

Constitutional and Legislative Affairs Committee

Report: CLA(4)-02-13 : 14 January 2013

The Committee reports to the Assembly as follows:

- 1. Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

Negative Resolution Instruments

CLA199 – The Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations

Negative Procedure.

Date made: 13 December 2012.

Date laid: 13 December 2012.

Coming into force date: 3 January 2013

CLA203 – The Plant Health (Wales) (Amendment) Order 2012

Negative Procedure.

Date made: 19 December 2012.

Date laid: 20 December 2012.

Coming into force date: 11 January 2013

Affirmative Resolution Instruments

CLA202 – The Civil Enforcement of Road Traffic Conventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2013

Affirmative Procedure.

Coming into force: in accordance with regulation 1(1)

CLA204 – The Fishing Boats (Satellite – Tracking Devices and Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2012

Affirmative Procedure.

Date made: 21 December 2012.

Date laid: 21 December 2012.

Coming into force date: 31 December 2012

2. Instruments that raise reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA200 – The Welsh Language Schemes (Public Bodies) Order 2012

Negative Procedure.

Date made: 13 December 2012.

Date laid: 14 December 2012.

Coming into force date: 4 January 2013

Action:

As a consequence of this Order, the Committee agreed to write to the Minister regarding the timescale for implementing the new system of standards under the Welsh Language (Wales) Measure 2011.

3. Evidence in relation to the Regulated Mobile Homes Sites (Wales) Bill

The Committee took oral evidence from Peter Black AM, Member in Charge of the Regulated Mobile Homes Sites (Wales) Bill, and Huw Lewis AM, Minister for Housing Regeneration and Heritage.

The Committee resolved to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(ix), to consider its forward work programme.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

14 January 2013

Constitutional and Legislative Affairs Committee Report

Title: The Welsh Language Schemes (Public Bodies) Order 2012

Procedure: Negative

This Order specifies the Natural Resources Body for Wales for the purposes of Part II of the Welsh Language Act 1993 ('the Act'), which is the Part that deals with language schemes.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

This is the first order of this type since the passing of the Welsh Language (Wales) Measure 2011 ('the Measure'). The purpose of that Measure is to replace the system of Welsh Language schemes established under the Act and enforced by the Welsh Language Board with language standards enforced by the Welsh Language Commissioner. The three bodies to be united in the Natural Resources Body for Wales have their own language schemes, and the purpose of this order is to ensure that there will be no gap in the legal status of the services provided in Welsh following that union.

What is of interest is what the Order reveals about the timetable for implementation of the Measure. The following appears in the Regulatory Impact Assessment laid with the Order –

“In addition, it is likely to be some time before the Welsh Language Commissioner will be in a position to issue the NRBW with a compliance notice under section 45 of the Welsh Language (Wales) Measure 2011, requiring it to comply with standards. Before that notice can be issued the Welsh Ministers would have to make an order to amend Schedule 6 of the Measure to include NRBW as a body potentially liable to comply with standards. Regulations will need to be made to specify standards and to authorise the Welsh Language Commissioner to give NRBW a compliance notice requiring it to comply with the specified standards. In the meantime, were the NRBW not to have an enforceable Welsh Language Scheme in place, this would be likely to leave a long period in the transition from the three existing bodies (the Countryside Council for Wales, the Forestry

Commission and the Environment Agency), with their enforceable Schemes, to the imposition of standards on the NRBW.” (legal advisers’ emphasis)

Thus, although the Welsh Language Board has now been replaced by the Welsh Language Commissioner in accordance with the Measure, it appears that language schemes in accordance with the Act will continue in force for some time to come.

[Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;]

**Legal Advisers
Constitutional and Legislative Affairs Committee**

December 2012

The Government has responded as follows:

The Welsh Language Schemes (Public Bodies) Order 2012

Response to Merits Scrutiny Reporting Point

The Government notes the point raised in the report. We have dealt with this issue in the Regulatory Impact Assessment and we have nothing further to add.”