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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Welsh Language (Wales) Measure 2011 creates the office of the Welsh Language Commissioner and abolishes the Welsh Language Board. The Measure also provides for the transfer of the Board's functions to the Commissioner.

Section 154 (Transitional and consequential provision etc) of the Measure gives the Welsh Ministers the power, by order, to make transitional, consequential and such other provision as they think necessary or appropriate in connection with, or to give full effect to the Measure.

Section 143 (Abolition of Board and transfer of functions), subsection (3) of the Measure envisages that the Welsh Ministers may, in an order made under section 154 of the Measure, provide for the functions conferred on the Board by section 3 of the Welsh Language Act 1993 to be transferred to the Welsh Ministers, whether instead of, or in addition to, the functions being transferred to the Commissioner. The Board's principal function under section 3 is the function of promoting and facilitating the use of the Welsh language.

This Order is made under section 154 of the Measure. It makes provision about the transfer of the Board's functions, makes transitional provisions in relation to the Board's final statement of accounts and annual report and makes amendments which are consequential upon the Measure to other legislation.

Article 3 provides that the functions conferred upon the Board by section 3 of the 1993 Act transfer to the Welsh Ministers in addition to being transferred to the Commissioner. This means that both the Commissioner and the Welsh Ministers will exercise the functions conferred upon the Board by section 3 of the 1993 Act. Paragraph 3 of Schedule 12 to the Measure provides that, if the functions conferred upon the Board under section 3 of the 1993 Act are transferred to the Welsh Ministers, the following provisions of the 1993 Act do not apply to the functions as they are exercisable by the Welsh Ministers, namely section 3(2)(a) (provision of advice to the Welsh Ministers on matters concerning the Welsh language), section 3(3) and (4) (powers to make grants or loans etc as well as restrictions on those powers) and section 4(1) (duty to comply with directions given by the Welsh Ministers).

Articles 4 and 5 provide for the preparation and audit of the Board's statement of accounts and the preparation of its annual report on the exercise of its functions in relation to its final financial year (namely from 1 April 2011 to 31 March 2012).

Articles 6 to 13 amend specified primary and secondary legislation, either to omit references to the Board or to substitute references to the Board with references to the Commissioner, as is appropriate in each case.

A Regulatory Impact Assessment for this Order has been prepared and a copy can be obtained from the Welsh Language Unit, Department for Education and Skills, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.