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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**Third periodical report**  
**presented to the Secretary General of the Council of Europe**  
**in accordance with Article 15 of the Charter**

**UNITED KINGDOM**

**Foreword:**

Devolved powers were formally transferred from the UK government to the devolved administrations in Scotland and Wales on 1 July 1999 and in Northern Ireland on 2 December 1999.

At the point of devolution, the Welsh Assembly Government took over responsibility for a number of the UK government's functions, including the Welsh language, education and training, economic development, and local government. The Scottish Parliament also took on responsibility for a range of UK government functions, which cover broadly the same ground as was previously covered by the Scottish Office. This included responsibility for Scottish Gaelic and Scots. Similarly, the Northern Ireland Assembly and Executive took over the functions of the Northern Ireland Departments, which had been overseen since 1972 by UK Ministers. This included responsibility for Irish and Ulster Scots. Although devolution in Northern Ireland was suspended in October 2002, it was restored again on 8 May 2007.

The UK government retains responsibility for foreign affairs, defence, national security, taxation, national economic policy and broadcasting.

There are therefore three devolved administrations which, along with the UK government, are responsible for implementing the provisions of the European Charter for regional or minority languages in the United Kingdom.

The Charter has been extended to the Isle of Man, a Dependency of the British Crown, which has its own parliament and legislature and where Manx Gaelic is enjoying a resurgence.

# **PRELIMINARY SECTION**

- 1. Please provide the necessary background information, such as the relevant historical developments in the country, an overview of the demographic situation with reference to the basic economic data for the regions, as well as information on the constitutional and administrative structure of the State.**

The United Kingdom is a parliamentary democracy, based on universal suffrage. It is also a constitutional monarchy in which ministers of the Crown govern in the name of the Sovereign, who is both Head of State and Head of the Government.

There is no 'written constitution'. Instead, the relationship between the State and the people relies on statute law, common law and conventions.

The UK Parliament makes primary legislation - other than for matters devolved to the Scottish Parliament and the Northern Ireland Assembly - and is the highest authority in the land. It continues to have the supreme authority for government and law-making in the UK as a whole, but operates under a convention that it will not legislate on devolved matters unless it has the agreement of the devolved legislatures.

The executive comprises the Government (members of the Cabinet and other ministers responsible for policies), government departments and agencies, local authorities, public corporations, independent regulatory bodies and certain other organisations subject to ministerial control. The judiciary determines common law and interprets statutes.

Local authorities work within the powers laid down under various Acts of Parliament and other legislation. Their functions are far-reaching and include education, social services, land use planning, housing, waste disposal and recycling, and transport. Some are mandatory, which means that the authority must do what is required by law. Others are discretionary, allowing an authority to provide services if it wishes.

In certain cases, ministers have powers to secure uniformity in standards to safeguard public health or to protect the rights of individual citizens. Where local authorities exceed their statutory powers, they are regarded as acting outside the law and can be challenged in court.

The main link between local authorities and central government in England is the Department for Communities and Local Government. However, other departments, such as the Department for Children, Schools and Families, the Department for Work and Pensions, the Department of Health and the Home Office, are also concerned with various local government functions.

## **Cornish**

Cornwall is administered currently by two tier local government, with a County Council and six District Councils. From 1 April 2009, Cornwall will be administered by a single new unitary authority which will replace the County Council and District Councils. A unitary authority exercises all local government functions in its area. The Isles of Scilly are administered separately by a form of unitary authority.

Cornwall and the Isles of Scilly have a population of 531,700 (2007), of which nearly a quarter (23.9%) is of retirement age. Nearly half the population lives in settlements of less than 3,000 persons. Between 1996 and 2006, the population grew by 7.9% more than twice the rate of increase for England, and it is expected to grow to 630, 300 by the year 2009. The latest unemployment rate is 4.6% compared with 5.2% for England. Cornwall and Scilly is designated a European Convergence funding area for the period 2007-2013 in Cornwall and Scilly is designated a European Convergence funding area for the period 2007-2013 in recognition of its economy lagging behind the European Union average when measured by Gross Domestic Product per head.

## **Irish and Ulster-Scots**

On 2 December 1999, a new Northern Ireland Assembly and Executive were established with legislative and executive responsibilities for a wide range of matters. The Northern Ireland Executive manages an annual budget of about £19.3 billion (DEL £9.5bn, AME £9.8bn in 09/10). The people of Northern Ireland continue to elect representatives to both the UK Parliament and the NI Assembly.

Issues devolved to the Northern Ireland Assembly include:

- sport and the arts
  - language and culture
  - health
  - education & training
  - local government
  - social work
  - the regulations of the professions

- housing
- planning
- tourism
- economic development and financial assistance to industry
- the fire service
- the environment
- natural & built heritage
- transport
- employment law
- equal opportunities
- health & safety
- agriculture, forestry & fishing
- statistics, public registers and records
- social security
- gambling
- energy
- civil law

Those matters which are not devolved to the Northern Ireland Assembly are split into “reserved” matters (which would normally be legislated on within the UK Parliament but on which the Assembly may legislate with the consent of the Secretary of State) and “excepted” matters (on which substantive legislation can only be passed at the UK Parliament).

Reserved matters include:

- criminal law \*
- the police service \*
- the prosecution system and the courts \*

- Navigation and civil aviation
- International trade and financial markets
- Telecommunications/postage
- human fertilisation & embryology, genetics & xenotransplantation

Excepted matters include:

- Constitutional matters
- International relations
- Defence and national security
- Nationality, immigration and asylum
- elections
- UK-wide taxation
- International Treaties

Those reserved matters marked with an asterisk – those dealing with reserved policing and justice matters - are intended to devolve to the Northern Ireland Assembly in future. The transfer of powers requires approval in both the Assembly and the UK Parliament.

### **Manx Gaelic**

The Isle of Man, with a land area of 572 sq. km/ 227 square miles, is situated in the Irish Sea midway between Britain and Ireland. It is not part of the United Kingdom but is a Crown Dependency; that is, an internally self-governing dependent territory of the British Crown.

Tynwald, the Island's 1,000 year old Parliament, makes its own laws and oversees all internal administration, fiscal and social policies. External issues, such as foreign representation and defence, are administered on the Island's behalf by the United Kingdom Government, for which the Island makes an annual payment.

