



# Welsh Language Act 1993

## 1993 CHAPTER 38

### [<sup>F1</sup>PART II

#### WELSH LANGUAGE SCHEME

#### *[<sup>F1</sup> Duty to prepare schemes*

#### Textual Amendments

- F1** Pt. II repealed (6.7.2015 for S.N.I.) by [Welsh Language \(Wales\) Measure 2011 \(nawm 1\), ss. 145\(2\)\(a\), 156\(2\); S.I. 2015/1413, art. 2\(b\)](#)

#### **5 Duty of notified public bodies to prepare schemes.**

- (1) Every public body to which a notice is given under section 7 below and which—
- (a) provides services to the public in Wales, or
  - (b) exercises statutory functions in relation to the provision by other public bodies of services to the public in Wales,
- shall prepare a scheme specifying the measures which it proposes to take, for the purpose mentioned in subsection (2) below, as to the use of the Welsh language in connection with the provision of those services, or of such of them as are specified in the notice.
- (2) The purpose referred to in subsection (1) above is that of giving effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality.
- (3) In preparing a scheme under this Part of this Act a public body shall have regard to any guidelines issued by the Board under section 9 below.

*Changes to legislation: There are currently no known outstanding effects for the Welsh Language Act 1993, Cross Heading: Duty to prepare schemes. (See end of Document for details)*

## 6 Meaning of “public body”. **E+W**

(1) In this Part of this Act “public body” means—

- (a) a county council, [<sup>F2</sup>county borough council,] district council or community council;
- (b) a joint committee of two or more bodies within paragraph (a) above;
- (c) a joint board of which the members are two or more bodies within paragraph (a) above;
- [ a National Park authority;]
- <sup>F3</sup>(ca) [<sup>F4</sup>(d) a police and crime commissioner;]
- [<sup>F5</sup>(e) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]
- [ <sup>F7</sup> . . . a Special Health Authority established under [<sup>F8</sup>section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006] ;]
- <sup>F6</sup>(f) [ a Local Health Board established under [<sup>F10</sup>section 11 of the National Health Service (Wales) Act 2006] ;]
- [<sup>F9</sup>(ff) a National Health Service trust constituted under [<sup>F11</sup>the National Health Service Act 2006 or the National Health Service (Wales) Act 2006] ;
- <sup>F12</sup>(h) . . . . .
- (i) a Community Health Council [<sup>F13</sup>[<sup>F14</sup>established under section 182 of the National Health Service (Wales) Act 2006] ;
- [<sup>F15</sup>(ia) the Wales Centre for Health;]
- (j) <sup>F16</sup> . . . . .
- (k) the Higher Education Funding Council for Wales;
- [<sup>F17</sup>(l) the governing body of a community, foundation or voluntary school or a community or foundation special school (within the meaning of the School Standards and Framework Act 1998);]
- (m) a further education corporation established under section 15 or 16 of the <sup>M1</sup>Further and Higher Education Act 1992;
- (n) a higher education corporation established under section 121 or 122 of the <sup>M2</sup>Education Reform Act 1988;
- [<sup>F18</sup>(na) the Commissioner for Older People in Wales;]
- (o) any person (whether or not a body corporate or unincorporate)—
  - (i) who appears to the Secretary of State to be exercising functions of a public nature, or
  - (ii) all or substantially all of whose activities appear to the Secretary of State to be conducted under an agreement, or in accordance with arrangements, made with a public body within paragraphs (a) to (n) or sub-paragraph (i) above or a person acting as servant or agent of the Crown,
 and who is specified, or is of a description of persons specified, by order made by the Secretary of State for the purposes of this Part of this Act.

(2) The power to make an order under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

*Changes to legislation: There are currently no known outstanding effects for the Welsh Language Act 1993, Cross Heading: Duty to prepare schemes. (See end of Document for details)*

### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

### Textual Amendments

- F2** Words in s. 6(1)(a) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 106(1)**; S.I. 1995/852, art. 9(1), **Sch. 5**
- F3** S. 6(1)(ca) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 37**; S.I. 1995/2950, **art. 2(1)**
- F4** S. 6(d) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 213**; S.I. 2012/2892, art. 2(i)
- F5** Words in s. 6(1)(e) substituted (E.W.) (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 84**; S.I. 2004/2304, **art. 2** (subject to art. 3); S.I. 2004/2917, **art. 2**
- F6** S. 6(1)(f) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III**, para. 125(a)
- F7** Words in s. 6(1)(f) omitted (1.4.2007) by virtue of The References to Health Authorities Order 2007 (S.I. 2007/961), arts. 1(1), 3, **Sch. para. 24**
- F8** Words in s. 6(1)(f) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 7, **Sch. 1 para. 164(a)(ii)** (with Sch. 3 Pt. 1)
- F9** S. 6(1)(ff) inserted (10.10.2002 for W. and 1.3.2007 for E.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 6(2), **Sch. 5 para. 37**; S.I. 2002/2532, **art. 2**; S.I. 2006/1407, **art. 2**, **Sch. 1 Pt. 2 para. 12(c)** (with art. 4)
- F10** Words in s. 6(1)(ff) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 7, **Sch. 1 para. 164(b)** (with Sch. 3 Pt. 1)
- F11** Words in s. 6(1)(g) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 7, **Sch. 1 para. 164(c)** (with Sch. 3 Pt. 1)
- F12** S. 6(f) repealed (1.4.1996) by 1995 c. 17, ss. 2(1), 5(1)(2), Sch. 1 Pt. III, para. 125(b), **Sch. 3**
- F13** Words in s. 6(1)(i) substituted (20.10.2003 for W. and 1.12.2003 for E.) by Health (Wales) Act 2003 (c. 4), ss. 7, 10(2), **Sch. 3 para. 7**; S.I. 2003/2660, **art. 2(1)(ii)** (subject to art. 2(2)); S.I. 2003/3064, **art. 2(1)(ii)** (subject to art. 2(2))
- F14** Words in s. 6(1)(i) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 7, **Sch. 1 para. 164(d)** (with Sch. 3 Pt. 1)
- F15** S. 6(1)(ia) inserted (1.4.2005) by Health (Wales) Act 2003 (c. 4), ss. 7, 10(2), **Sch. 3 para. 8**; S.I. 2003/2660, **art. 3(2)**
- F16** S. 6(1)(j) omitted (1.4.2006) by virtue of The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), arts. 1(1), 9(1), **Sch. 1 para. 29** (with transitional provision in art. 7)
- F17** S. 6(1)(l) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 50**; S.I. 1999/2323, art. 2(1), **Sch. 1**
- F18** S. 6(1)(na) inserted (14.10.2006 for W.) by Commissioner for Older People (Wales) Act 2006 (c. 30), ss. 1, 23, **Sch. 1 para. 18**; S.I. 2006/2699, **art. 2**

### Marginal Citations

- M1** 1992 c. 13.  
**M2** 1988 c. 40.

<sup>F16</sup> Meaning of “public body”. **S+N.I.**

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*Changes to legislation: There are currently no known outstanding effects for the Welsh Language Act 1993, Cross Heading: Duty to prepare schemes. (See end of Document for details)*

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## **7 Notices to public bodies.**

- (1) The Board may give a notice in writing under this section to any public body.
- (2) A notice under subsection (1) above shall—
  - (a) state that the public body to which the notice is given is required to prepare a scheme in accordance with section 5 above;
  - (b) specify a date before which that body is required to submit the scheme to the Board;
  - (c) inform that body of its rights of objection under section 8(1) below.
- (3) The Board shall give a copy of the current guidelines issued under section 9 below to any public body to which it gives a notice under subsection (1) above.
- (4) Different notices may be given to a public body under this section in respect of different services.

## **8 Objections to time limits for submitting schemes.**

- (1) A person to whom the Board has given a notice under section 7 above may by notice in writing to the Board object to the date specified in the notice under section 7 as the date before which the scheme is to be submitted to the Board.
- (2) A notice under this section shall be given within such time as may be specified by the Board in the notice given by it under section 7 above.
- (3) A notice under this section shall give the reasons for any objection to which it relates.
- (4) On considering an objection made in accordance with this section, the Board may either dismiss it or propose an extension of the time limit concerned.
- (5) If the Board proposes an extension of the time limit and the objector agrees to the proposal, the notice under section 7 above shall have effect with the substitution of the agreed date.
- (6) If the Board dismisses the objection or the objector does not agree to a proposal made by the Board and, in either case, the objection is not withdrawn, the Board shall refer the objection to the Secretary of State.
- (7) The Board shall, on referring an objection to the Secretary of State, send him—
  - (a) a copy of the notice under section 7,
  - (b) a copy of the notice given by the objector under this section, and
  - (c) a statement of the Board's reasons for its decisions on the objection.
- (8) On a reference under this section the Secretary of State may confirm a decision of the Board to dismiss the objection, or may direct that the notice under section 7 above shall have effect with the substitution of a later date for the date referred to in subsection (1) above (and that later date may be the same as or later than any date proposed by the Board under this section).]

**Changes to legislation:**

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Heading: Duty to prepare schemes.