for signature by the member States of the Council of Europe, the States Parties to the European Cultural Convention and any non-member State of the Council of Europe having acceded to the European

Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No. 120), opened for signature in Strasbourg on 19 August 1985, prior to the date of opening for signature of this Convention.

- 2 This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
- 3 No State Party to Convention No. 120 may deposit its instrument of ratification, acceptance or approval unless it has already denounced the said convention or denounces it simultaneously.
- 4 When depositing its instrument of ratification, acceptance or approval in accordance with the preceding paragraph, a Contracting State may declare that it will continue to apply Convention No. 120 until the entry into force of this Convention according to the provisions of Article 17, paragraph 1.

#### **Article 17 – Entry into force**

- 1 The Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 16.
- 2 In respect of any Signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of the deposit of the instrument of ratification, acceptance or approval.

#### **Article 18 – Accession by non-member States**

- 1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Parties, may invite any non-member State of the Council of Europe to accede to the Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.
- 2 In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.
- 3 A Party which is not a member State of the Council of Europe shall contribute to the financing of the Committee on Safety and Security at Sports Events in a manner to be decided by the Committee of Ministers.

### **Article 19 – Effects of the Convention**

- 1 In relations between a Party to this Convention and a Party to Convention No. 120 which has not ratified this Convention, Articles 4 and 5 of Convention No. 120 shall continue to apply.
- 2 After the entry into force of this Convention, if a State has denounced Convention No. 120 but such denunciation is not yet effective at the time of ratification of this Convention, this Convention shall apply according to the provisions of Article 17, paragraph 2.

### **Article 20 – Territorial application**

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any Party may, at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such a territory, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of receipt of said declaration by the Secretary General.
- 3 Any declaration made under the two preceding paragraphs may, in respect of any territory mentioned in the declaration, be withdrawn by a notification addressed to the Secretary General. This withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

### **Article 21 – Denunciation**

- 1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 This denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

### **Article 22 – Notifications**

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the other States Parties to the European Cultural Convention and any State which has acceded to this Convention, of:

- a any signature in accordance with Article 16;

- b the deposit of any instrument of ratification, acceptance, approval or accession in accordance with Article 16 or Article 18;
- c any date of entry into force of this Convention in accordance with Articles 17 and 18;
- d any proposal for amendment or any amendment adopted in accordance with Article 15 and the date on which the amendment comes into force;
- e any declaration made under the provisions of Article 20;
- f any denunciation made in pursuance of the provisions of Article 21;
- g any other act, declaration, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Saint-Denis, this 3rd day of July 2016 in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to each State Party to the European Cultural Convention, and any State invited to accede to this Convention.



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# **Explanatory Memorandum on Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events [CETS No. 218]**

**Title: Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events [CETS No. 218]**

**Command Paper No 864**

## **1. Introduction**

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament as an un-numbered Act Paper.

## **2. Subject matter and purpose of the Treaty**

2.1 The Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, also known as the ‘Saint-Denis Convention’, consists of 22 Articles aimed at preparing and delivering an integrated and balanced multi-agency approach to safety, security, and service in connection with football matches and other sports events.

2.2 Article 2 sets out the aims of the Convention which is to provide a safe, secure, and welcoming environment at football matches and other sports events. The Convention also sets out obligations on parties

## **3. Background**

3.1 The Saint-Denis Convention is a convention of the Council of Europe, of which the UK is a founding member. The Convention was adopted by the Committee of Ministers of the Council of Europe on 4 May 2016. It was opened for signature on 3 July 2016 in Saint-Denis (France).

3.2 The UK signed the Saint-Denis Convention on 15 May 2019 and the UK Government always intended to ratify the Convention as a strong international leader in safety, security and service at football matches and other sports events.

## **4. Content**

4.1 Articles 1 to 3 of the Convention cover its scope and aim, and the definitions of the key terms used within it. “Safety measures” are defined as any measure designed and implemented with the primary aim of protecting the health and well-being of individuals and groups who attend, or participate in, a football match or other sports event, inside or outside of the stadium, or who reside or work in the vicinity of the event. “Security measures” are defined as any measure designed and implemented with the primary aim of preventing, reducing the risk and/or responding to any violence or other criminal activity or disorder committed in connection with a football or other sports event, inside or outside of a stadium. “Service measures” are defined as any measure designed and implemented with the primary aim of making individuals and groups feel comfortable, appreciated, and welcome when attending a football match or other sports event, inside or outside of a stadium.

4.2 Article 4 covers the domestic co-ordination arrangements whereby parties ensure that national and local co-ordination arrangements are established, involving key public and private agencies, and taking full account of the principles in the Convention.

4.3 Articles 5 and 6 set out the expected safety, security and service in both sports stadiums and public places. This includes incorporating clear policies and procedures on pyrotechnic use, violent or other prohibited behaviour and racist or other discriminatory behaviour in stadiums.

4.4 Articles 7 and 8 set out that multi-agency contingency and emergency plans should be developed, and supporters and local communities are engaged with to foster mutual respect and understanding

4.5 Articles 9 to 11 focus on policing, prevention and sanctioning of offending behaviour, and international co-operation. It sets out that all possible measures are taken to reduce the risk of individuals or groups participating in or organising incidents of violence or disorder. This includes a national football information point (NFIP) within the police force which acts as a direct and single contact point for exchanging general information and personal data (in line with relevant domestic and international rules) as well as facilitating, co-ordinating or organising the implementation of international police co-operation.

#### Procedural clauses

4.6 Articles 12 to 14 include various procedures that relate to establishing the Committee on Safety and Security at Sports Events, providing information to the Committee on relevant information concerning legislation and functions of the Committee. The functions of the Committee include keeping under review the provisions of the Convention, making recommendations for its implementation, and facilitating the collection, analysis and exchange of information, experience, and good practice.

4.7 Article 15 sets out that amendments to the Convention may be proposed by a Party, the Committee on Safety and Security at Sports Events or the Committee of Ministers of the Council of Europe and the process for doing so.

#### Final clauses

4.8 Articles 16 to 22 include opening the Convention for signature, entry into force dates, accession by non-member states, effects of the Convention, territorial application, denunciation, and notification procedure.

4.9 Article 17 specifies that the Convention shall enter into force following signature and ratification by three member states and for subsequent signatories, the Convention shall enter into force on the first day of the month following the expiration of a period of one month of the deposit of the instrument of ratification, acceptance or approval. To date, more than three member states have signed, ratified and entered into force the Convention.

## 2 Implementation

2.1 Existing UK legislation satisfies the requirements of the Convention, primarily through the legislation set out below:

### England, Wales, Scotland and Northern Ireland

- The Policing and Crime Act 2009 extends the restrictions connected with England and Wales football banning orders to Scotland and Northern Ireland.

### England, Wales and Scotland only

- The Health and Safety at Work etc. Act 1974 makes it clear that all employers have a duty to ensure, as far as is reasonably practicable, the health, safety, and welfare at work of their employees.
- The Safety at Sports Ground Act 1975 places a statutory duty on local authorities for issuing and enforcing a safety certificate for sports grounds designated by the Secretary of State.
- The Fire Safety and Safety of Places of Sport Act 1987 places a similar responsibility as in the Safety at Sports Ground Act 1975 on the local authority in relation to regulated stands at non-designated sports grounds.
- The Licencing Act 2003 allow the police and local authority to measure and counter the disruption to their local communities.
- The Civil Contingencies Act 2004 provides for emergency and contingency planning.
- The Anti-social Behaviour, Crime and Policing Act 2014 introduced dispersal powers for the police where someone's behaviour is causing or is likely to cause harassment, alarm or distress, crime, or disorder.

### England and Wales only

- The Sporting Event (Control of Alcohol etc) Act 1985 creates offences connected to being drunk entering or inside a stadium and the possession of alcohol and fireworks/pyrotechnics as well as the control of alcohol on trains and coaches connected to football matches.
- The Football Spectators Act 1989 established the Sports Ground Safety Authority which is the UK Government's expert body on safety at sports grounds. The Act also provides for the provision of football banning orders.
- The Football (Offences) Act 1991 creates offences of racist and indecent chanting, throwing objects towards the playing area and pitch incursions.
- The Criminal Justice and Public Order Act 1994 provides the power to stop and search persons when violence is anticipated, or police believe weapons may be carried and prohibits unauthorised persons from selling or otherwise disposing of a ticket to a football match.

- The Crime and Disorder Act 1998 includes offences on racially aggravated assault, public order offences, criminal damage, and harassment.
- The Equality Act 2010 sets an expectation that service providers make a reasonable adjustment to facilities, policies and/or procedures so that disabled people are not placed at a 'substantial disadvantage' compared with non-disabled people.
- The Sports Ground Safety Authority Act 2011 is able to confer further powers on the Football Licensing Authority.
- The Safety of Sports Grounds (Designation) Order 2015 2015/661 designates that all stadiums in England and Wales with a capacity of over 5,000 require a Safety Certificate under the Safety at Sports Ground Act 1975.