As a Crown Dependency, the ultimate responsibility for the good government of the Island is said to be vested in the Crown. By long standing convention, the UK Government does not legislate for the Island except with the specific consent of the Isle of Man Government.

The resident population at the last interim census of April 2006 was 80,058, representing an increase of 4.9% on the 2001 Census figure. The resident population was comprised of 39,523 males and 40,535 females.

Manx Gaelic is a member of the Celtic group of the Indo-European family of languages. It is believed that the Island's language usage changed from "British" to "Gaelic" (Gaelic being the Irish word for the Irish language) in perhaps the early 6th century. It continued largely unchanged by the Norse invasions and settlement which began in about 800 AD, with the Island being a dependency of Norway until the year 1266.

Even during the middle years of the 18th century the majority of the Island's people were native Manx speakers with little or no knowledge of the English language. Thereafter the decline of the Manx language began and except in those parts of the Island furthest from the towns, children born after the middle part of the 19th century were, for the most part, brought up in the English language, and only a handful of original native speakers survived into the second half of the 20th century, the last dying in 1974. The latter decades of the 20th century have, however, seen a considerable revival of interest in, and use of, the language. Whilst the decennial census in 1961 recorded only 165 people with knowledge of the language, the 2001 census recorded 1,689 people who could either speak, read or write Manx Gaelic.

It seems likely that Manx wasn't committed to writing until about 1610, when the Bishop of Sodor and Mann, John Phillips, had a translation made of the Book of Common Prayer, although this wasn't actually published until 1894. The first publication in the Manx language came a century after Bishop Phillips, when Bishop Thomas Wilson had his "Principles and Duties of Christianity" translated into Manx, using a spelling rather different to that used by Bishop Phillips. It is this system that, with modifications and adaptations, has continued to be used to the present day.

### **Scots and Scottish Gaelic**

On 1 July 1999, a new Scottish Parliament and Scottish Government were established with legislative and executive responsibility for a wide range of devolved matters. The Scottish Government manages an annual budget of about £30 billion. The Scottish population elects members to both the UK and the Scottish Parliaments.



Issues devolved to the Scottish Parliament include:

sport and the arts

language and culture

health

education and training

local government

social work

housing

planning

tourism, economic development and financial assistance to industry

some aspects of transport, including the Scottish road network, bus policy and ports and harbours

law and home affairs, including most aspects of criminal and civil law, the prosecution system and the courts

the Police and Fire services

the environment

natural and built heritage

agriculture, forestry and fishing

statistics, public registers and records

Issues reserved to the UK Government include:

constitutional matters

UK foreign policy

UK defence and national security

fiscal, economic and monetary system

immigration and nationality

energy: electricity, coal, gas and nuclear energy

common markets

trade and industry, including competition and customer protection

some aspects of transport, including railways, transport safety and regulation

employment legislation

social security

gambling and the National Lottery

data protection

abortion, human fertilisation and embryology, genetics, xenotransplantation and vivisection

equal opportunities

There continues to be a Secretary of State for Scotland whose role is to represent Scotland in reserved matters at the UK Government level.

The current structure of local government in Scotland was established by the Local Government etc. (Scotland) Act 1994, which came into effect on 1 April 1996. This established 32 local authorities, each responsible for administering a wide range of services at the local level, such as education and social services provision.

The estimated population of Scotland on 30 June 2001 was 5.1 million, accounting for 9% of the population of the United Kingdom. The majority of the population is concentrated in the central area around Glasgow and Edinburgh. The Highlands and Islands is the largest area but relative to its size has the fewest people.

Scotland has six cities, with the following populations:

Glasgow      578,710

Edinburgh    449,020

Aberdeen     211,910

Dundee       145,460

Stirling 86,200

Inverness    50,920

## Welsh

The Welsh language has been used in Wales since at least the sixth century BC. Welsh is a member of the Brythonic branch of Celtic languages, closely related to Cornish and Breton. The Welsh spoken today has evolved from the 'old' Welsh, spoken centuries ago, with several additions to word spellings, sentence structure and removal of certain letters of the original alphabet. Following King Edward I of England's victory in his wars with Wales in 1282, he passed laws which made English the legal and administrative language. Under the Act of Union of 1536 and the Laws of Wales Acts of 1535 and 1542 passed by King Henry VIII, proficiency in English became a requirement for holding public office, and English became the language of the courts.

During the Industrial Revolution, the population of Wales increased dramatically, due to the growth of industries such as coal, steel and slate. This led to an increase in the *numbers* of people speaking Welsh, but accompanied by a decrease in the *proportion* of the Welsh-speaking population, due in particular to workers from England moving to Wales to work in the collieries in the nineteenth century. As Welsh citizens became more assimilated, a serious language shift towards English occurred, in particular in the south-east and north-east. This development, which had a negative effect on the use of Welsh, was reinforced through legislative acts such as the Education Act of 1870, which made public education entirely English, and the Local Government Act of 1889, which made English the language of local authorities. Despite measures taken at a later stage to permit teaching in and of Welsh, attitudes towards it remained negative.

However, during the latter part of the twentieth century there has been a strong movement towards protecting and promoting the Welsh language, in particular in education and broadcasting. This has also stimulated interest in the Welsh language and culture.

**2. Please indicate all regional or minority languages, as defined in paragraph *a* of Article 1 of the Charter, which exist within your State's territory. Indicate also the parts of the territory of your state where the speakers of such language(s) reside.**

## Cornish

Cornish speakers in the UK reside predominantly in Cornwall.

## **Irish**

Irish speakers in the UK reside predominantly in Northern Ireland. The 2001 Census reports that levels of knowledge vary slightly across Northern Ireland, with somewhat higher levels of knowledge of the language in the West and South of Northern Ireland.

## **Manx Gaelic**

People who can use the Manx language are spread across the Island.

## **Scots**

When referring to 'the Scots language' or 'Scots' the Scottish Government understands that the language comprises a range of distinct regional, local and / or demotic variants which are spoken throughout the country, and attaches equal respect to each form as used.

## **Scottish Gaelic**

There is significant geographic variation in the number of Gaelic speakers across Scotland. The largest numbers of Gaelic speakers are found in the areas covered by Comhairle nan Eilean Siar (Western Isles), Highland Council and Argyll & Bute Council, with significant concentrations, relative to the total number of Gaelic speakers, found in Edinburgh and Glasgow. The largest proportion of Gaelic speakers is in Eilean Siar (Western Isles) where 61.1% of the population is able to speak Gaelic. In 5 other local authorities, between 1.1% and 6.3% of the population is able to speak Gaelic but in 26 local authorities, the population able to speak Gaelic is 1.0% or less. A geographic breakdown of the latest Gaelic census figures is set out in the Part II response, including figures for other users of the language, namely non-speakers who can read or write Gaelic or understand spoken Gaelic.

