



# Welsh Language Act 1993

## 1993 CHAPTER 38

### PART III

#### MISCELLANEOUS

##### *Welsh in legal proceedings*

#### **22 Use of Welsh in legal proceedings**

- (1) In any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it, subject in the case of proceedings in a court other than a magistrates' court to such prior notice as may be required by rules of court; and any necessary provision for interpretation shall be made accordingly.
- (2) Any power to make rules of court includes power to make provision as to the use, in proceedings in or having a connection with Wales, of documents in the Welsh language.

#### **23 Oaths and affirmations**

The Lord Chancellor may make rules prescribing a translation in the Welsh language of any form for the time being prescribed by law as the form of any oath or affirmation to be administered and taken or made by any person in any court, and an oath or affirmation administered and taken or made in any court in Wales in the translation prescribed by such rules shall, without interpretation, be of the like effect as if it had been administered and taken or made in the English language.

#### **24 Provision of interpreters**

- (1) The Lord Chancellor may make rules as to the provision and employment of interpreters of the Welsh and English languages for the purposes of proceedings before courts in Wales.

- (2) The interpreters shall be paid, out of the same fund as the expenses of the court are payable, such remuneration in respect of their services as the Lord Chancellor may determine.
- (3) The Lord Chancellor's powers under this section shall be exercised with the consent of the Treasury.

*Statutory names, forms etc*

**25 Powers to give Welsh names to statutory bodies etc**

- (1) Where a name is conferred by an Act of Parliament on any body, office or place, the appropriate Minister may by order confer on the body, office or place an alternative name in Welsh.
- (2) Where an Act of Parliament gives power, exercisable by statutory instrument, to confer a name on any body, office or place, the power shall include power to confer alternative names in English and Welsh.
- (3) This section shall not apply in relation to a name conferred on any area or local authority by the Local Government Act 1972, or to any power exercisable under that Act.

**26 Powers to prescribe Welsh forms**

- (1) This section applies where an Act of Parliament specifies, or confers power to specify, —
  - (a) the form of any document, or
  - (b) any form of words,
 which is to be or may be used for an official or public purpose or for any other purpose where the consequences in law of any act depend on the form used.
- (2) Where the Act itself specifies the form of the document or the form of words, the appropriate Minister may by order prescribe—
  - (a) a form of the document in Welsh, or partly in Welsh and partly in English or, as the case may be,
  - (b) a form of words in Welsh,
 for use in such circumstances and subject to such conditions as may be prescribed by the order.
- (3) Where the Act confers a power to specify the form of the document or the form of words, the power shall include power to prescribe—
  - (a) separate forms of the document, or separate forms of words, in Welsh and in English, and
  - (b) in the case of a document, a form partly in Welsh and partly in English,
 for use in such circumstances and subject to such conditions as may be prescribed by the instrument by which the power is exercised.
- (4) Where the powers conferred by this section are exercised in relation to the form of a document or a form of words, a reference in an Act or instrument to the form shall, so far as may be necessary, be construed as (or as including) a reference to the form prescribed under or by virtue of this section.

- (5) This section shall not apply in relation to a provision which—
- (a) confers, or gives power to confer, a name on any body, office or place, or
  - (b) requires specified words to be included in the name of any body, office or place.

## **27 Provisions supplementary to sections 25 and 26**

- (1) Anything done in Welsh by virtue of section 26 above shall have the like effect as if done in English.
- (2) Any provision authorising—
- (a) the use of a document or words to the like effect as a document or words of which another version is prescribed by virtue of section 26 above, or
  - (b) the adaptation of a document or words of which another version is so prescribed,
- shall apply in relation to both versions.
- (3) The powers to make orders under sections 25(1) and 26(2) above shall be exercisable by statutory instrument, which shall be laid before Parliament after being made.
- (4) References in sections 25 and 26 above to an Act of Parliament include references to Acts passed after this Act; and in those sections “the appropriate Minister” in relation to any Act means—
- (a) in the case of provisions for the execution of which in Wales a Minister other than the Secretary of State is responsible, that Minister, and
  - (b) in any other case, the Secretary of State.
- (5) Any question arising under paragraphs (a) and (b) of subsection (4) above shall be determined by the Treasury; and in that subsection “Minister” includes the Treasury, the Commissioners of Customs and Excise and the Commissioners of Inland Revenue.