#### Scotland only

- The Disability Discrimination Act 1995 provides the requirements and obligations with regards to accessible stadia.
- The Criminal Law (Consolidation) (Scotland) Act 1995 Part II (Sporting Events: Control of Alcohol etc) provides for the control of alcohol at sports grounds, sporting events and on transport.
- The Criminal Justice (Scotland) Act 2003 makes provision in relation to criminal justice.
- The Police, Public Order and Criminal Justice (Scotland) Act 2006 provides for arrangements that prohibit individuals attending football matches (in the UK or overseas) or the local areas associated with football violence.
- The Violent Crime Reduction Act 2006 makes provision for reducing and dealing with the abuse of alcohol.
- The Criminal Justice and Licensing (Scotland) Act 2010 amended the law relating to the licensing of certain activities by local authorities and amended the law relating to the sale of alcohol.
- The Community Empowerment (Scotland) Act 2015 provides for a framework to develop legislation to enhance the rights of football supporters.

The following Scottish Statutory Instruments, all relating to offences of possession of pyrotechnic articles, took effect on 6 June 2023:

- The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Commencement No. 2) Regulations 2023.
- The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Designation of Events and Incidental Provision) Regulations 2023.
- The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Consequential Modifications, Saving and Transitional Provisions) Regulations 2023.

## Northern Ireland only

- The Health and Safety at Work (Northern Ireland) Order 1978 places requirements on venue operators where employment can be demonstrated.
- The Safety of Sports Grounds (Northern Ireland) Order 2006 requires that operators of venues designated under the legislation obtain from the relevant district council a safety certificate containing terms and conditions to ensure the reasonable safety of spectators attending fixtures.
- The Justice Act (Northern Ireland) 2011 creates specific offences regarding spectator behaviour at larger fixtures and criminalises several activities at regulated matches.

2.2 All the legislative changes which were necessary to ensure the UK's compliance with the Convention have been enacted and implemented. Ratification of the Convention would therefore not require further changes in UK legislation.

### **3 Territorial Application**

3.1 The UK's ratification of the Convention will apply to the metropolitan UK only and will not extend to the Overseas Territories and Crown Dependencies (see paragraph 10.2).

### **4 Financial**

4.1 As the UK already has the legislation in place to meet the requirements of the Convention, there will be no direct financial implications beyond those needed to cover the process of ratifying this Convention.

### **5 Human Rights**

5.1 The Home Office considers that ratification will entail no significant human rights implications. The human rights implications relating to the legislation whose passage was necessary to ensure the United Kingdom's compliance with the Convention will have been considered in line with Ministers' responsibility under section 19 of the Human Rights Act 1998.

### **6 Reservations and Declarations**

6.1 No reservations or declarations have been made in relation to the Convention.

### **7 Consultation**

7.1 The Convention covers devolved and reserved matters. The UK Government consulted the Devolved Administrations on the drafting of this Convention and in the preparation of this EM.

7.2 Consultation has started with the Crown Dependencies and British Overseas Territories to establish if they would like the Convention extended to them. It has been made clear that it could be extended to them in the future after the UK has

ratified under the provisions of Article 20(2), in which case a further full consultation would take place to establish compliance.

## **8 Ministerial Responsibility**

8.1 The Secretary of State for the Home Office has overall responsibility for security at sports grounds and for this Treaty. The Secretaries of State for the Department for Digital, Culture, Media and Sport, Ministry of Justice and Foreign, Commonwealth & Development Office also have policy responsibilities for the implementation of the Convention.

8.2 The Secretary of State for Foreign, Commonwealth and Development Office has overall responsibility for UK policy relating to the UK's relations with the Council of Europe.

A handwritten signature in black ink, appearing to read 'Suella Braverman', with a long, sweeping horizontal stroke at the end.

**Rt Hon. Suella Braverman KC MP**  
**Home Secretary**



Eich cyf/Your ref  
Ein cyf/Our ref

Delyth Jewell MS  
Chair  
Culture, Communications, Welsh Language, Sport and International Relations Committee  
Senedd Cymru

27 June 2023

Dear Delyth,

Further to my commitment to work closely with the Committee as we move forward with the programme of introducing Welsh Language standards regulations, I am writing to inform the Committee that shortly I intend to lay the draft Welsh Language Standards (No. 9) Regulations 2023 before the Senedd.

These Regulations will make Standards specifically applicable to water and sewerage undertakers who come under the following headings in Schedule 8 to the Welsh Language (Wales) Measure 2011 ("the Measure"):

- Persons who, by virtue of an appointment under section 6 of the Water Industry Act 1991, or by virtue of a variation of such appointment under section 7 of that Act, are water undertakers for the whole or any part of Wales.
- Persons who, by virtue of an appointment under section 6 of the Water Industry Act 1991, or by virtue of a variation of such appointment under section 7 of that Act, are sewerage undertakers for the whole or any part of Wales.

A consultation was held on draft Regulations between 15 February and 5 April 2023. This was the second consultation held on draft standards for this sector as one was previously held in 2017. A summary report of the consultation responses will also be published on the Welsh Government website on the same day as the Regulations are laid, and my intention is to hold a Plenary debate on these Regulations on 19 September 2023.

Yours sincerely,

**Jeremy Miles AS/MS**  
Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language

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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.

*Draft Regulations laid before Senedd Cymru under section 150(2) of the Welsh Language (Wales) Measure 2011, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2023 No. (W.)**

**WELSH LANGUAGE**

**The Welsh Language Standards  
(No. 9) Regulations 2023**

**EXPLANATORY NOTE**

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

The Welsh Language (Wales) Measure 2011 (nawm 1) (“the 2011 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 (c. 38).

Section 26 of the 2011 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 water and sewerage undertakers set out in Schedule 4 to the Regulations (which are referred to in the Regulations as “bodies”). Water and sewerage undertakers are appointed under section 6 or by a variation of an appointment under section 7 of the Water Industry Act 1991(1).

The Regulations also authorise the Commissioner to give a compliance notice to those bodies, in relation to standards specified by the Regulations. This is referred to in the 2011 Measure as making a standard ‘specifically applicable’ to a body.

Because the bodies which these standards relate to are within Schedule 8 to the 2011 Measure, section 37

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(1) 1991 c. 56.

of the 2011 Measure provides that only service delivery standards and record keeping standards can be made specifically applicable to them. A service delivery standard only applies to the extent that it relates to the provision by the body of a service specified in column 2 of the body's entry in Schedule 8 to the 2011 Measure. In the case of the water and sewerage undertakers falling within Schedule 4 to these Regulations, the specified services are services provided to the public in the exercise of the functions of water undertaker or sewerage undertaker (as appropriate) for the whole or any part of Wales.

In accordance with section 44 of the 2011 Measure, the Commissioner may (by way of a compliance notice) require a body to comply with one or more standards that are specifically applicable to it. To reflect that, the standards specified by the Regulations are expressed in the second person narrative, meaning that they are in "you must" form (where "you" means the relevant body in each case).

Using the flexibility provided by section 44 of the 2011 Measure, the Commissioner may (if it is reasonable and proportionate, and the Commissioner wishes to do so) require a body to comply with one standard in some circumstances and another standard in other circumstances. For example, if a standard is specifically applicable to a body, the Commissioner may require the body to comply with the standard in some circumstances but not others, or require it to comply with the standard only in some areas. Similarly, if two or more standards relate to a specific conduct (for example, standards 8 and 9 in relation to answering telephone calls), the Commissioner may (by way of a compliance notice) require a body to comply with one of those standards only, or with different standards at different times, in different circumstances, or in different areas, as is appropriate for the body. The Commissioner is not, therefore, obliged to require every body to comply with every standard.

In accordance with section 46 of the 2011 Measure, the compliance notice given to a body must state the imposition day, or imposition days; meaning the day or days upon which the body becomes required to comply with a standard (or comply with a standard in a specific way). Using the flexibility provided for by section 46, the Commissioner may set an early imposition day for a body to comply with a standard (provided this is at least 6 months after the date on which the body was given the related compliance notice), or set an imposition day further in the future (for example, in relation to more challenging standards).

Where a standard specified in these Regulations requires written material to be displayed or provided in Welsh, or for a service to be provided in Welsh,

this does not mean that the material must be displayed or provided in Welsh only, or that the service must only be provided in Welsh (unless that is specifically stated).

**Schedule 1** to the Regulations specifies **service delivery standards**. Section 28 of the 2011 Measure provides that a “service delivery standard” means a standard that relates to a service delivery activity, and is intended to promote or facilitate the use of the Welsh language, or to work towards ensuring that the Welsh language is treated no less favourably than the English language, when that activity is carried out. A “service delivery activity” means a person delivering services to another person, or dealing with any other person in connection with delivering services to that other person, or to a third person.

**Schedule 2** to the Regulations specifies **record keeping standards**. Section 32 of the 2011 Measure provides that a “record keeping standard” is a standard relating to the keeping of records about other specified standards, records about complaints concerning compliance with other specified standards, or records about other complaints concerning the Welsh language.

**Schedule 3** to the Regulations specifies **standards that deal with supplementary matters**. These are specific forms of service delivery standards and record keeping standards that deal with the matters referred to in section 27(4) of the 2011 Measure (which are supplementary to the matters dealt with in Schedules 1 and 2).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Language Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or by email at [Cymraeg2050@llyw.cymru](mailto:Cymraeg2050@llyw.cymru).