## **Ulster-Scots**

Ulster-Scots speakers within the UK reside primarily exclusively within Northern Ireland though there are no census data to indicate precise numbers.

## Welsh

There are Welsh speakers across the whole of Wales.

The 2001 census showed that the highest proportions of Welsh speakers are found in Gwynedd and the Isle of Anglesey, where the proportions of Welsh speakers aged 3 or over are 61% and 51% respectively.

The lowest concentrations of Welsh speakers are found in Blaenau Gwent and Monmouthshire, where the proportion of speakers is less than 10%. The percentage of Welsh speakers aged 3 or over in Cardiff, the capital city of Wales, is 11%.

However, the actual numbers of Welsh speakers in low density speech areas may still be substantial. For example, according to the 2001 Census, there were 32,504 Welsh speakers aged 3+ in the City of Cardiff. Further data analyses can be seen on the Welsh Language Board's website:

<http://www.byig-wlb.org.uk>

**3. Please indicate the number of speakers for each regional or minority language. Specify the criteria for the definition of "speaker of regional or minority language" that your state has retained for this purpose.**

## Cornish

The Cornish Language Partnership has undertaken a "snowball" survey of Cornish speakers, the data from which was published at the end of July 2008. The survey, which entailed respondents providing further contacts, was distributed through language organisations and cultural organisations with an interest in language, through libraries and centres and on-line. It includes information on age and background, self-assessed levels of competence in the four skills of reading, writing, speaking and listening, and preferences in use of language. Whilst the survey cannot claim to capture all users of the language, it provides a clearer picture and reasonable baseline to work from. It suggests a total of 699 speakers at three competency levels (fluent, ability to hold conversations, ability to speak simple sentences) with 377 of those fluent or able to hold conversations. The only figure previously available was about 300 effective speakers as suggested in the independent academic study commissioned by Government Office for the South West and published in April 2000.

## **Irish**

The 2001 Census recorded that, of the 1.6 million people aged 3 and over living in Northern Ireland, 167,490 had some knowledge of Irish and 1,450,467 had no knowledge of Irish.

Of the 167,490 figure, the Census recorded 75,125 individuals who could speak, read, write and understand Irish. In addition, 36,479 were recorded as being able to understand spoken Irish but not read, write or speak the language; 24,536 as able to speak the language but not read or write it; 7,183 as able to speak and read Irish but not write it; and a further 24,167 as having some other combination of skills.

## **Manx Gaelic**

The latest systematic data on knowledge of Manx Gaelic is still that provided at the 2001 Census. The 2001 Census recorded 1,527 people who could speak Manx, 706 who could write Manx and 910 who could read Manx, with a total number of 1,689 people with ability in one or more of these areas. The key element in this Census question was fluency. Persons only knowing a few words or phrases were asked to tick the box marked, "No, cannot speak, read or write Manx Gaelic".

## **Scots**

At present no data is held centrally on the number of Scots language speakers in Scotland. Proposals for the inclusion of a question in the 2011 Census on the use of Scots are currently under consideration by the General Register Office for Scotland.

## **Scottish Gaelic**

The number of Gaelic speakers is recorded at each decennial census. People in Scotland are asked whether they can (i) speak, (ii) speak, read or write, (iii) speak, read, write or understand, Gaelic. At the 2001 census, 58,652 people aged three or above were recorded as being able to speak Gaelic. Those that could speak, read or write Gaelic were recorded as 65,674 and the number that could speak, read, write or understand were recorded as 92,396.

### Ulster-Scots

There are no census data relating to the number of Ulster-Scots speakers within the UK.

### Welsh

The 2001 census revealed that there are 582,368 Welsh speakers – 20.8% of the population aged 3 and over in Wales.

**4. Please indicate the non-territorial languages, as defined in paragraph c of Article 1 of the Charter, used within your State's territory and provide statistical data concerning speakers.**

None.

**5. Please provide recent general statements on the policy of your State concerning the protection of regional or minority languages where it may be of use to supplement the above four points.**

### Cornish

There has been no recent general statement on policy as regards the Cornish language since the 14 June 2005 when the Minister for Local Government announced, through a national press release, the Government's endorsement of the Cornish Language Strategy, adopted by Cornwall County Council and Cornish language organisations, as providing the framework for implementation of Part II of the Charter. The Government has since then worked with the local authorities and the Cornish language organisations, through the Government Office for the South West and in line with the Government's Charter commitments, to take the Strategy forward.

A policy focussed on general support for the Cornish Language has been adopted by Cornwall County Council and all 6 district councils since 1997. Kerrier District Council has, within the last year, adopted a full policy which encompasses both bilingual signage and use of Cornish abstracts on official documents.

## **Irish**

The St Andrews Agreement, published on 13 October 2006, committed the UK Government to introduce an Irish Language Act (responsibility for this transferred to the Northern Ireland Assembly on the restoration of devolution on 8 May 2007) and to work with the incoming Executive to enhance and protect the development of the Irish language.

## **Manx Gaelic**

The Isle of Man Government Strategic Plan 2007 – 2011 which was published in October 2007 contains four overall policies, one of which is “Quality of Life”. One of the aims within this policy is: *To foster an economic and social climate which supports the protection, promotion and participation in our unique cultural heritage*. The four actions which follow from this aim are:

- Ensure that all Departments and agencies of Government seek to maximise the contribution they make to support our historic environment and cultural heritage
- Designate a department responsible for culture and heritage
- Continue to promote the Island’s national identity
- Support and extend policies which nurture and promote our cultural heritage as a foundation of our nation’s character and future economic, social and cultural success

The aims and objectives contained within this overall Strategic Plan will be integrated into the business planning process and will start to appear in individual Department, Board and Office plans from April 2008. It is at this point that any more specific actions in respect of Manx Gaelic can be expressed.

## **Scots**

In its pre-election manifesto, the Scottish Government also gave the following commitments for the Scots language:

- Promote an increased awareness of Scots and its literature. This will include introducing a question on Scots in the census and ensuring that European obligations to develop the language are honoured.