## **28 Industrial and provident societies**

- (1) Section 5 of the Industrial and Provident Societies Act 1965 (name of society) shall be amended as follows.
- (2) In subsection (2), for the words from “the word” to the end there shall be substituted the words “the last word in the name of every society registered under this Act shall be “limited” or, if the rules of the society state that its registered office is to be in Wales, either that word or the word “cyfyngedig””.
- (3) In subsection (5)—
- (a) after the words “contain the word “limited”” there shall be inserted the words “or the word “cyfyngedig””,
  - (b) for the words “that word” there shall be substituted the words “either of those words”, and
  - (c) after the words “that the word “limited”” there shall be inserted the words “, or in an appropriate case the word “cyfyngedig””,

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## 29 Credit unions

- (1) Section 3 of the Credit Unions Act 1979 (use of name “credit union”, etc) shall be amended as follows.
- (2) In subsection (1), there shall be added at the end the words “or, if the rules of the society state that its registered office is to be in Wales, either those words or the words “undeb credyd””.
- (3) In subsection (2), after the words ““credit union” or” there shall be inserted the words ““undeb credyd” or”.

## *Companies*

## 30 Documents relating to Welsh companies

- (1) The Companies Act 1985 shall be amended as follows.
- (2) Section 21 (registered documentation of Welsh companies) shall cease to have effect.
- (3) In section 228(2)(f) (under which the conditions for exemption from the requirement to provide group accounts include the provision of translations of certain documents), at the beginning there shall be inserted the words “(subject to section 710B(6) (delivery of certain Welsh documents without a translation))”.
- (4) The words “then, subject to section 710B(6) (delivery of certain Welsh documents without a translation),” shall be inserted—
  - (a) after the words “other than English” in sections 242(1) and 243(4) and paragraph 7(3) of Part II of Schedule 9, and
  - (b) after the words “does not apply” in sections 272(5) and 273(7),
 (all of which require certain documents in a language other than English to be delivered to the registrar with a translation).
- (5) Section 255E (accounting documents of Welsh private companies) shall cease to have effect.
- (6) After section 710A there shall be inserted—

### **“710B Documents relating to Welsh companies**

- (1) This section applies to any document which—
  - (a) is delivered to the registrar under this Act or the Insolvency Act 1986, and
  - (b) relates to a company (whether already registered or to be registered) whose memorandum states that its registered office is to be situated in Wales.
- (2) A document to which this section applies may be in Welsh but, subject to subsection (3), shall on delivery to the registrar be accompanied by a certified translation into English.
- (3) The requirement for a translation imposed by subsection (2) shall not apply—
  - (a) to documents of such descriptions as may be prescribed for the purposes of this paragraph, or

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- (b) to documents in a form prescribed in Welsh (or partly in Welsh and partly in English) by virtue of section 26 of the Welsh Language Act 1993.
- (4) Where by virtue of subsection (3) the registrar receives a document in Welsh without a certified translation into English, he shall, if that document is to be available for inspection, himself obtain such a translation; and that translation shall be treated as delivered to him in accordance with the same provision as the original.
- (5) A company whose memorandum states that its registered office is to be situated in Wales may deliver to the registrar a certified translation into Welsh of any document in English which relates to the company and which is or has been delivered to the registrar.
- (6) The provisions within subsection (7) (which require certified translations into English of certain documents delivered to the registrar) shall not apply where a translation is required by subsection (2) or would be required but for subsection (3).
- (7) The provisions within this subsection are section 228(2)(f), the second sentence of section 242(1), sections 243(4), 272(5) and 273(7) and paragraph 7(3) of Part II of Schedule 9.
- (8) In this section “certified translation” means a translation certified in the prescribed manner to be a correct translation.”.