*Draft Regulations laid before Senedd Cymru under section 150(2) of the Welsh Language (Wales) Measure 2011, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2023 No. (W.)**

**WELSH LANGUAGE**

**The Welsh Language Standards  
(No. 9) Regulations 2023**

*Made*

\*\*\*

*Coming into force*

*31 October 2023*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011(1), having received the approval of Senedd Cymru(2) in accordance with section 150(2) of that Measure, make the following Regulations:

**Title, commencement, application and interpretation**

**1.**—(1) The title of these Regulations is the Welsh Language Standards (No. 9) Regulations 2023.

(2) These Regulations come into force on 31 October 2023.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

a “body” (“*corff*”) means a person falling within one or both of the categories of persons listed in Schedule 4;

a “member of staff” (“*aelod o staff*”) means an employee of a body or an individual working for a body (and “staff” (“*staff*”) must be construed accordingly);

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(1) 2011 nawm 1.

(2) The reference in section 150(2) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

a “qualifying person” (“*person neilltuedig*”) has the same meaning as in paragraph 2 of Schedule 7 to the Welsh Language (Wales) Measure 2011.

(5) In these Regulations—

- (a) references to any activity being carried out by a body, or to any service being provided by a body, are to be read as including a reference to that activity being carried out on the body’s behalf, or to that service being provided on the body’s behalf by a third party under arrangements made between the third party and the body;
- (b) accordingly, unless a compliance notice provides to the contrary, a body will have failed to comply with a standard in respect of an activity or service it has arranged to be carried out or provided by a third party if that activity or service has not been carried out or provided in accordance with the standard.

(6) Nothing in these Regulations requires a body to comply with a standard in respect of an activity carried out by it or a service provided by it where it is carrying out that activity or providing that service on behalf of a third party under arrangements made between it and the third party.

### **Standards specified**

2.—(1) In Schedule 1—

- (a) Part 1 specifies service delivery standards;
- (b) Part 2 provides that a compliance notice must require a body to comply with certain standards specified in Part 1 if it has required the body to comply with certain other standards;
- (c) Part 3 defines a number of words and expressions.

(2) In Schedule 2—

- (a) Part 1 specifies record keeping standards;
- (b) Part 2 defines a number of words and expressions.

(3) Schedule 3 specifies standards that deal with matters which are supplementary to the matters dealt with in the standards specified in Schedules 1 and 2 and, in particular—

- (a) Part 1 specifies service delivery standards that deal with supplementary matters;
- (b) Part 2 specifies record keeping standards that deal with supplementary matters;
- (c) Part 3 makes provision about interpreting the supplementary standards.

**Standards that are specifically applicable**

3. The Welsh Ministers authorise the Welsh Language Commissioner to give a compliance notice to a body requiring it to comply with any of the standards specified under regulation 2 and Schedules 1 to 3.

*Name*

Minister for Education and Welsh Language, one of the Welsh Ministers

Date

SCHEDULE 1 Regulation 2(1)  
Service Delivery Standards

PART 1

THE STANDARDS

**1 Standards relating to correspondence sent by a body**

*(1) When a body replies to correspondence*

**Standard 1:** If you receive correspondence from a member of the public in Wales (“P”) in Welsh, you must reply in Welsh (if an answer is required), unless P has indicated that there is no need to reply in Welsh.

*(2) When a body initiates correspondence*

*(a) When a body corresponds with a member of the public*

**Standard 2:** Unless you send all system generated correspondence in Welsh to a member of the public in Wales (“P”), when you send system generated correspondence to P for the first time, you must ask P whether P wishes to receive system generated correspondence from you in Welsh, and if P responds to say that P wishes to receive system generated correspondence in Welsh you must—

- (a) keep a record of P’s wish,
- (b) send any system generated correspondence you send to P from then onwards in Welsh.

*(b) When a body corresponds with several members of the public (for example, when it sends a circular, or sends the same letter to a number of homes)*

**Standard 3:** When you send the same correspondence to several members of the public in Wales, you must send a Welsh language version of the correspondence at the same time as you send any English language version.

***(3) General standards relating to correspondence***

**Standard 4:** If you don't know whether a member of the public in Wales ("P") wishes to receive system generated correspondence from you in Welsh, when you send system generated correspondence to that P you must provide a Welsh language version.

**Standard 5:** If you produce a Welsh language version and a corresponding English language version of correspondence, you must not treat the Welsh language version less favourably than the English language version (for example, if the English version is signed, or if contact details are provided on the English version, then the Welsh version must be treated in the same way).

**Standard 6:** You must state—

- (a) in correspondence to members of the public in Wales, and
- (b) in publications and notices that invite members of the public in Wales to respond to you or to correspond with you,

that you welcome receiving correspondence in Welsh, that you will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay.

**2 Standards relating to telephone calls**

***(1) Telephone calls made to a body***

**Standard 7:** When a member of the public in

Wales (“P”) contacts you on your account enquiries helpline numbers or your service helpline numbers and a Welsh language service is available, you must inform P that a Welsh language service is available.

**Standard 8:** When a member of the public in Wales (“P”) contacts you on your account enquiries helpline numbers, you must deal with the call in Welsh in its entirety if that is P’s wish (where necessary by transferring the call to a member of staff who is able to deal with the call in Welsh).

**Standard 9:** When a member of the public in Wales (“P”) contacts you on your account enquiries helpline numbers, you must deal with the call in Welsh if that is P’s wish until such point as—

- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter, and
- (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

**Standard 10:** When a member of the public in Wales (“P”) contacts you on your service helpline numbers, you must deal with the call in Welsh in its entirety if that is P’s wish (where necessary by transferring the call to a member of staff who is able to deal with the call in Welsh).

**Standard 11:** When a member of the public in Wales (“P”) contacts you on your service helpline numbers, you must deal with the call in Welsh if that is P’s wish until such point as—

- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter, and

- (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

**Standard 12:** When you advertise telephone numbers, helpline numbers or call centre services and where the anticipated audience includes members of the public in Wales, you must not treat the Welsh language less favourably than the English language.

**Standard 13:** When you publish your account enquiries helpline numbers and your service helpline numbers and where the anticipated audience includes members of the public in Wales, you must state (in Welsh) that you welcome calls in Welsh.

**Standard 14:** If you have performance indicators for dealing with telephone calls, you must ensure that those performance indicators do not treat telephone calls made in Welsh any less favourably than calls made in English.

**Standard 15:** Your main telephone call answering service (or services) must inform members of the public in Wales calling, in Welsh, that they can leave a message in Welsh.

**Standard 16:** When there is no Welsh language service available on your account enquiries helpline numbers or your service helpline numbers, you must inform members of the public in Wales calling, in Welsh (by way of an automated message or otherwise), when a Welsh language service will be available.

***(2) A body dealing with telephone calls using an automated system***

**Standard 17:** Any automated telephone systems that you have must provide the complete automated service in Welsh where the anticipated audience includes members of the public in Wales.

3

**Standards relating to a body holding meetings that are not open to the general public**

***(1) Meetings between a body and one invited member of the public***

**Standard 18:**

If you invite one member of the public in Wales (“P”) only to a meeting to be held in Wales—

- (a) you must ask P whether P wishes to use the Welsh language at the meeting, and inform P that you will conduct the meeting in Welsh, or, if necessary, provide a translation service from Welsh to English for that purpose, and
- (b) if P has informed you that P wishes to use the Welsh language at the meeting, you must conduct the meeting in Welsh or, if necessary, arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the meeting.

***(2) Meetings between a body and more than one invited person***

**Standard 19:**

If you invite more than one person to a meeting to be held in Wales, you must ask each member of the public in Wales invited whether they wish to use the Welsh language at the meeting.

**Standard 19A:**

If you have invited more than one person to a meeting to be held in Wales, and at least 10% of the members of the public in Wales invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh or, if necessary, arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the

meeting.

**Standard 19B:** If you have invited more than one person to a meeting to be held in Wales, and at least 20% of the members of the public in Wales invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh or, if necessary, arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the meeting.

**Standard 19C:** If you have invited more than one person to a meeting to be held in Wales, and at least 30% of the members of the public in Wales invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh or, if necessary, arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the meeting.

#### **4 Standards relating to meetings arranged by a body that are open to the public**

**Standard 20:** If you arrange a meeting to be held in Wales that is open to members of the public in Wales and at which public participation by a member of the public in Wales is allowed, you must state on any material advertising it, and on any invitation to it, that anyone attending is welcome to use the Welsh language at the meeting.

**Standard 21:** When you send invitations to a meeting to be held in Wales that you arrange which is open to members of the public in Wales and at which public participation by a member of the public in Wales is allowed, you must send the invitations in Welsh.

**Standard 22:** If you arrange a meeting to be held in Wales that is open to members

of the public in Wales and at which public participation by a member of the public in Wales is allowed, you must ensure that a simultaneous translation service from Welsh to English is available at the meeting, and you must orally inform those present in Welsh—

- (a) that they are welcome to use the Welsh language, and
- (b) that a simultaneous translation service is available.

**Standard 23:** If you produce and display any written material at a meeting held in Wales that you arrange which is open to members of the public in Wales, you must ensure that the material is displayed in Welsh, and you must not treat any Welsh language text less favourably than the English language text.