- Actively encourage the use of Scots in education, broadcasting and the arts.

### **Scottish Gaelic**

The most recent elections to the Scottish Parliament were held in May 2007. The current administration's pre-election commitments set out an ambitious agenda for Gaelic development which will guide its approach to Gaelic issues. Key ambitions for the Scottish Government are:

- increasing the place of Gaelic in education, improving the status of the language throughout Scotland and supporting Gaelic-speaking communities
- setting a target of ensuring that by the 2021 census, the proportion of Gaelic speakers is back up to 2001 levels at the very least
- setting a target to expand the number of children in Gaelic-medium education within its first term of office
- guaranteeing in law the right to a Gaelic-medium education at primary level, where reasonable demand exists, and addressing Gaelic teacher recruitment issues
- monitoring the operation of the soon to be established Gaelic Digital TV Service to ensure that it brings economic as well as cultural benefits, to the islands in particular, and push to make it available on Freeview

### **Ulster-Scots**

The St Andrews Agreement, published on 13 October 2006, stated that the UK Government firmly believed in the need to enhance and develop the Ulster Scots language, heritage and culture and committed the UK Government to work with the incoming Executive in taking this forward.

### **Welsh**

As a result of the devolution of power within the United Kingdom, the Welsh Assembly Government is responsible for promoting the Welsh language. That responsibility currently lies with the Welsh Assembly Government's Minister for Heritage. In 2003, the Welsh Assembly Government launched *Iaith Pawb* (Everyone's Language), as a National Action Plan for a Bilingual Wales

<http://new.wales.gov.uk/topics/welshlanguage/iaithpawb/?lang=en>

***(Please note that 'Everyone's Language' is not an official English title to the 'Iaith Pawb' documents, but is a translation simply for the purpose of this report).***

The measures set out in *Iaith Pawb* were aimed at achieving a number of key targets by 2011 with the aim of achieving a sustained increase in both the number and percentage of people able to speak Welsh.

The Welsh Assembly Government has committed itself, through the 'One Wales' coalition Government agreement in 2007, to a programme which recognises that there are two official languages in Wales and that both Welsh speakers and English speakers should enjoy the freedom to be able to speak and use the language of their choice in their everyday lives.

Following the publication of One Wales, the Welsh Assembly Government has been working on the commitment to "seek enhanced legislative competence on the Welsh language". During this process, discussions have taken place with the Wales Office and it is anticipated that the Legislative Competence Order will be laid in the Assembly and Westminster later in 2008.

The LCO provides a mechanism for the Assembly to introduce future Measures on the Welsh language. The One Wales agreement commits the Assembly Government to introducing a measure to:

- confirm the official status of both Welsh and English;
- deliver linguistic rights in the provision of services; and
- establish the post of a Welsh Language Commissioner

The LCO will support the Assembly Government's work to make real the *Iaith Pawb* vision of a truly bilingual Wales.

*Iaith Pawb* and the Assembly Government's Welsh Language Scheme are subject to an annual report. The fifth reports on their implementation in 2007-08 can be viewed here are available on the internet:

<http://new.wales.gov.uk/topics/welshlanguage/publications/iaithannual0708/?lang=cy>

In light of the changing landscape with regard to Welsh Language policy, work is underway to develop the policy framework to underpin the Measure that will be required to deliver the 'One Wales' commitments.

Wales is also leading the work of the British Irish Council's sectoral group on indigenous, minority and lesser-used languages, with the Welsh Language Board responsible for providing secretariat support for the group.

The key objectives of the working group relate to formalising the exchange and dissemination of information and best practice at government level in the field of indigenous, minority and lesser used languages.

The exchange of experience, ideas and information has concentrated on the following areas: adult education provision; Information and communication technology, planning and linguistic considerations, data, research and language use surveys and most recently legislation.

Events have been held in the following policy areas:

### **Adult Education Provision**

An adult education practitioners' seminar was held in Cardiff on 17 and 18 January 2008. Speakers were from within the BIC area and further afield. Each administration invited a number of participants to the seminar. The seminar was a success and a strong network between administrations has been formed.

### **Information and Communication technology**

The sub-group on ICT decided to share a best practice document for Bilingual Software Standards and Guidelines produced by the Welsh Language Board and which may now be adopted for the Irish language.

### **Planning and Linguistic Considerations**

Following consultation between Administrations, members are now drafting a document to outline the main objectives of the group as well as the main themes to be discussed by the group.

### **Data, research and language use surveys**

A sub-group has been formed, chaired by Wales, and the first meeting was held in Cardiff on 4 December 2007. The group discussed making data easily available to each other via the internet and creating common tabulations of data already stored.

### **Legislation**

A sub-group comprising of representatives from Scotland, Ireland, Northern Ireland and Wales held its first meeting on 11 March 2008, under Scotland's leadership.

It was agreed that the group's aim is to share information on legislation and also the implementation of language schemes. All the administrations gave an overview on the

current situation in each country. It was decided that the group would focus on the following aspects at the next meeting in September 2008;

- Practice of schemes
- Increasing capacity (take-up and marketing)
- Language Rights
- Role of Commissioner and sanctions
- Private Sector
- Third party agreements
- Education

# **PART I**

1. Please state the main legal act(s) and / or provisions that you consider essential for the implementation of the European Charter for Regional or Minority Languages in your country. Please provide:

- Copies of those acts and/or provisions, in English or French, should your country not have done so in the initial periodical report;
- Details and copies of new legislation or policy documents with relevance to regional or minority languages;
- Details of case law or other legal or administrative developments in this field.

**1a) Policy**

**Manx Gaelic**

In July 1985 the Report of the Select Committee on the Greater Use of Manx Gaelic was approved by Tynwald. The specific recommendations of the report were as follows:

- a. Tynwald declares its intent that the preservation and promotion of the Manx Gaelic should be an objective of the Isle of Man Government.
- b. The Board of Education in conjunction with the Manx Heritage Foundation should provide foundation courses in Manx studies for all pupils in both primary and secondary schools with opportunities for further specific courses on a voluntary basis and to that end should also provide courses for teachers. We also recommend that an 'O' level course be created in Manx studies.
- c. Boards and Departments should use bi-lingual signs for offices, vehicles and on notepaper and should, wherever possible and practical, make greater use of the Manx Gaelic insofar as this can be done without increasing costs or reducing efficiency.
- d. The Ceremonial Oaths entered in the Liber Juramentorum should be capable of being taken in Manx Gaelic provided certain conditions are fulfilled and appropriate legislation introduced where necessary.