### **31 Publicity for limited liability status of Welsh companies**

In section 351 of the Companies Act 1985, subsections (3) and (4) (which require the status of a company whose name ends in “cwmni cyfyngedig cyhoeddus” or “cyfyngedig” to appear in English on certain documents) shall cease to have effect.

#### *Charities*

### **32 Registered charities**

- (1) Section 5 of the Charities Act 1993 (which requires the status of a registered charity to appear in English on certain documents) shall be amended as follows.
- (2) In subsection (2), the words “in English” shall be omitted.
- (3) After subsection (2), there shall be inserted—
  - “(2A) The statement required by subsection (2) above shall be in English, except that, in the case of a document which is otherwise wholly in Welsh, the statement may be in Welsh if it consists of or includes the words “elusen cofrestredig” (the Welsh equivalent of “registered charity”).”.
- (4) In subsection (4), for the words from “in which” to “stated as” there shall be substituted the words “which does not contain the statement”.
- (5) In subsection (5), for the words from “in which” to “stated as” there shall be substituted “which does not contain the statement”.

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### 33 Statement of charitable status

- (1) Section 68 of the Charities Act 1993 (which requires the status of a charity that is a company to appear in English on certain documents) shall be amended as follows.
- (2) In subsection (1)—
  - (a) after the words “the word “charitable”” there shall be inserted the words “then, subject to subsection (1A)”, and
  - (b) the words “in English” shall be omitted.
- (3) After subsection (1), there shall be inserted—
  - “(1A) Where a company’s name includes the word “elusen” or the word “elusennol” (the Welsh equivalents of the words “charity” and “charitable”), subsection (1) above shall not apply in relation to any document which is wholly in Welsh.
  - (1B) The statement required by subsection (1) above shall be in English, except that, in the case of a document which is otherwise wholly in Welsh, the statement may be in Welsh if it consists of or includes the word “elusen” or the word “elusennol”.”.

### *Supplementary*

### 34 Notices

- (1) Any notice or other document required or authorised to be given or sent to the Board or to a public body under Part II of this Act may be sent by post to the principal office of the Board or of that public body.
- (2) Any notice required or authorised to be given to a member of the Board under Schedule 1 to this Act may be sent by post to the last known address of the member.
- (3) This section shall not be taken to exclude any method of giving or sending a notice or other document not expressly provided for by this section.

### 35 Repeals and consequential amendments

- (1) The enactments mentioned in Schedule 2 to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The Companies Act 1985 (Welsh Language Accounts) Regulations 1992 are hereby revoked.
- (3) In Schedule 1 to the European Parliamentary Elections Act 1978, in paragraph 2(5) (application of section 2(1) of the Welsh Language Act 1967 to regulations under that Schedule)—
  - (a) for “2(1)” there shall be substituted “26”;
  - (b) for “1967” there shall be substituted “1993”; and
  - (c) for “enactments” there shall be substituted “Acts of Parliament”.
- (4) In the Appendix of forms in Schedule 1 to the Representation of the People Act 1983, in paragraph 2(a) of the directions as to printing the ballot paper, for the words from

“except” to “and the” there shall be substituted the words “except the direction to vote for one candidate only and the”.

- (5) For section 22 of the Representation of the People Act 1985 (power to prescribe Welsh version of forms specified in certain rules and regulations) there shall be substituted—

“Welsh forms.

Section 26 of the Welsh Language Act 1993 (power to prescribe Welsh forms of documents or words specified in Acts), except subsection (3), shall apply in relation to regulations made under the principal Act or this Act and rules made (or having effect as if made) under section 36 of the principal Act as it applies in relation to Acts of Parliament.”

### **36 Commencement**

- (1) Subject to subsection (2) below, this Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (2) Sections 30, 31 and 35(2), and the repeals made by this Act in the Companies Act 1985, shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different purposes.
- (3) An order under subsection (2) above may include such transitional provisions as appear to the Secretary of State to be necessary or expedient.

### **37 Short title**

This Act may be cited as the Welsh Language Act 1993.