

WELSH LANGUAGE (WALES) MEASURE 2011

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Welsh Language (Wales) Measure 2011 (“the Measure”) which was passed by the National Assembly for Wales on 7 December 2010 and approved by Her Majesty in Council on 9 February 2011. They have been prepared by the Department for Heritage of the Welsh Assembly Government to assist the reader of the proposed Measure. The Explanatory Notes should be read in conjunction with the Measure but are not part of it.
2. The Measure is intended to modernise the existing legal framework largely governed by the Welsh Language Act 1993 (“the 1993 Act”) regarding the use of the Welsh language in the delivery of public services.
3. The Measure includes provision with regard to the official status of the Welsh language and establishes the office of Welsh Language Commissioner (“the Commissioner”) which will replace the Welsh Language Board (“the Board”) established under the 1993 Act.
4. The Commissioner’s principal aim will be to promote and facilitate the use of the Welsh language and he or she will be able to work towards ensuring that the Welsh language is treated no less favourably than the English language. The Commissioner will also have the power to investigate alleged interferences with individuals’ freedom to use Welsh with one another in certain circumstances. The Commissioner will be supported by an Advisory Panel.
5. The Measure makes provision with regard to the development of standards of conduct relating to the Welsh language (“standards”) which will replace the existing system of Welsh language schemes (“schemes”) provided for by the 1993 Act.
6. The Measure also makes provision about the enforcement of duties contained in standards, including the ability of persons under duty to comply with standards, and individuals affected by failures to comply with standards, to appeal some of the Commissioner’s decisions. There is also provision which allows persons under duty to challenge the imposition of those duties as they apply to them. This will include the creation of a Welsh Language Tribunal (“the Tribunal”).
7. Finally, the Measure makes provision with regard to the establishment of a Welsh Language Partnership Council (“the Partnership Council”) to give advice or make representations to the Welsh Ministers about their Welsh language strategy.