- e. The Manx Heritage Foundation should establish a voluntary Manx Language Advisory Commission.
- f. The use of bi-lingual documentation should not be discouraged provided such use does not deleteriously affect commercial activity or the expeditious administration of justice.
- g. Street name signs and village and town boundary signs should be bi-lingual except where the traditional Manx name is the accepted form.

These recommendations have largely been acted on and they have led to improvements in the support for and status of Manx Gaelic.

The Department of Education's report entitled "The Future Development of the Manx Language" was received by Tynwald in December 1995. The Report has been used by the Department, where practical within resource and personnel constraints, as a guide to Manx language development and policy.

See also the comments concerning present Government policy at part 5 of the Preliminary Section.

### **Scots**

The Scottish schools curriculum is currently going through a highly ambitious programme of reform, *Curriculum for Excellence*, which aims to create a coherent, more flexible and enriched curriculum from 3 – 18, firmly focused on the needs of the child and young person. It also aims to deliver a better quality of learning and teaching and increased attainment and achievement for all children and young people in Scotland. The guidance document *Building the Curriculum 1: the contribution of curriculum areas*

(<http://www.ltscotland.org.uk/curriculumforexcellence/makingithappen/Buildingthecurriculum1/languages/intro.asp>) recognises that 'Scotland has a rich diversity of language, including Scots' and clearly states that teachers should strongly encourage and promote the use of the language the child or young person is using to communicate.

The Draft Experiences and Outcomes for Literacy and English (which includes Scots language) have been released for engagement by educators: <http://www.curriculumforexcellencescotland.gov.uk/outcomes/index.asp> In relation to Scots and Scottish texts, recognition is given that 'the languages, dialects and literature

of Scotland provide a rich and valuable resource for children and young people to learn about Scotland's culture, identity and language. The draft experiences and outcomes therefore encourage appropriate emphasis upon Scotland's literature and the languages of Scotland.' The new Curriculum for Excellence guidance will eventually replace the existing 5 - 14 national guidelines.

Learning and Teaching Scotland (LTS) provides a range of guidance and resources in support of teaching in and about the Scots language in schools:

<http://www.ltscotland.org.uk/5to14/specialfocus/scots/index.asp>

## **1b)Legislation**

### **Cornish**

There is no legislation pertaining particularly to the Cornish language.

### **Irish**

Section 28D(1) & (3) of the Northern Ireland Act 1998, inserted by section 15 of the Northern Ireland (St Andrews Agreement) Act 2006, placed a statutory duty on the Northern Ireland Executive to adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language and to keep this strategy under review.

### **Manx Gaelic**

The Broadcasting Act 1993 (of Tynwald) provides that a sound broadcasting service intended for reception wholly or mainly in the Island shall include a condition requiring the holder of the licence to include in the service such proportion of programmes in Manx Gaelic as may be specified in or determined in accordance with the licence.

The Education Act 2001 (of Tynwald) provides that the school curriculum shall include the teaching of Manx Gaelic and the culture and history of the Island.

### **Scottish Gaelic**



*Gaelic Language (Scotland) Act 2005* – the 2005 Act was commenced in February 2006 and contains a number of statutory provisions designed to secure the status of Gaelic in Scotland. In particular, it established a public body, Bòrd na Gàidhlig, to promote Gaelic issues; it requires the preparation of a National Plan for Gaelic; and it empowers Bòrd na Gàidhlig to require public bodies in Scotland to prepare their own statutory Gaelic Language Plans setting out how they will promote the use of Gaelic.

*National Plan for Gaelic* – Bòrd na Gàidhlig prepared a National Plan for Gaelic under the terms of the 2005 Act, and this was approved by the Scottish Government in March 2007. The National Plan sets out a comprehensive overview of the development needs of Gaelic and will act as a blueprint for all those bodies in Scotland which have a role to play in Gaelic development.

*Guidance on the development of Gaelic Language Plans* – Bòrd na Gàidhlig prepared formal guidance under the 2005 Act, which was approved by the Scottish Government in April 2007, to assist public bodies in the preparation of statutory Gaelic Language Plans.

*Statutory Gaelic Language Plans* – Four bodies - Highland Council, Comhairle nan Eilean Siar, Argyll & Bute and the Scottish Parliamentary Corporate Body - have completed the development of statutory Gaelic Language Plans under the framework of the 2005 Act and are now implementing those plan. Highlands and Islands Enterprise and the Scottish Government are expected to complete their statutory Gaelic Language Plans in 2008. A further 6 bodies, with a deliberate emphasis on their responsibilities for educational development, have been issued with statutory notices by the Bòrd. These bodies are: the Scottish Qualifications Authority, Learning and Teaching Scotland, Her Majesty's Inspectorate of Education, the University of the Highlands and Islands, the Scottish Funding Council and the City of Edinburgh. Their plans are expected to be submitted to Bòrd na Gàidhlig for approval in 2009.

*Education (Scotland) Act 1980* – the 1980 Act states that 'school education' includes 'the teaching of Gaelic in Gaelic-speaking areas' and that education authorities should have regard to the principle that 'pupils are to be educated in accordance with the wishes of their parents.'

*Standards in Scotland's Schools etc Act 2000* – the 2000 Act states that there is a duty on authorities to publish an annual statement of improvement objectives. Section 5 (2) of the 2000 Act states that an authority's annual statement of education improvement objectives shall include reference to Gaelic education and an account of, (i) the ways in which; or (ii) the circumstances in which, they will provide Gaelic-medium education, and where they do provide Gaelic-medium education, of the ways in which they will seek to develop their provision of such education.

*Grants for Gaelic Language Education (Scotland) Regulations 1986* – the 1986 regulations, which were made under sections 73 and 74 of the Education (Scotland) Act 1980, enable the Scottish Government to pay grants to local authorities of such amounts as they consider necessary or expedient in respect of expenditure incurred or to be incurred by them in connection with, the teaching of the Gaelic language or the teaching of that language of other subjects.

