



# National Assembly for Wales (Official Languages) Act 2012

2012 anaw 1

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# National Assembly for Wales (Official Languages) Act 2012

An Act of the National Assembly for Wales to make provision about the use of the English and Welsh languages in proceedings of the National Assembly for Wales and in the discharge of the functions of the Assembly Commission.

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## **1 Amendment to section 35 of the Act (Equality of treatment)**

- (1) Section 35 of the Government of Wales Act 2006 (c.32) (“the Act”) is amended as follows.
- (2) For subsection (1), substitute –
  - “(1) The official languages of the Assembly are English and Welsh.
  - (1A) The official languages must, in the conduct of Assembly proceedings, be treated on a basis of equality.
  - (1B) All persons have the right to use either official language when participating in Assembly proceedings.
  - (1C) Reports of Assembly proceedings must, in the case of proceedings which fall within section 1(5)(a) (proceedings of the Assembly), contain a record of what was said, in the official language in which it was said, and also a full translation into the other official language.
  - (1D) Paragraph 8 of Schedule 2 makes provision about how the Assembly Commission must enable effect to be given to subsections (1) to (1C).”

## **2 Amendment to Schedule 2 to the Act (Assembly Commission)**

- (1) Paragraph 8 of Schedule 2 to the Act (Principles in accordance with which functions are to be exercised) is amended as follows.
- (2) For sub-paragraph (3), substitute –
  - “(3) The Assembly Commission must, in the exercise of its functions –

- (a) treat the official languages of the Assembly on a basis of equality, and
  - (b) make arrangements for enabling effect to be given to section 35(1), (1A), (1B) and (1C).
- (4) The Assembly Commission must—
- (a) adopt, and
  - (b) publish,
- a scheme, to be known as the Assembly Commission’s Official Languages Scheme (“the Scheme”), specifying the measures which it proposes to take in order to comply with its duties under subparagraph (3).
- (5) The Scheme must include (amongst other things) provision about—
- (a) simultaneous interpretation from one official language into the other—
    - (i) in all Assembly proceedings,
    - (ii) in public meetings conducted on behalf of the Assembly Commission, and
    - (iii) in such other meetings connected with the functions of the Assembly or the Assembly Commission as may be provided for in the Scheme,
  - (b) publication of documents in both official languages, subject to any exceptions identified in the Scheme,
  - (c) public engagement with—
    - (i) Assembly proceedings, and
    - (ii) other functions of the Assembly and of the Assembly Commission,through the medium of either of the official languages,
  - (d) practical measures to foster and continually improve freedom of choice of official language—
    - (i) on the part of those participating in Assembly proceedings, and
    - (ii) in relation to the functions of the Assembly or the Assembly Commission generally,
  - (e) the setting of targets and timescales relating to implementation of the Scheme,
  - (f) the allocation of responsibilities for implementing the Scheme,
  - (g) objective means of measuring progress in implementing the Scheme, and

- (h) a strategy for ensuring that the staff of the Assembly have, collectively, the language skills necessary to enable the Scheme to be implemented.
- (6) The Scheme must include provision relating to the receipt, investigation and consideration of complaints of failures to give effect to provisions of the Scheme.
- (7) The Scheme must identify those services provided or to be provided in the official languages and explain how those services are to be provided in accordance with paragraph 8(5).
- (8) The Assembly Commission must, in respect of each financial year, lay before the Assembly a report setting out how the Commission has, during the year in question, given effect to the Scheme.
- (9) The report prepared by the Assembly Commission under sub-paragraph (8) must include –
  - (a) whether and to what degree the services referred to in sub-paragraph (7) have been provided, and
  - (b) if applicable, the reasons why the Commission has not provided any of the services referred to in sub-paragraph (7) in both official languages.
- (10) The Assembly Commission –
  - (a) must review the Scheme as soon as is reasonably practicable after each ordinary general election, or after an extraordinary general election to which section 5(5) applies, and
  - (b) may, at any time, adopt a new Scheme or an amendment to the existing Scheme.
- (11) The Assembly Commission may not adopt a Scheme, or an amendment to a Scheme, unless (whether before or after the coming into force of this paragraph) –
  - (a) a draft of the Scheme (or of the amendment) has been –
    - (i) published, and
    - (ii) laid before the Assembly,
  - (b) the Assembly Commission has given –
    - (i) those persons whom the Assembly Commission considers it appropriate to consult in relation to the Scheme, and
    - (ii) the Assembly,reasonable opportunity to make representations in relation to the draft,
  - (c) the Assembly Commission has considered any representations made about the draft Scheme (or draft amendment) by –
    - (i) the persons consulted under sub-paragraph (b)(i), and

- (ii) the Assembly, and
- (d) the Scheme (or the amendment) incorporating such modifications as the Assembly Commission may, having considered such representations, make, has been laid before and approved by resolution of, the Assembly.

(12) The Assembly Commission must give effect to the Scheme.”

### **3 Short title and commencement**

This Act—

- (a) may be referred to as the National Assembly for Wales (Official Languages) Act 2012, and
- (b) comes into force on the day after it receives Royal Assent.

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