**5 Standards relating to public events organised or funded by a body**

**Standard 24:** If you organise a public event to be held in Wales, you must ensure that, in promoting the event, the Welsh language is treated no less favourably than the English language (for example, in the way the event is advertised or publicised).

**Standard 25:** If you organise a public event to be held in Wales, you must ensure that the Welsh language is treated no less favourably than the English language at the event (for example, in relation to services offered to persons attending the event, in relation to signs displayed at the event, and in relation to audio announcements made at the event).

**6 Standard relating to a body's publicity and advertising**

**Standard 26:** Any publicity or advertising material that you produce must be produced in Welsh where the anticipated audience includes

members of the public in Wales, and if you produce the material in Welsh and in English, you must not treat the Welsh language version less favourably than you treat the English language version.

**7 Standards relating to a body displaying material in public**

**Standard 27:** Any material that you produce and display in public in Wales must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than the English language version.

**Standard 28:** Any material that you produce and display at a public exhibition in Wales organised by you must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than you treat an English language version.

**8 Standards relating to a body producing documents**

**Standard 29:** If you produce a document which is available to members of the public in Wales, you must produce it in Welsh—

- (a) if the subject matter of the document suggests that it should be produced in Welsh, or
- (b) if the anticipated audience, and their expectations, suggests that the document should be produced in Welsh.

**Standard 30:** If you produce a document in Welsh and in English (whether separate versions or not), you must not treat any Welsh language version less favourably than you treat the English language version.

**Standard 31:** If you produce a Welsh language version and a separate English language version of a document, you must ensure that the English

language version clearly states that the document is also available in Welsh.

**9 Standards relating to a body producing and publishing forms**

**Standard 32:** When you send a form to a member of the public in Wales (“P”) for the first time, you must ask P whether P wishes to receive forms in Welsh, and if P responds to say that P wishes to receive forms in Welsh you must—

- (a) keep a record of P’s wish, and
- (b) send any forms you send to P from then onwards in Welsh.

**Standard 33:** If you don’t know whether a member of the public in Wales (“P”) wishes to receive forms from you in Welsh, when you send a form to that P you must provide a Welsh language version.

**Standard 34:** Any form that you make available to members of the public in Wales must be produced in Welsh, and—

- (a) if you produce a Welsh language version and a separate English language version of a form, you must ensure that the English language version clearly states that the form is also available in Welsh;
- (b) if you produce a form in Welsh and in English (whether separate versions or not), you must ensure that the Welsh language version is treated no less favourably than the English language version, and you must not differentiate between the Welsh and English versions in relation to any requirements that are relevant to the form (for example in relation to any deadline for submitting the form, or in relation to

the time allowed to respond to the content of the form).

**Standard 35:** If you pre-enter information on a Welsh language version of a form (for example, before sending it to a member of the public in Wales (“P”) in order for P to check the content or to fill in the remainder of the form), you must ensure that the information that you pre-enter is in Welsh.

**10 Standards relating to a body’s websites and on-line services**

*(1) Websites published by a body*

**Standard 36:** You must ensure that—

- (a) the text of each page of your website is available in Welsh,
- (b) every Welsh language page on your website is fully functional, and
- (c) the Welsh language is not treated less favourably than the English language on your website.

**Standard 37:** You must ensure that—

- (a) the text of the homepage of your website is available in Welsh,
- (b) any Welsh language text on your homepage (or, where relevant, your Welsh language homepage) is fully functional, and
- (c) the Welsh language is treated no less favourably than the English language in relation to the homepage of your website.

**Standard 38:** You must ensure that when you publish a new page on your website or amend a page—

- (a) the text of that page is available in Welsh,
- (b) any Welsh language

version of that page is fully functional, and

- (c) the Welsh language is treated no less favourably than the English language in relation to that page.

**Standard 39:** If you have a Welsh language web page that corresponds to an English language web page, you must state clearly on the English language web page that the page is also available in Welsh, and you must provide a direct link to the Welsh page on the corresponding English page.

**Standard 40:** You must provide the interface and menus on every page of your website in Welsh.

**Standard 41:** You must designate and maintain a page (or pages) on your website which provides information (in Welsh) on—

- (a) the services you provide and the activities you undertake in Wales, and
- (b) the Welsh language services you provide and how each of those Welsh language services can be accessed.

***(2) Apps published by a body***

**Standard 42:** All apps that you publish for use by members of the public in Wales must function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that app.

***(3) Online chat facility***

**Standard 43:** If you have a live chat facility for use by members of the public in Wales, you must provide it in Welsh.

**Standard 43A:** You must state (in Welsh) on your website that your live chat facility is available in Welsh and how it can be accessed.

**11 Standards relating to a body's use of social media**

**Standard 44:** When you use social media, you must not treat the Welsh language less favourably than the English language.

**Standard 45:** If a member of the public in Wales contacts you by social media in Welsh, you must reply in Welsh (if an answer is required).

**12 Standard relating to self service machines**

**Standard 46:** You must ensure that any self service machines that you have in Wales function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that machine.

**13 Standards relating to signs displayed by a body**

**Standard 47:** When you create a sign to be erected in Wales (whether permanent or temporary), any text displayed on the sign must be displayed in Welsh (whether on the same sign as you display corresponding English language text or on a separate sign); and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

**Standard 48:** When you create a sign to be erected in Wales (whether permanent or temporary) which conveys the same information in Welsh and in English, the Welsh-language text must be positioned so that it is likely to be read first.

**14 Standards relating to a body receiving visitors at its buildings**

**Standard 49:** Any reception service you make available in English must also be available in Welsh, and a member

of the public in Wales who requires a Welsh language reception service in Wales must not be treated less favourably than a person who requires an English language reception service.

**Standard 50:** If you have no face to face Welsh language reception service available and a member of the public in Wales (“P”) wishes to receive a Welsh language reception service, you must—

- (a) ask P whether he or she wishes for you to arrange for a Welsh speaking member of staff to attend the reception, and
- (b) if P has informed you that he or she wishes a Welsh speaking member of staff to attend the reception, you must arrange for a Welsh speaking member of staff to attend the reception to provide a service equivalent to a Welsh language reception service.

**Standard 51:** If you have no face to face Welsh language reception service available at your reception, you must ensure that a Welsh language reception service is available over a phone in your reception.

**Standard 52:** You must display a sign in your reception which states (in Welsh) that members of the public are welcome to use the Welsh language at the reception.

**15 Standards relating to notices made by a body**

**Standard 53:** Any notice that you publish or display in Wales must be published or displayed in Welsh, and you must not treat any Welsh language version of a notice less favourably than an English language version.

**Standard 54:** When you publish or display a notice in Wales that contains Welsh language text as well as

English language text, the Welsh language text must be positioned so that it is likely to be read first.

**16 Standards relating to a body awarding grants**

**Standard 55:** Any documents that you publish which relate to applications for a grant which members of the public in Wales may apply for, must be published in Welsh, and you must not treat a Welsh language version of such documents less favourably than an English language version.

**Standard 56:** When you invite applications for a grant which members of the public in Wales may apply for, you must state in the invitation that applications from members of the public in Wales may be submitted in Welsh and that any application submitted in Welsh will be treated no less favourably than an application submitted in English.

**Standard 56A:** You must not treat applications for a grant which members of the public in Wales can apply for submitted in Welsh by a member of the public in Wales less favourably than applications submitted in English (including, amongst other matters, in relation to the closing date for receiving applications, and in relation to the time-scale for informing applicants of decisions).

**Standard 57:** If you receive an application in Welsh from a member of the public in Wales for a grant which members of the public in Wales can apply for, and it is necessary to interview the applicant as part of your assessment of the application, you must offer to conduct that interview in Welsh and, if the applicant so wishes, you must conduct the interview in Welsh (without the assistance of a simultaneous or consecutive translation service).

**Standard 58:** If you receive an application in

Welsh from a member of the public in Wales for a grant which members of the public in Wales can apply for, and it is necessary to interview the applicant as part of your assessment of the application, you must—

- (a) offer to provide a translation service from Welsh to English to enable the applicant to use the Welsh language at the interview, and
- (b) if the applicant wishes to use the Welsh language at the interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).

**Standard 59:** When you inform an applicant of your decision in relation to an application for a grant which members of the public in Wales can apply for, you must do so in Welsh if the application was submitted in Welsh by a member of the public in Wales.

**17 Standards for raising awareness about Welsh language services provided by a body**

**Standard 60:** You must promote any Welsh language service that you provide, and advertise that service in Welsh.

**Standard 61:** If you provide a service in Welsh that corresponds to a service you provide in English, any publicity or document that you produce, or website that you publish, which refers to the English service must also state that a corresponding service is available in Welsh.

**18 Standard relating to a body's corporate identity**

**Standard 62:** When you form, revise or present your corporate identity, you must not treat the Welsh language less

favourably than the English language.

**19 Standards relating to courses offered by a body**

**Standard 63:** If you offer an education course in Wales that is open to members of the public in Wales, you must offer it in Welsh.

**Standard 64:** If you offer an education course in Wales that is open to members of the public in Wales, and which is aimed specifically at persons aged 18 or under, you must offer it in Welsh.