*Broadcasting Acts 1990 and 1996 and Communications Act 2003* – Sections 183 and 184 of the 1990 Act established a Gaelic Television Committee (GTC) to provide funding for Gaelic TV programme production, training, audience research and related activities from the Gaelic TV fund. With the Broadcasting Act 1996, the GTC became the Gaelic Broadcasting Committee (GBC), and under section 95 had its mandate extended to include responsibilities for funding sound programmes as well as TV, and to undertake a consultative role in relation to Gaelic programmes on digital TV. Responsibility for the funding of the GBC was devolved to Scottish Government in 1999 as part of the devolution settlement in Statutory Instrument 1750 (1999). The Communications Act 2003 further enhanced the GBC's powers, in particular enabling it to hold a licence for a dedicated digital channel, and amending its membership provisions to become *Seirbheis nam Meadhanan Gàidhlig* (the Gaelic Media Service). In April 2006 the GMS and the BBC announced their intention to work together to launch a dedicated digital service to include television, radio and internet services. Funding to this joint venture has been increased accordingly to enable the service to be established, and it is expected to be launched in 2008.

### **Ulster-Scots**

Section 28D(2) & (3) of the Northern Ireland Act 1998, inserted by section 15 of the Northern Ireland (St Andrews Agreement) Act 2006, placed a statutory duty on the Northern Ireland Executive to adopt a strategy setting out how it proposes to enhance and develop the Ulster Scots language, heritage and culture and to keep this strategy under review.

## Welsh

### The 1942 Welsh Courts Act

This was the first piece of legislation in four centuries to change the status of the Welsh language, permitting limited use of the language in the courts.

### The 1967 Welsh Language Act

This established the right to use Welsh in the Courts and also provided for Ministers to prescribe Welsh versions of statutory forms. This provided the means to give the language validity in public administration. This Act was substantially amended and its provisions extended by the Welsh Language Act 1993 described below. As such, this (1967) Act is no longer in force.

### The 1993 Welsh Language Act

The main provisions of this Act were to establish the Welsh Language Board, a body with the specific function of promoting and facilitating the use of the Welsh Language, and to provide for the preparation by public bodies of schemes giving effect to the principle that in the conduct of public business and the administration of justice in Wales, the English and Welsh languages should be treated on a basis of equality.

To date, 478 public sector Welsh language schemes have received the approval of the Welsh Language Board.

A number of categories of bodies are named in paragraph 6 of the Welsh Language Act 1993, as being public bodies for the purposes of the Act. The Welsh Assembly Government (now Welsh Ministers since the 2006 Government of Wales Act came into force) can, through introducing subordinate legislation under Section 6(1)(o) of the Welsh Language Act 1993, name further organisations as being public bodies for the purposes of the Act.

Five such pieces of legislation have been made to date, in 1996, 1999, 2001, 2002 and 2004 (and another is currently in the process of being made). The naming of public bodies in this way opens the way for the Welsh Language Board to require that the organisation prepares a Welsh language scheme setting out how it will give effect to the principle that, as far as is appropriate in the circumstances and is reasonably practicable, the Welsh and English languages will be treated on a basis of equality.

### The Government of Wales Act 1998

Section 32 stated that the National Assembly may do anything it considers appropriate to support the Welsh language.

### The Government of Wales Act 2006

The Government of Wales Act 2006 replaced the Government of Wales Act 1998, and had major implications for the governance of Wales. It changed, in a number of significant respects, the original devolution settlement for Wales laid down in the 1998 Act.

The new arrangements provided for in the Government of Wales Act 2006 created a formal legal separation between:

- the National Assembly for Wales, which is now the legislature comprising the 60 Assembly Members (also known as AMs), and
- the Welsh Assembly Government, the executive, which comprises the First Minister, Welsh Ministers, Deputy Welsh Ministers and the Counsel General.
- 

A significant development in the 2006 Act was the inclusion in Section 78 of a duty placed on the Welsh Assembly Government to prepare a strategy for promoting the Welsh language and to adopt a Welsh Language Scheme. There is also a requirement to publish a report on progress against both documents annually. The above duties are already being met, of course, due to the existence of Iaith Pawb, the Welsh Language Scheme and Annual Reports. (Worth also noting that both the Welsh Assembly Government and the National Assembly for Wales have Welsh Language Schemes).

Section 65 states that the Welsh Ministers may do anything it considers appropriate to support the Welsh language.

Section 35 states that "The Assembly must, in the conduct of Assembly proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality."

2. Please indicate the bodies or organisations, legally established in your state, which further the protection and development of regional or minority languages. Please list the names and addresses of such organisations.

### **Cornish**

Cornish Language Partnership, Dalvenie House, County Hall, Truro, TR1 3AY

The Partnership was established in 2006 to oversee the implementation of the Cornish Language Strategy. It is a public and voluntary sector partnership, drawing together public sector representation from the County Council, all 6 District Councils, the Association of Parish and Town Councils, the Learning Skills Council, the education service and the Economic Forum. Within the voluntary sector all the main language support organisations are included, along with cultural groups with an interest in the language. The voluntary sector groups are as follows:

Agan Tavas, Gordon Villa, Sunnyvale Road, Portreath

Cussel an Tavaz Kernuak, 26 Hurland Road, Truro

Federation of Old Cornwall Societies

Gorseth Kernow, 64 Churchtown, Gwinear, Hayle

Kesva an Taves Kernewek, 17 Trelawny Road, Callington

Kowethas an Yeth Kernewek, 12 Duke St, St Stephens, Launceston, PL15 8HD

In addition, there is a Cornish Sub-Committee of the European Bureau for Lesser Used Languages. The structure of the Sub-Committee is under review and details and address will change in the near future.

### **Irish**

The Northern Ireland-based office of Foras na Gaeilge, the Irish Language Agency within the cross-border North-South Language Implementation Body, set up following the Belfast (“Good Friday”) Agreement, is in Belfast. Its address is:

Foras na Gaeilge  
Westgate House  
2-4 Queen Street

Belfast  
BT1 6ED

[eolas@forasnagaeilge.ie](mailto:eolas@forasnagaeilge.ie)  
[www.foracnagaeilge.ie](http://www.foracnagaeilge.ie)

### **Manx Gaelic**

A range of bodies, organisations and societies contribute to the provision of resources for Manx speakers and those who wish to learn the language. Government Departments, Agencies, Local Authorities and private companies are increasingly providing bi-lingual Manx and English signage around the Island and seeking to use Manx names and titling.

