

Communities, Equality and
Local Government Committee

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

3 February 2012

Dear Sir / Madam

Consultation on National Assembly for Wales (Official Languages) Bill

As part of its Stage 1 consideration, the National Assembly for Wales' Communities, Equality and Local Government Committee is calling for evidence on the general principles of the National Assembly for Wales (Official Languages) Bill.

[What is a Bill?](#)

Under Part 4 of the Government of Wales Act 2006 the National Assembly can pass laws in areas where it has legislative powers to do so.

When a proposal for a new law is introduced in the National Assembly, it is called a 'Bill'.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

When a Bill is passed by the National Assembly and receives Royal Assent it becomes an 'Act of the Assembly'.

What does this Bill seek to achieve?

The Explanatory Memorandum that accompanies the Bill states:

“The purpose of the Bill is to clearly place the duties of the Assembly and of the Commission, in relation to the provision of bilingual services, on a sound statutory footing.”

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As such, the Bill relates only to the National Assembly and the Assembly Commission.

What is the committee's role?

The role of the committee is to consider and report on the general principles of the Bill. In doing so, the Committee has agreed to work within the following framework:

To consider:

- i) the need for a Bill to make provision about the use of the English and Welsh languages in proceedings of the National Assembly and by the Assembly Commission in the discharge of its functions;
- ii) whether the Bill achieves its stated purpose;
- iii) the key provisions set out in the Bill and whether they are appropriate to deliver the purpose;
- iv) potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
- v) whether there are any unintended consequences arising from the Bill;
- vi) the Draft Official Languages Scheme contained in Annexe B of the Explanatory Memorandum.

How you can help – the consultation questions

Further details of the Bill and the accompanying Explanatory Memorandum can be found on the National Assembly's website at:

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?Ild=3011&Opt=0>

The Committee would like to invite you to submit written evidence to assist in its scrutiny of the Bill. In particular, we would welcome your views on the questions listed in Annexe 1.

If you wish to submit evidence, please send an electronic copy of your submission to CELG.committee@wales.gov.uk

Alternatively, you can write to:

Leanne Hatcher, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay, CF99 1NA.

Submissions should arrive by 9 March 2012. It may not be possible to take into account responses received after this date.

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Further information on the legislative process can be found at:
<http://www.assemblywales.org/bus-home/bus-legislation/bus-legislation-guidance.htm>

When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee.;
- the National Assembly normally makes responses to public consultation available on its website and responses may also be seen and discussed by Assembly Members at Committee meetings. If you do not want your response or name published, it is important that you clearly specify this in your submission;
- please indicate whether you are responding on behalf of an organisation, or as an individual; and
- please indicate whether or not you would be prepared to give oral evidence to the Committee.

The Committee welcomes contributions in Welsh and English.

If you have any queries, please contact Gareth Williams, Committee Clerk on 029 2089 8008 or Leanne Hatcher, Deputy Clerk on 029 2089 8147.

Yours faithfully

A handwritten signature in black ink that reads "Ann Jones". The signature is written in a cursive, flowing style.

Ann Jones AM
Committee Chair

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Consultation Questions

Questions on the Bill

1. Is there a need for a [Bill](#) to make provision about the use of the English and Welsh languages in proceedings of the National Assembly and by the Assembly Commission in the discharge of its functions? If so, why? If not, what alternatives do you propose?
2. Do you think the Bill delivers the purpose of the Bill as referred to in question 1 and paragraphs 4.1 to 4.4 on page 6 of the Explanatory Memorandum? Please explain your answer.
3. Section 1(2) of the Bill replaces section 35(1) of the *Government of Wales Act 2006* and introduces four new provisions relating to the equality of treatment between English and Welsh in the Assembly. What is your view of these provisions?
4. Section 2(2) introduces 9 new subparagraphs to paragraph 8 of Schedule 2 to the *Government of Wales Act 2006* (listed as subparagraphs (3) to (11)). These contain detailed provisions defining the Commission's duties in relation to the use of English and Welsh in the Assembly, and are explained in paragraphs 12.1 to 12.12 on pages 22 – 24 of the Explanatory Memorandum.

What is your view of these provisions?

In setting out your views you may wish to consider the following points:

- (i) *new subparagraph (4)* says the Commission must publish an Official Languages Scheme specifying the measures it proposes to take in order to comply with its duties under *new subparagraph (3)*.

Do you think it is appropriate for the Commission's duties to be delivered by means of an Official Languages Scheme and if so, why? If not, what alternative do you suggest?

- (ii) *new subparagraph (5)* deals with some of the issues that the Scheme would need to address, namely the provision of simultaneous interpretation and the publication of documents bilingually.

What is your view of this provision?

- (iii) *new subparagraph (6)* provides that not *necessarily* “all words spoken or written in one of the official languages” would be required to be interpreted or translated.

What is your view of this provision?

- (iv) *new subparagraph (7)* requires the Scheme to explain how complaints should be dealt with.

What is your view of this provision?

- (v) *new subparagraph (9)* requires the Scheme to be reviewed at least once every five years.

What is your view of this frequency of review?

- (vi) *new subparagraph (10)* sets out the process for the adoption of a Scheme.

Is the process clear? Please explain your answer.

Does there need to be a specific reference to any consultation? Please explain your answer.

- (vii) *new subsubparagraph (10)(b)* specifically refers to the Assembly Commission considering representations made about the Scheme by (i) members of the public and (ii) the Assembly.

Should any other person or organisation be specifically included in the list? If so, who?

5. Overall do you think the right balance has been struck between the specific requirements contained on the face of the Bill and the provisions to be included in the Scheme? Please explain your answer.
6. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?
7. What are your views on the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.
8. On 3 August 2011 the Assembly Commission published a Draft Bill for consultation¹. The Bill was changed by the Commission to take account

¹ Available at

http://www.assemblywales.org/abthome/about_us-commission_assembly_administration/pre_legislative_consultation_bilingual_services.htm

of the consultation responses received². Paragraph 6.18 on page 11 of the Explanatory Memorandum explains the changes made. What comments, if any, do you have on these changes?

9. Are there any other comments you wish to make about specific sections of the Bill?

Questions on the Draft Scheme

10. What are your views on the Draft Official Languages Scheme, included as Annexe B to the [Explanatory Memorandum](#)?
11. The Commission also published, with the draft Bill, the draft Scheme for consultation in August 2011.³ The Scheme has been changed by the Commission to take account of the consultation responses received⁴. Paragraph 6.19 on page 11 of the Explanatory Memorandum explains the changes made. What comments, if any, do you have on these changes?

²Available at:

http://www.assemblywales.org/abthome/about_us-commission_assembly_administration/pre_legislative_consultation_bilingual_services/pre_legislative_consultation_bilingual_services_consultation_responses.htm

³ As footnote 1

⁴ As footnote 2 :