**Standard 65:** If you offer an education course in Wales to members of the public in Wales, you must—

- (a) undertake an assessment of the need for that course to be offered in Welsh;
- (b) offer that course in Welsh if the assessment indicated that the course needs to be offered in Welsh.

**PART 2**

**STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS**

**20** When a compliance notice requires a body to comply with one of the standards listed on a specific row in column 1 of Table 1, that compliance notice must also require that body to comply (in whatever way the Welsh Language Commissioner considers appropriate) with the standard or standards listed in column 2 of that row (or with one or more of those standards where that is stated).

**TABLE 1**

	Column 1	Column 2
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<i>Row</i>	<i>Main standard</i>	<i>Reliant standard</i>
(1)	<b>Replying to correspondence</b> Standard 1	Standard 6
(2)	<b>Corresponding with members of the public</b> Standard 3	Standard 5 Standard 6
(3)	<b>General standards relating to correspondence</b> Standard 4	Standard 5 Standard 6
(4)	<b>Raising awareness about corresponding in Welsh</b> Standard 6	Standard 1
(5)	<b>Receiving telephone calls</b> Standard 7	One or more of the following: Standard 8 Standard 9 Standard 10 Standard 11
(6)	<b>Receiving telephone calls</b> Standard 8, 9, 10 or 11	Standard 7 Standard 13
(7)	<b>Raising awareness about telephone services in Welsh</b> Standard 13	One or more of the following: Standard 8 Standard 9 Standard 10 Standard 11  and also

		Standard 15, and Standard 16
(8)	<b>Meetings with more than one person</b>  Standard 19	One or more of the following: Standard 19A Standard 19B Standard 19C
(9)	<b>Meetings with more than one person</b>  Standard 19A, 19B or 19C	Standard 19
(10)	<b>Public meetings</b>  Standard 20	Standard 22
(11)	<b>Public meetings</b>  Standard 22	Standard 20
(12)	<b>Documents</b>  Standard 29	Standard 30 Standard 31
(13)	<b>Websites</b>  Standard 36, 37 or 38	Standard 39
(14)	<b>Live chat facility</b>  Standard 43	Standard 43A
(15)	<b>Live chat facility</b>  Standard 43A	Standard 43
(16)	<b>Reception</b>  Standard 49, 50 or 51	Standard 52
(17)	<b>Raising awareness of Welsh-language services in a reception</b>  Standard 52	One or more of the following: Standard 49 Standard 50

		Standard 51
(18)	<b>Grants</b> Standard 56	Standard 56A Standard 59
(19)	<b>Grants</b> Standard 57 or 58	Standard 56 Standard 56A

### PART 3

#### INTERPRETING THE STANDARDS

- 21** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 22** The standards only apply to the extent that a body—
- (a) delivers services to a person, or
  - (b) deals with any other person in connection with delivering services—
    - (i) to that other person, or
    - (ii) to a third person.
- 23** The standards only apply to the extent that the standards relate to the provision by a body of a service provided to the public in the exercise of the body's functions as a water undertaker or a sewerage undertaker for the whole or any part of Wales.
- 24** A body is not required to produce, to publish, to display or to send material in Welsh to the extent that another enactment has specified the wording of a document, a sign or a form which would run contrary to that requirement.
- 25** For the purposes of the standards—
- (a) a requirement to produce, to send, to publish, to display, to make available or to issue any written material in Welsh does not mean that the material should be

produced, sent, published, displayed, made available or issued in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard);

- (b) a requirement to provide a service or activity in Welsh does not mean that that service or activity should only be provided in Welsh (unless that is specifically stated in the standard).

26

(1) A body is not required to translate into Welsh any text that it has not produced (“text A”).

(2) A body will not be treating the Welsh language less favourably if it does not translate text A into Welsh but see sub-paragraph (3).

(3) A body must use the Welsh version of text A if another person has produced text A in Welsh in accordance with—

- (a) its Welsh Language Scheme,
- (b) a duty to comply with standards,
- (c) Standing Orders of Senedd Cymru,
- (ch) section 35(1C) of the 2006 Act, or
- (d) the Senedd Commission’s Official Languages Scheme.

(4) In this paragraph—

- (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993(1);
- (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;

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(1) 1993 c. 38.

- (c) “the 2006 Act” means the Government of Wales Act 2006(1);
- (ch) “Standing Orders of Senedd Cymru” means standing orders made under section 31 of the 2006 Act;
- (d) “the Senedd Commission’s Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.

27

(1) If the conditions in paragraphs (a) to (c) are met or the condition in sub-paragraph (2) is met, a body is not required to comply with any of the standards in respect of an activity or a service referred to in paragraph (b)—

- (a) the first condition is that an emergency has occurred, is occurring or is about to occur;
- (b) the second condition is that the activity being carried out or the service being provided by the body is necessary for the purpose of preventing, controlling or mitigating an aspect or effect of an emergency;
- (c) the third condition is that the need for the activity or the service referred to in paragraph (b) is urgent.

(2) The condition is that the body is undertaking an emergency drill.

(3) If the condition in sub-paragraph (2) is met, then the reference to “an emergency” in sub-paragraph (1)(b) is to be read as “the simulated emergency situation”.

28

For the purposes of standards 2 and 32, a body corresponds with a member of the public in Wales or sends a form to a member of the public in Wales for the first time when it corresponds or sends a form

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(1) 2006 c.32.

for the first time after the date on which a compliance notice has required the body to comply with the standard.

- 29** For the purposes of standards 2 and 4, “system generated correspondence” means bills, meter reading requests, new account correspondence and account closure correspondence.
- 30** For the purposes of standards 7, 10, 11, 13 and 16, “service helpline” means a telephone helpline dealing with water services or sewerage services but not account enquiries.
- 31** In standard 17, an “automated” telephone system means a system that answers telephone calls and guides persons through a set procedure with a recorded message which, for example, asks a person to press different keys in order to choose different options.
- 32** Standards 18 to 19C do not apply when the meeting is held at short notice (for example, when a body makes door to door enquiries).
- 33** Where a standard refers to material that is to be produced in Welsh (with the exception of standards 36 to 42 (websites and apps) and 44 and 45 (social media)), references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters, (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—
- (a) the visual presentation of material (for example in relation to the colour or font of any text);
  - (b) the size of the material;
  - (c) the position and prominence of the material in any public place;

- (ch) when and how the material is published, provided or exhibited;
- (d) the publication format of material.

- 34** For the purposes of standards 29 and 34, references to documents or other materials being available to members of the public in Wales do not include documents or materials that are only available to the public by virtue of the Freedom of Information Act 2000<sup>(1)</sup>.
- 35** Standard 29 does not apply to an enactment made by a body or to a draft enactment prepared by a body.
- 36** Standards 29 and 30 do not apply to any advertising material contained in a document, brochure, leaflet, pamphlet or card.
- 37** (1) Standards 32 and 34 do not apply to the forms referred to in subparagraph (2).  
 (2) For the purposes of standard 32, a body is not required to send a Welsh language version of the forms used when applying for grant assistance from a body (see standards 55 to 59 in relation to applications for grants).
- 38** Standards 36 to 41 (websites) do not apply to—
- (a) documents to which a link is provided on a website, advertising material on a website, or to video and audio clips on a website (see standards 29 to 31 for specific provision in relation to documents, and standard 26 in relation to advertising material produced by a body);
  - (b) information presented by persons (other than the body) on an interactive page published on a body's

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(1) 2000 c. 36

website (for example, on a section for comments, or on a discussion forum);

- (c) a live chat facility (see standards 43 and 43A for specific provision in relation to live chat).

**39**

(1) Standard 42 does not apply to any advertising material on an app (see standard 26 in relation to advertising material produced by a body).

(2) Standard 42 does not apply to a live chat facility (see standards 43 and 43A for specific provision in relation to live chat).

**40**

For the purposes of standards 36 to 42 (websites and apps) and standards 44 and 45 (social media), references to treating the Welsh language no less favourably than the English language include, amongst other matters, (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—

- (a) the visual presentation of the material (for example, in relation to the colour, size, font and format of any text), or
- (b) when material is published on the website, app or social media;

but it does not mean that Welsh language material must appear on the same page as English language material, or on a page that a person is likely to find before the English language page when searching.

**41**

(1) For the purposes of standards 43 and 43A and paragraphs 38, 39 and 43, “live chat facility” means an on-line messaging application within a website or app, designed specifically to provide a real time method of communication.

(2) Standard 43 does not apply to any advertising material on a live chat facility (see standard 26 in

relation to advertising material produced by a body).

(3) Standard 43 (live chat facility) does not apply to documents to which a link is provided through the live chat facility, or to video and audio clips provided through the live chat facility (see standards 29 to 31 for specific provision in relation to documents, and standard 26 in relation to advertising material produced by a body).

42

Standards 44 and 45 (social media) do not apply to—

- (a) documents to which a link is provided through social media, or to video and audio clips provided through social media (see standards 29 to 31 for specific provision in relation to documents, and standard 26 in relation to advertising material produced by a body);
- (b) information presented by persons (other than the body) on a body's social media account (for example, on a section for comments).

43

(1) Standards 1 to 6 (correspondence) do not apply to correspondence sent by social media or live chat facility (see standards 44 and 45 in relation to social media and standards 43 and 43A in relation to live chat facility).