### **Governmental/Government funded**

Department of Education  
St George's Court  
Upper Church Street  
Douglas  
ISLE OF MAN  
IM1 2SG

Manx National Heritage  
Douglas  
ISLE OF MAN  
IM1 3LY

Manx Heritage Foundation  
PO Box 1986  
Douglas  
ISLE OF MAN

Coonceil ny Gaelgey  
PO Box 1986  
Douglas  
ISLE OF MAN

Gaelic Broadcasting Committee  
23 Church Street  
Peel  
ISLE OF MAN  
IM5 1HN

Non-governmental  
Mooijer Veggey  
5 Pretoria Terrace  
St John's  
ISLE OF AMN  
IM4 3AL

Yn Çheshaght Ghailckagh  
16 Hilary Road  
Douglas  
ISLE OF MAN  
IM2 3EG

Caarjyn ny Gaelgey  
St John's House (Old School House)  
St John's  
ISLE OF MAN  
IM4 3NA

Manx Branch of the Celtic Congress  
16 Hilary Road  
Douglas  
ISLE OF MAN  
IM2 3EG

The Centre for Manx Studies  
6 Kingswood Grove  
Douglas  
ISLE OF MAN  
IM1 3LX

The Government funds the Gaelic Broadcasting Committee (Bing Ymskeaylley Gaelgagh), which advises on the making and broadcasting of programmes in Manx Gaelic. Such

programming is mainly provided on Manx Radio. Manx Radio also provides a Gaelic News section on its website which has the main local news items in written and in spoken form.

The Manx Heritage Foundation, an Isle of Man Government agency, funds Manx Gaelic projects, including research work carried out under the auspices of the Centre for Manx Studies (affiliated to the University of Liverpool and jointly funded by Manx National Heritage and the IoM Department of Education). It has a full-time Manx Language Development Officer and it has recently appointed a translator. It also offers financial support to Moonjer Veggey, the pre-school Manx Gaelic group. It offers financial assistance for the translation/ writing/design and publication of written and audio-visual resources (including children's books and videos) in Manx.

The voluntary Manx Gaelic Society (Yn Çheshaght Ghailckagh) runs a 'Manx Language Week' annually in November to promote the Manx Language and traditional culture, with links to the other Gaelic areas of Ireland and Scotland, with funding from both Government agencies and private businesses.

The Manx Heritage Foundation, together with Yn Çheshaght Ghailckagh, also runs a four day course each summer.

Manx National Heritage has commissioned work to examine Manx Gaelic source materials in order to prepare a public information sheet and bibliography.

## **Scots**

### National voluntary organisations for Scots

Scots Language Centre  
AK Bell Library  
York Place  
Perth  
PH2 8EP

The Scots Language Centre furthers the interests of the Scots language and its speakers; its main aim is to give people that speak Scots the chance to learn more about their own language.



Scottish Language Dictionaries  
27 George Square  
Edinburgh  
EH8 9LD

Scottish Language Dictionaries research Scots texts from all periods of history, and record and analyse the language as it is spoken and written throughout Scotland today. From this research it compiles and maintains authoritative dictionaries of Scots.

Itchy Coo  
c/o Black & White Publishing  
29 Ocean Drive  
Edinburgh  
EH6 6JL

Itchy Coo publishes a range of literature in Scots for use in early years, primary and secondary levels of education. It also visits schools to promote the language to pupils and provide in-service training to teachers.

Association for Scottish Literary Studies  
c/o Department of Scottish Literature  
University of Glasgow  
7 University Gardens  
Glasgow  
G12 8QH

The Association for Scottish Literary Studies supports the teaching, study, writing and reading of Scottish literature and language, past and present.

Scots Language Society  
Blackford Lodge  
Blackford  
PERTSHIRE  
PH4 1QP

The Scots Language Society promotes and lobbies on behalf of Scots language interests and publishes the twice-yearly journal *Lallans*.

The Saltire Society  
9 Fountain Close  
22 The High Street  
Edinburgh  
EH1 1TF

The Saltire Society seeks to increase public awareness and appreciation of Scottish heritage including the Scots and Gaelic languages, to enhance the quality of Scotland's contribution to the arts and sciences and to European civilisation, and improve cultural life and links.

### **Scottish Gaelic**

#### National voluntary & statutory organisations for Gaelic

Ainmean-Àite na h-Alba  
5 Mitchell's Lane  
Inverness  
IV2 3HQ

Ainmean-Àite na h-Alba (Gaelic Place-Names of Scotland) is a partnership of authorities and organisations formalised in 2006 to produce a definitive online national gazetteer of Gaelic place-name forms and to advise on wording for signs incorporating Gaelic place-names.

An Comunn Gàidhealach  
109 Church Street  
Inverness  
IV1 1EY

An Comunn Gàidhealach is a membership organisation founded in 1891 which promotes the study and development of Gaelic language, literature, music, drama and all other related art forms and promotes the use of the language in everyday community life. It organises the main Gaelic cultural festival, the Royal National Mòd, and publishes the monthly Gaelic paper, An Gàidheal Ùr.

BBC Gaelic  
40 Pacific Quay  
Glasgow  
G51 1DA

BBC Gaelic (BBC Craoladh nan Gàidheal) is the department of the British Broadcasting Corporation responsible for its broadcasting in the language through various media, including radio and television.

Bòrd na Gàidhlig  
Darach  
Stoneyfield  
Inverness  
IV2 7PA

Bòrd na Gàidhlig was established in 2006 under the Gaelic Language (Scotland) Act 2005 to increase the number of persons who are able to use and understand Gaelic, to encourage the use and understanding of Gaelic, and to facilitate access in Scotland and elsewhere to Gaelic and Gaelic culture. It is responsible for developing and implementing the National Plan for Gaelic, and for issuing statutory notices for the development of Gaelic Language Plans.

Clì Gàidhlig  
Rooms 1-4  
Highland Rail House  
Academy Street  
Inverness  
IV1 1LE

Clì Gàidhlig is an access and promotion organisation which promotes the learning and national status of Gaelic, disseminates information on Gaelic and Gaelic matters, and acts as the voice of Gaelic learners and non-native speakers.

Colmcille  
10 Garrabost  
Isle of Lewis  
HS2 0PN

Colmcille supports the promotion of Gaelic and Irish in Scotland, Northern Ireland and the Republic of Ireland, and works to strengthen the ties between these countries. It was established by, and is funded by, the governments of these three jurisdictions.

