

Rt Hon Jo Stevens MP
Secretary of State for Wales

20 September 2024

Dear Jo,

Subordinate legislation laid in English only

Over the past year, my Committee has been seeking to address a long-standing issue in relation to the making and laying of some types of subordinate legislation. The issue – which we have highlighted as part of our scrutiny – concerns joint and composite instruments, and Orders in Council, that have been laid in the Senedd in English only. As you will appreciate, this unfortunately results in legislation which is not accessible in both official languages of the Senedd.

We have understood that one of the perceived barriers to the laying of such instruments in both languages relates to the fact that they are required to be laid in both the Senedd and the UK Parliament. In particular, we were previously told by the Welsh Government that the procedures of the UK Parliament prevent the laying of bilingual instruments.

The Committee therefore wrote to chairs of committees in the UK Parliament to seek their views on this apparent barrier. In response, the Chair of the House of Commons Procedure Committee told us that there is “no procedural or other bar to a statutory instrument that contains text in Welsh, including bilingual instruments, being laid before the House of Commons if the relevant Act requires it to be”. Similarly, the Chair of the House of Lords Procedure and Privileges Committee told us that “no procedural barriers exist in the House of Lords that would prevent the laying of a statutory instrument before the House in the form of two distinct texts in English and Welsh, where both texts have equal status in law.” These items of correspondence from January 2024 are [available on the Committee's website](#).

The Committee subsequently brought these items of correspondence to the Welsh Government's then Counsel General, Mick Antoniw MS, who [told us in response](#) that the then UK Government's



“well-established” position was that joint instruments should be made in English only. He also told us that this presented the Welsh Government with a significant barrier to making such instruments bilingually.

As a Committee, we would be grateful to understand your position as an incoming government on this matter. We consider that the formation of new government presents an opportunity for a new approach to be followed, especially considering that no significant other barriers appear to exist to the making and laying of bilingual subordinate legislation.

I am copying this letter to the Chair of the House of Commons Welsh Affairs Committee and the Welsh Government’s Counsel General Designate and Minister for Delivery.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges
Chair