(2) Standards 36 to 42 (websites and apps) do not apply to social media (see standards 44 and 45 in relation to social media).

44

For the purpose of standard 46 (self service machines), reference to treating the Welsh language no less favourably than the English language includes, amongst other matters, treating the Welsh language no less favourably as regards the visual presentation of the material (for example, in relation to the colour, size, font and format of any

text), but it does not mean that Welsh language material must appear on screen at the same time as English language material.

- 45 For the purposes of standards 49 to 52 (receiving visitors)—
- (a) “reception” means an area in a body’s offices where a reception service is provided;
  - (b) “reception service” means a service for welcoming persons to the body’s offices by staff who are made available for that purpose.
- 46 Standards 49 to 52 (receiving visitors) do not apply when the reception is located outside of Wales.
- 47 For the purposes of standards 6, 53 and 54, a “notice” means any notice that a body publishes, but it does not include notices prescribed by an enactment.
- 48
- (1) For the purposes of standard 62, the reference to a body forming or presenting its “corporate identity” includes, amongst other things, the way a body presents itself by means of visual statements, the name or names used by a body, and a body’s branding and slogans (for example, branding and slogans printed on its stationery).
  - (2) Standard 62 does not apply to the extent that an enactment requires a body to use a legal name.
- 49 For the purposes of standards 63 to 65 (courses), an “education course” means any seminar, training, workshop or similar provision which is provided in order to educate or to improve the skills of members of the public; but does not include—
- (a) activities or courses provided as part of the curriculum in accordance with any enactment, or
  - (b) seminars or oral

presentations relating to a performance or production.

**50**

For the purposes of the standards “enactment” means an enactment (whenever enacted or made) comprised in, or in an instrument made under—

- (a) an Act of Parliament, or
- (b) a Measure or an Act of Senedd Cymru.

SCHEDULE 2 Regulation 2(2)  
Record Keeping Standards

PART 1  
THE STANDARDS

**1**                    **Standards relating to a body keeping records**

- Standard 66:**     You must keep—
- (a) a record, in relation to each financial year, of the number of complaints you receive relating to your compliance with standards;
  - (b) a copy of any written complaint that you receive that relates to your compliance with the standards with which you are under a duty to comply.

- Standard 67:**     You must keep a copy of any written complaint that you receive concerning the Welsh language that relates to the provision by you of specified services (whether or not that complaint relates to the standards with which you are under a duty to comply).

PART 2  
INTERPRETING THE STANDARDS

- 2**                    The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 3**                    For the purposes of standard 66, “financial year” means the body’s own financial year.
- 4**                    For the purposes of standard 67, “specified service” means services provided to the public in the exercise of the functions of water

undertaker or sewerage undertaker  
for the whole or any part of Wales.

SCHEDULE 3 Regulation 2(3)

Standards which deal with  
Supplementary Matters

PART 1

SERVICE DELIVERY STANDARDS

**1 A body publicising service delivery standards**

**Standard 68:** You must ensure that a document which records the service delivery standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.

**2 A body publishing a complaints procedure**

**Standard 69:** You must—

- (a) ensure that you have a complaints procedure that deals with how you intend to deal with complaints relating to your compliance with the service delivery standards with which you are under a duty to comply, and
- (b) publish a document that records that procedure on your website.

**3 A body producing an annual report regarding service delivery standards**

**Standard 70:**

- (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the service delivery standards with which you were under a duty to comply during that year.
- (2) The annual report must include the number of complaints that you

received during that year which related to your compliance with the service delivery standards with which you were under a duty to comply.

(3) You must publish the annual report no later than 6 months following the end of the financial year to which the report relates.

(4) You must ensure that a current copy of your annual report is available on your website.

**4 A body publicising the way it intends to comply with service delivery standards**

**Standard 71:** You must publish a document on your website which explains how you intend to comply with the service delivery standards with which you are under a duty to comply.

**5 A body providing information to the Welsh Language Commissioner**

**Standard 72:** You must provide any information requested by the Welsh Language Commissioner which relates to your compliance with the service delivery standards with which you are under a duty to comply.

## PART 2

### RECORD KEEPING STANDARDS

**6 A body publicising record keeping standards**

**Standard 73:** You must ensure that a document which records the record keeping standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.

**7 A body publishing a complaints procedure**

- Standard 74:** You must—
- (a) ensure that you have a complaints procedure that deals with how you intend to deal with complaints relating to your compliance with the record keeping standards with which you are under a duty to comply, and
  - (b) publish a document that records that procedure on your website.

**8 A body providing information to the Welsh Language Commissioner**

- Standard 75:** You must provide any records you have kept in accordance with the record keeping standards with which you are under a duty to comply to the Welsh Language Commissioner, if the Commissioner asks for those records.

### PART 3

#### INTERPRETING THE STANDARDS

- 9** The standards specified in Parts 1 and 2 must be interpreted as follows.
- 10** For the purposes of standard 70, “financial year” means the body’s own financial year.
- 11** For the purposes of the standards, a requirement to produce or publish any written material in Welsh does not mean that material should be produced or published in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard).

## SCHEDULE 4 Regulation 1

Qualifying persons—

- (a) who provide the public with water services (including supply or distribution), and
- (b) who, by virtue of an appointment under section 6 of the Water Industry Act 1991(1), or by virtue of a variation of such an appointment under section 7 of that Act, are water undertakers for the whole or any part of Wales.

Qualifying persons—

- (a) who provide the public with sewerage services (including disposal of sewage), and
- (b) who, by virtue of an appointment under section 6 of the Water Industry Act 1991, or by virtue of a variation of such an appointment under section 7 of that Act, are sewerage undertakers for the whole or any part of Wales.

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(1) 1991 c. 56.

## **Explanatory Memorandum to The Welsh Language Standards (No 9) Regulations 2023**

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Welsh Language Standards (No 9) Regulations 2023. I am satisfied that the benefits justify the likely costs.

Jeremy Miles MS  
Minister for Education and Welsh Language  
27 June 2023

## 1. Description

1.1 The Welsh Language Standards (No. 9) Regulations ('the Regulations') specify service delivery standards, record keeping standards, and Standards which deal with Supplementary Matters. The Regulations make the standards specifically applicable to persons:

- who provide the public with water services (including supply or distribution), and
- who, by virtue of an appointment under section 6 of the Water Industry Act 1991, or by virtue of a variation of such an appointment under section 7 of that Act, are water undertakers for the whole or any part of Wales.

And also persons:

- who provide the public with sewerage services (including disposal of sewage), and
- who, by virtue of an appointment under section 6 of the Water Industry Act 1991, or by virtue of a variation of such an appointment under section 7 of that Act, are sewerage undertakers for the whole or any part of Wales.

## 2. Matters of special interest to the Legislation, Justice and Constitution Committee

### 2.1 Numbers in the Regulations

The Regulations use the Welsh alphabet i.e. (a), (b), (c), (ch) etc. This affects paragraphs 26(3), 26(4), 33 of Schedule 1.

This style is different to the usual numbering style adopted in subordinate legislation made by the Welsh Ministers. Usually, the Welsh and English version adopt the English alphabet. In this case, because of the nature and the subject matter of the Regulations, the Welsh alphabet had been used in the English and Welsh versions to ensure consistency and to remove any possibility of confusion when cross-referring. The same style was adopted within The Welsh Language Standards (No. 1) Regulations 2015 (SI 2015/996) and subsequent Regulations specifying Welsh language standards.

### 2.2 Name of the Regulations

The title of the Regulations is The Welsh Language Standards (No. 9) Regulations 2023. If passed by the Senedd, these will be the eighth<sup>1</sup> Welsh Language Standards Regulations to be made. It is intended that all the Regulations made under section 26 of the Welsh Language (Wales) Measure 2011 ('the Measure') will be made in a series, in the same way as commencement orders. It is felt that this approach will make the

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<sup>1</sup> Welsh Language Standards (No 3) Regulations were rejected by the then National Assembly for Wales.

Regulations easier to deal with and to refer to, particularly when Compliance Notices refer to Regulations.

### **3. Legislative background**

- 3.1 The Regulations are made in exercise of the powers conferred on the Welsh Ministers under sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011. Section 26 of the Measure enables the Welsh Ministers to specify standards by regulations. Section 27 enables the Welsh Ministers to specify different standards in relation to different conduct. It also enables them, in relation to a particular conduct, to specify one standard or a number of standards.
- 3.2 Before the Commissioner can give a person a compliance notice requiring them to comply with a standard, that standard has to be specifically applicable to the person (section 25). Section 39 provides that a standard is specifically applicable to a person once the Welsh Ministers have authorised the Commissioner to give that person a Compliance Notice in respect of that standard. Section 105(5) provides that any power of the Welsh Ministers to make regulations includes a power to make such transitional, transitory, consequential, saving incidental and other provision as the Welsh Ministers think necessary or appropriate.
- 3.3 The Regulations, pursuant to section 150(2) of the Measure must be laid before and approved by resolution of Senedd Cymru (i.e. the draft affirmative procedure).

