

## **LEGISLATIVE COMPETENCE ORDER DYFARNYDD**

### **Background**

The Welsh Language Act 1983 established the Welsh Language Board whose functions are, in summary:

- to advise the Assembly on matters concerning the Welsh language;
- to advise persons exercising functions of a public nature on the principle that the English and Welsh languages should be treated on a basis of equality;
- to advise other persons providing services to the public on the use of the Welsh language in their dealings with the public;
- to provide grants and loans and to develop programmes of activities to implement the Welsh Assembly Government's strategic policy for creating a bilingual Wales;
- to issue guidelines as to the form and content of Welsh Language Schemes;
- to require public bodies to prepare Welsh Language Schemes; and
- to investigate breaches of Welsh Language Schemes by public bodies.

The Assembly's functions under the 1993 Act so far as they relate to the Welsh Language Board are to:

- Issue general or specific directions to the Welsh Language Board
- Specifying bodies which constitute public bodies who can be required to prepare a Welsh Language Scheme
- Impose deadlines for the submission of Welsh Language Schemes by public bodies and issue directions for those who fail to agree to the terms of such a scheme.

### **Policy Objective**

The Welsh Assembly Government has already indicated its intention to exercise the powers of the Welsh Ministers under section 28 of the Government of Wales Act 1998 (as amended by section 160 of, and paragraph 42 of Schedule 10 to the Government of Wales Act 2006) to merge the Welsh Language Board with the Welsh Assembly Government on 1 April 2009.

The intention is to gain legislative competence to provide a Measure which would establish an office, entitled the office of "y Dyfarnydd" to undertake the adjudication functions of the Welsh Language Board and to provide comments on the development by the Welsh Ministers and by servants or agents of crown of their Welsh Language Schemes. The Dyfarnydd would also be responsible for offering initial advice and dealing with complaints by members of the public. The Dyfarnydd will also be able to provide advice to the Welsh Ministers when that view is sought and to bring views to Welsh Ministers based upon expert knowledge.

### **Outline of the Order**

We would look to amend Part 1 of Schedule 5 to the Government of Wales Act 2006 ("the 2006 Act") so as to add a certain 'matter' outlined below under field 20 (Welsh language). Subsection (1)(a) of the 2006 Act permits Her Majesty by Order in Council to amend Part 1 of Schedule 5 to add a matter which relates to one or more of the fields listed in that Part. The inclusion of this matter would enable Labour in the Assembly to bring forward an 'Assembly Measure' under Part 3 of the 2006 Act relating to the Dyfarnydd.