

SL(6)578 – The Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2025

Background and Purpose

Schedule 6 to the Welsh Language (Wales) Measure 2011 sets out the bodies that are liable to comply with Welsh language standards. This Order inserts the following additional bodies into Schedule 6:

- Adjudication Panel for Wales
- Boundary Commission for Wales
- Future Generations Commissioner for Wales.

This Order does not itself place any Welsh language duties on those bodies, but it allows the Welsh Ministers, by regulations,¹ to make the following Welsh language standards specifically applicable to those bodies:

- Service delivery standards
- Policy making standards
- Operational standards
- Record keeping standards.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Order before the Senedd. The Welsh Ministers cannot make the Order unless the Senedd approves the draft Order.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

This Order is subject to the draft affirmative procedure. As we set out above, this means that a draft of the Order must be laid before the Senedd, and the Order can only be made if the Senedd approves the draft Order.

However, the preamble to this draft Order includes the following text (our emphasis):

¹ In this case, the relevant regulations are the Welsh Language Standards (No. 1, No. 2, No. 4, No. 6 and No. 7) Regulations (Amendment) Regulations 2025.



*The Welsh Ministers, in exercise of the powers conferred on them by sections 35 and 38 of the Welsh Language (Wales) Measure 2011, **having received the approval of Senedd Cymru** in accordance with section 150(2) of that Measure, make the following Order.*

This wording suggests it is the Welsh Ministers or the enabling powers that receive the approval of the Senedd. However, it is the **draft Order** that receives the approval of the Senedd.

It is unclear why the Welsh Government chose this wording in the preamble and not the standard, recognised wording found in other draft affirmative instruments that makes it clear that it is the draft instrument that requires the approval of the Senedd. For example, the Free-Range Egg Marketing Standards (Amendment) (Wales) Regulations 2025² includes the following clear wording:

In accordance with section 50(6) of the Act, a draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response to the reporting point is required.

Legal Advisers

Legislation, Justice and Constitution Committee

4 February 2025

² Laid on 28 January 2025.