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

- 4.1 The Measure confirmed the official status of the Welsh language in Wales and created a new legislative framework for the language. A key step in giving effect to the Measure is specifying standards and authorising the Commissioner to require persons to comply with those standards.
- 4.2 Section 25 of the Measure provides that a person is required to comply with a standard specified by the Welsh Ministers where certain conditions are met. Those conditions include:
  - i. That a standard is specifically applicable to the person (i.e. the Welsh Ministers have authorised the Commissioner to give that person a Compliance Notice in respect of that standard);
  - ii. That the Commissioner has given a Compliance Notice to the person;
  - iii. The Compliance Notice requires the person to comply with the standard; and
  - iv. The Compliance Notice is in force.
- 4.3 Standards falling into the following categories are specified in the Regulations:

- **Service-delivery standards** will be imposed in relation to the delivery of services in order to promote or facilitate the use of the Welsh language, or to ensure that it is treated no less favourably than English.
- **Record-keeping standards** will make it necessary to keep records about some of the other standards, and about any complaints received by a body.
- **Supplementary standards.** These standards deal with various matters including the production of an annual report, monitoring arrangements and the provision of information to the Commissioner.

4.4 The standards have been prepared with the aim of:

- Increasing the use people make of Welsh-language services
- Improving the services Welsh-speakers can expect to receive from bodies in Welsh
- Making it clear to bodies what they need to do in terms of the Welsh language

4.5 Some service delivery standards are dependent on each other. The Regulations therefore contain a table (in Part 2 of Schedule 1) detailing which other standards will also need to be imposed when a particular standard is included in a Compliance Notice.

4.6 The Regulations, when they come into force, will not have a direct effect on bodies and they will not, by themselves, create rights for members of the public. That will only happen when all the conditions in section 25 of the Measure have been met. However, the Regulations are a crucial step in the Measure's framework, and enable the Commissioner to require bodies to comply with the standards.

4.7 It will be for the Commissioner to choose which standards to impose on bodies by way of a Compliance Notice. The Regulations set the range of standards which could be imposed on a body. A body may have to comply with the standard only in some circumstances and not in others – depending on what is stated in their Compliance Notice. The Compliance Notice will also set the date by which the body is required to comply with a standard.

#### Means of appeal

4.8 Bodies will be able to challenge the requirements to comply with a particular standard on the grounds of whether it is reasonable and proportionate to require them to do so. In the first place, a body will be able to present a challenge to the Commissioner. If they wish to challenge the Commissioner's decision, there is a route of appeal available to the Welsh Language Tribunal, and thereafter to the High Court.

#### Sanctions

4.9 The Commissioner will be responsible for monitoring compliance with the standards. In cases where the Commissioner determines that a body has failed to comply with a standard, the Commissioner may take enforcement action. Enforcement action under the Measure can vary from the making of recommendations or giving advice to a body, to the imposition of a civil penalty not exceeding £5,000.

## **5. Risks if Regulations are not made**

5.1 If the proposed Regulations are not made, the following risks will be realised:

- If a body that falls within Schedule 4 of the Regulations has a Welsh Language Scheme, that Scheme will remain in place. If Welsh Language Schemes remain there will be no enforcement mechanism if a body breaches their Scheme.
- A key component of the Measure will not be implemented.

5.2 More detailed information about the risks and benefits of implementing the standards can be found in the Regulatory Impact Assessment (RIA) below, with the risks of not introducing standards highlighted in the 'Option 1: do nothing' section of the benefits.

## **6. Consultation**

6.1 The Welsh Ministers held a public consultation on a draft version of these Welsh Language Standards Regulations between 15 February 2023 and 5 April 2023.

6.2 The consultation included a call for bodies subject to the Regulations to submit data to allow the Welsh Ministers to prepare a Regulatory Impact Assessment (RIA). The RIA is included in Part 2, below.

## PART 2 – REGULATORY IMPACT ASSESSMENT

### 7. Options, costs and benefits

7.1 Bodies subject to Schedule 4 to these Regulations (“water companies”) were asked to take part in a Regulatory Impact Assessment (RIA) data collection exercise, which was distributed with the consultation on draft Regulations held between 15 February 2023 and 5 April 2023. The deadline to submit responses to the RIA exercise was extended beyond 5 April to allow more time for the water companies to respond. 2 water companies that fall within Schedule 4 to the Regulations submitted a response to the RIA data collection exercise: Dŵr Cymru and Hafren Dyfrdwy. The following analysis of the costs and benefits associated with the standards are based on the responses provided by them.

### 8. Summary of Responses

8.1 Water companies were asked to consider the economic, social, environmental, and linguistic benefits of complying with standards. The responses were as follows:

Type of benefit	Description of the benefit of complying with the proposed standards
Economic Benefit	<ul style="list-style-type: none"><li>• Dŵr Cymru recognised that their commitment towards the Welsh language plays a significant role in earning the trust of its customers, and reflects the importance the company places on providing customers with a means of contacting the company in the language of their choice.</li><li>• Hafren Dyfrdwy recognised that as a key employer in Mid Wales, and with the company operating solely in Wales that the Welsh language is important to their colleagues and customers. They also noted that the standards would increase employment opportunities for Welsh speakers looking to use Welsh at work.</li><li>• Hafren Dyfrdwy noted that visible support of the Welsh Language would also enhance their standing with Welsh speakers in the community and would boost inclusion by allowing them to engage more effectively with customers are able to speak Welsh.</li></ul>
Social Benefit	<ul style="list-style-type: none"><li>• Dŵr Cymru recognised the importance of setting an example for using the Welsh language, with it being one of Wales’ largest employers and one of the Welsh Government’s anchor companies.</li><li>• Hafren Dyfrdwy expressed that it’s important that all customers can communicate with them in their language of choice. They have had a Welsh</li></ul>

	<p>Language Scheme since the business was launched in July 2018 (inherited the Dee Valley Water Welsh Language Scheme). They noted that Welsh language standards could boost inclusion by allowing them to engage more effectively with customers that can speak Welsh.</p> <ul style="list-style-type: none"> <li>• Hafren Dyfrdwy currently have 15 customers registered as Welsh speakers on their records. However, with Welsh Language standards in place, they expect the number of customers specifying Welsh as their language of choice to grow.</li> </ul>
Environmental Benefit	<ul style="list-style-type: none"> <li>• Hafren Dyfrdwy do not envisage major environmental benefits. However, by ensuring that they have the correct language preference for customers, they noted a potential to boost the uptake of advice on using water wisely and avoiding sewer misuse.</li> </ul>
Linguistic Benefit	<ul style="list-style-type: none"> <li>• Dŵr Cymru noted that as a company based in Wales with a workforce which consists of Welsh speakers, they understand the importance of supporting a working environment where colleagues are able to converse in Welsh.</li> <li>• They noted that they recognise that using the Welsh language brings benefits, and that they commit to increasing the number of employees available to deal with customers through medium of Welsh either over the phone, at roadshows, and at exhibitions.</li> <li>• Hafren Dyfrdwy noted that they are the only water company operating solely in Wales. To recognise this, in late 2022, the company started to offer all colleagues the chance to learn Welsh for free.</li> </ul>
Other benefits	No other benefits were recognised by either company.

## 9. Accuracy and Usefulness of Financial Data

9.1 Whilst Dŵr Cymru and Hafren Dyfrdwy have attempted to assess the financial implications of complying with the standards, the uncertainty around which of the standards each business will be required to comply with means we have some concerns about the information provided and whether they provide a basis to produce robust and accurate RIAs. There have been similar concerns in relation to previous Welsh Language Standards Regulations. This is not a criticism of the efforts of bodies to estimate costs, or their rationale in doing so, but rather a recognition of the

difficulties of accurately estimating costs under a system where they will not know which duties they are expected to comply with, and in which circumstances, until they receive a compliance notice from the Welsh Language Commissioner.

9.2 When duties have been imposed on bodies subject to previous standards Regulations, the Commissioner has not imposed every standard within Regulations on any single body. The likelihood of this occurring without any conditions is small. If these Regulations are passed by the Senedd, further information will be collected from the water companies when the Commissioner consults on draft Compliance Notices. Upon receiving a draft Compliance Notice, a water company will have a far greater understating of the exact nature of the duties the Commissioner proposes to impose on them. It will therefore be in a better position to provide accurate costs. A fuller financial impact assessment will then be possible, and it would be considered by the Commissioner as part of the consideration of what duties are reasonable and proportionate to impose on the individual bodies.

## **10. Options: Costs and benefits**

10.1 This Regulatory Impact Assessment considers two options:

- Option 1: Do nothing – water companies subject to the Regulations would continue to operate their existing Welsh Language Schemes under the Welsh Language Act, if they have one.
- Option 2: Introduce Welsh Language Standards for the categories of bodies listed in the Regulations.

10.2 The following analysis considers the costs and benefits associated with each of these options in turn.

### Costs

#### Option 1: Do Nothing

10.3 There are no additional costs under this option. The water companies would not be required to comply with Welsh Language Standards but they would be expected to continue to deliver their existing Welsh Language Schemes (if they have one). If a company does not have a Welsh Language Scheme then they will continue to operate without any commitments or duties with regards to their provision of Welsh language services.

10.4 Table 1 summarises the information received about the cost of complying with the existing Welsh Language Schemes.

Table 1 - Costs for delivering existing Welsh Language Schemes (per annum)

	<b>Costs of compliance</b>	<b>Staffing Costs</b>
Dŵr Cymru	£450,000	£350,000
Hafren Dyfrdwy	£117,500	No staffing costs*

\*Whilst noting no staffing costs associated with delivering their current Scheme, Hafren Dyfrdwy noted that they use a third party translator at an annual cost of £3,000.

10.5 Dŵr Cymru have noted staffing costs of £350,000 per annum to deliver their existing Welsh Language Scheme. The majority of that expenditure is on staff who are able to deliver services to members of the public in Welsh (e.g., answer telephone calls, respond to social media queries in Welsh). Those staff members are also able to deliver the same services to the public in English. If a service such as answering a telephone call or responding to an online enquiry was not provided to a member of the public in Welsh, the company would have to spend on providing the same service in English. This is therefore not a cost that can be isolated in its entirety as expenditure on the Welsh language.

10.6 Two other water companies that did not respond to the data collection exercise also provide water and sewerage services to members of the public in Wales. They are Icosa Water Services who supply water to approximately 400 homes in North-East Wales, and Leep Utilities who supply water to a small number of homes in a specific area of Llanharan, South Wales. These companies do not have a Welsh language scheme and do not currently have systems in place to offer Welsh language services. Complying with standards to cover the full range of services they provide to the public in Wales would result in significant additional system and staffing costs. It is a matter for the Welsh Language Commissioner to decide whether to impose standards on a company or not, and then to decide which standards to include in the company's compliance notice. The Welsh Language Commissioner must consult with the bodies before issuing final compliance notices and factors such as reasonability and proportionality of complying with standards must be considered at this stage.

*Option 2: Introduce Welsh Language Standards for the organisations listed in the Regulations.*

*Service Delivery Standards*

10.7 Dŵr Cymru do not envisage any additional system costs to comply with service delivery standards, noting that they have systems already in place to deliver Welsh language services.

10.8 They do predict that their staffing costs could increase by £50,000 a year from circa £350,000 to circa £400,000 a year. This is attributed to possibly

having to recruit some additional Welsh speaking staff for some outreach activities.

10.9 Hafren Dyfrdwy estimate that having to comply with service delivery standards would result in additional system costs of circa £50,000 (a transitional cost), and additional staffing costs of circa £100,000. The staffing cost would be an annual ongoing cost. They noted that whilst the staffing cost would be an additional cost initially, in time staff turnover will allow them to bring the headcount into line with its long-term efficient level.

10.10 They also indicate, depending on which standards they must comply with, that improving telephone services could generate additional staffing costs. They note that a having to introduce a Welsh language IVR (Interactive Voice Response) would potentially result in an increase in requests for a language from a team with currently no Welsh speakers. In the short term, they envisage that they would need to take on extra staff in their contact centre to make sure they can provide a Welsh language service. This cost would be £28,000 per employee for the first two years. After the two years it is predicted that the expected turn over of staff would mean that the headcount could be brought in line with the normal level, therefore this would no longer be regarded as an additional cost.

10.11 Hafren Dyfrdwy note that another water company currently provides an emergency telephone service on its behalf. This service has a very low number of users and a Welsh language service is not currently provided. They note that providing this service in Welsh would result in an extra cost that would need to be explored further if it became a requirement under the standards. However as this telephone service deals with emergencies, the company expects that the service would be exempt of the standards under paragraph 27 of part 3 to the Regulations.

10.12 Hafren Dyfrdwy noted that the costs of complying with their Welsh Language Scheme are recovered through customer bills, so any increase in these costs need to be carefully considered given the current cost-of-living crisis.

#### Record keeping standards and standards dealing with supplementary matters

10.13 Dŵr Cymru and Hafren Dyfrdwy noted no additional cost implications due to having to comply with record keeping or standards dealing with supplementary matters. Both companies noted that they already have systems in place through their existing Welsh language schemes.

#### Benefits

##### Option 1: Do Nothing

10.14 This is the baseline option and there are no additional benefits associated with this option. This option would maintain the status quo where Welsh Language Schemes are complied with (where companies

have a scheme). The Commissioner would continue with the work of monitoring compliance with schemes.

Option 2: Introduce Welsh Language Standards

- 10.15 The aims of the standards are outlined in paragraph 4.4, above. At this stage (and until the Welsh Language Commissioner issues the compliance notices), it is only possible to outline the expected benefits of the standards in general terms as it is not known what standards each company would be expected to comply with.
- 10.16 The standards will make clear what the water companies need to do in terms of the Welsh language, so that members of the public will know what to expect with regard to Welsh language services. This clarity, both for the public and the bodies, will help ensure that the standards can be effectively enforced and should ensure that bodies are clear as to what level of service they need to provide in Welsh. The Commissioner can only set standards that are reasonable and proportionate for each individual body.
- 10.17 Placing water companies under the standards system will move them from the Welsh Language Scheme system, which came into force under the 1993 Welsh Language Act, to the standards system brought about by the Welsh Language (Wales) Measure 2011.
- 10.18 An improved enforcement regime will provide a more effective means of dealing with alleged non-compliance and allow for early and informal resolution of complaints as appropriate.
- 10.19 The Commissioner held focus groups with users in 2019, where Welsh speakers noted that their priorities when accessing Welsh language services were:
- To receive Welsh language services of the same standard as the equivalent English services
  - That bodies were proactive in informing them of what services were available in Welsh
  - That bodies offered a Welsh language service.
- 10.20 Complying with standards gives bodies the best opportunity to achieve those priorities and provide the benefits to Welsh speakers.
- 10.21 By 2021 over 120 public bodies were complying with Welsh language standards. A survey of Welsh speakers commissioned by the Commissioner in 2021 showed that:
- 82% of Welsh speakers felt that they could deal with public bodies in Welsh if they wished to do so
  - 86% of Welsh speakers felt that opportunities to use Welsh when dealing with public bodies was increasing or had stayed the same
  - 79% of Welsh speakers were of the opinion that the Welsh language services provided by public bodies were improving.

## **11. Conclusion**

- 11.1 The current uncertainty surrounding which of the Standards bodies will need to comply with, and under what circumstances, means that it is not possible to produce a robust assessment of the costs and benefits associated with the Regulations at this stage.
- 11.2 The Welsh Language Commissioner must consult with the bodies before issuing final compliance notices and factors such as reasonability and proportionality of individual standards will be considered at this stage. As part of this process, bodies could present an assessment of the relative costs and benefits associated with the Standards. This could be considered by the Commissioner as part of the process of coming to a decision on whether the standards are reasonable and proportionate.

## **12. Duties**

### *Well-Being of Future Generations (Wales) Act 2015*

- 12.1 The Regulations supports the Welsh Governments well-being goals and principles, especially a *Wales of Vibrant Culture and Thriving Welsh language - protects culture, heritage and the Welsh language*. The Welsh Government has a duty to promote and facilitate the use of Welsh and work towards the well-being goals. The Regulations will facilitate the use of Welsh when the public deals with the bodies named in the Regulations.

### *UN Convention on the Rights of the Child*

- 12.2 The Welsh Government's Children's Rights Scheme has been considered, and it was concluded that these Regulations do not impact upon the rights of children and young people.

### *Welsh language*

- 12.3 A Welsh language impact assessment has been undertaken and concluded that these Regulations would have a positive impact on people's opportunities to use the Welsh language, and will not result in the Welsh language being treated less favourably than English.

### *Equalities*

- 12.4 An Equality Impact Assessment has been undertaken for the Regulations. They do not raise any issues with regard to equality and human rights. There are no negative impact on people in protected groups. The regulations will allow Welsh speakers to receive Welsh language services from their water company, and those services will be available to all service users irrespective of whether they are in protected groups.

## **13. Competition Assessment**

13.1 The making of the Regulations is not expected to impact on the competitiveness of businesses, charities or the voluntary sector.

#### **14. Post-implementation review**

14.1 The Measure provides opportunities for the Commissioner to bring the suitability of the standards specified in the Regulations to the Welsh Ministers' attention. The Commissioner may make recommendations or provide advice to the Welsh Ministers (Section 4 of the Measure) which could directly recommend amending the Regulations. Advice given by the Commissioner could also lead to the Welsh Ministers determining that it would be appropriate to review the standards. The Welsh Ministers must have due regard to any written recommendations or advice that the Commissioner makes or gives when exercising the function to which the recommendation or advice relates.

14.2 Section 18 of the Measure requires the Commissioner to produce an annual report which must include a review of issues relevant to the Welsh language (among other matters) and could also include any other matters the Commissioner think it is appropriate to include.

14.3 The Commissioner also has the power to undertake Standards Investigations (sections 61 and 62 of the Measure) which can consider which standards should be, or should continue to be, specifically applicable to a person, whether or not the standards are already specified by the Welsh Ministers. After a Standards investigation the Commissioner must produce a Standards Report, a copy of which must be provided to the Welsh Ministers. The Welsh Ministers must have due regard to such report in accordance with section 66 of the Measure.

14.4 Subject to their Compliance Notices, bodies will publish Annual Reports, which deal with how they have complied with the standards imposed on them. These Annual Reports could also raise issues regarding the suitability of the standards specified.