Comann nam Pàrant (Nàiseanta)  
5 Mitchell's Lane  
Inverness  
IV2 3HQ

Comann nam Pàrant is a network of local groups representing the interests of parents whose children are educated through the medium of Gaelic, from pre-school to secondary level. The main aim of all CnP groups is "to promote and support the establishment and maintenance of education through the medium of Gaelic".

Comhairle nan Leabhraichean  
22 Mansfield Street  
Glasgow  
G11 5QP

Comhairle nan Leabhraichean (the Gaelic Books Council) is the main organisation which supports authors and the publication, marketing and sale of Gaelic books.

Comhairle nan Sgoiltean Àraich  
92 Academy Street  
Inverness  
IV1 1LU

Comhairle nan Sgoiltean Àraich is the pre-school council for education of children through the medium of Gaelic. It gives guidance and advice on the sector, and is involved in teaching Gaelic to adults.

Comunn na Gàidhlig  
5 Mitchell's Lane  
Inverness  
IV2 3HQ

Comunn na Gàidhlig is a Gaelic development agency which works in a number of areas to develop Gaelic. It is particularly involved in initiatives involving community, education, younger people and promotion.

Fèisean nan Gàidheal  
Meall House  
Portree  
Isle of Skye  
IV51 9BZ

Fèisean nan Gàidheal is an umbrella organisation for many of the Gaelic arts teaching festivals in Scotland. It gives support funding and delivers training programmes, and is involved in initiatives which promote Gaelic and its culture.

Pròiseact nan Ealan  
10 Iomair Sligeach  
Stornoway  
Isle of Lewis  
HS1 2BS

Pròiseact nan Ealan (the Gaelic Arts Agency) is the principal national development agency for the Gaelic arts in Scotland. It is involved in numerous projects connected with the Gaelic arts.

Sabhal Mòr Ostaig  
Sleat  
Isle of Skye  
IV44 8RQ

Sabhal Mòr Ostaig is a Gaelic higher education institute with an international reach and part of the UHI Millennium Institute partnership. It offers a range of Gaelic language and medium tuition, including degree programmes, through short, part-time, full-time and distance-learning courses.

Scottish Gaelic Texts Society  
Mcleish Carswell  
29 St Vincent Place  
Glasgow  
G1 2DT

The Scottish Gaelic Texts Society is a charitable publisher of poetry and prose from the historical corpus of Gaelic literature.

Meadhanan Gàidhlig Alba (formerly Seirbheis nam Meadhanan Gàidhlig)  
Taigh Shìphoirt  
Rathad Shìphoirt  
Stornoway  
Isle of Lewis  
HS1 2SD

Seirbheis nam Meadhanan Gàidhlig (the Gaelic Media Service) was constituted by the Communications Act of 2003 to fund programme production and development, training, audience research and related activities, and to make, schedule and commission programmes.

Stòrlann Nàiseanta na Gàidhlig  
11/12 Harbour View  
Cidhe Sràid Chrombail  
Stornoway  
Isle of Lewis  
HS1 2DF

Stòrlann Nàiseanta na Gàidhlig co-ordinates the production and distribution of resources for Gaelic education. It provides resource support for statutory education at all levels, and for lifelong learning through specific projects.

## National voluntary organisation for Scottish Gaelic

The Saltire Society  
9 Fountain Close  
22 The High Street  
Edinburgh  
EH1 1TF

The Saltire Society seeks to increase public awareness and appreciation of Scottish heritage including the Scots and Gaelic languages, to enhance the quality of Scotland's contribution to the arts and sciences and to European civilisation, and improve cultural life and links.

## Ulster-Scots

The Northern Ireland-based office of the Ulster-Scots Agency (Tha Boord o Ulstèr-Scotch) within the cross-border North-South Language Implementation Body, set up following the Belfast ("Good Friday") Agreement, is in Belfast. Its address is:

The Ulster-Scots Agency  
68-72 Great Victoria Street  
Belfast  
BT2 7BB  
[info@ulsterscotsagency.org.uk](mailto:info@ulsterscotsagency.org.uk)  
[www.ulsterscotsagency.com](http://www.ulsterscotsagency.com)

## Welsh

The Welsh Language Board was established as a statutory body by the Welsh Language Act 1993, with the specific remit of promoting and facilitating the Welsh Language.

The address of the Language Board is:

Welsh Language Board  
Market Chambers  
5-7 St Mary's Street  
Cardiff  
CF10 1AT  
[www.byig-wlb.org.uk](http://www.byig-wlb.org.uk)

The Welsh Language Board (WLB) oversees the development and implementation of language schemes by public bodies. It grant aids organisations which promote the language, promotes the language through community initiatives (Mentrau Iaith) carries out marketing campaigns, and gives advice and information to the public on the use of Welsh. It works with the private and voluntary sectors to encourage the use of Welsh by those sectors. The Welsh Language Board currently employs over 70 members of staff. The Welsh Assembly Government appoints a Board of Members. The current Board comprises 11 members.

The Welsh Language Board is a body sponsored by the Welsh Assembly Government and receives grant in aid to support its activities. Grant in aid for the 2008/9 financial year has been set at £13.5 million.

AGSB (formerly ASPB) remit letters (one of which is sent to the WLB) include a requirement to mainstream the Welsh language, and for AGSBs to prepare Welsh Language Mainstreaming Strategies. The Welsh Assembly Government held a seminar in January 2005 attended by all AGSBs to provide overall feedback on the first year's strategies, share examples of good practice, and develop awareness and understanding of mainstreaming more generally. The Welsh Assembly Government has produced an advice note to AGSBs on mainstreaming and a letter to CEOs of AGSBs on mainstreaming.

Welsh Books Council  
Castell Brychan  
Aberystwyth  
[www.clc.org.uk](http://www.clc.org.uk)

The Welsh Books Council is funded by the Welsh Assembly Government and provides focus for the publishing industry in Wales. It provides a number of specialist services with a view to improving standards of book production and publication in both Welsh and English.



ACCAC

The Qualifications, Curriculum and Assessment Authority for Wales  
Castle Buildings  
Womanby Street  
Cardiff  
CF10 1SX  
([www.accac.org.uk](http://www.accac.org.uk))

ACCAC was the Assembly Government's principle advisory body on all aspects of the school curriculum, examinations, assessment and vocational qualifications.

In April 2006, ACCAC was merged into the Welsh Assembly Government. Most of its functions are now carried out by the Qualifications and Curriculum Division in the Department for Children, Education, Lifelong Learning and Skills (DCELLS).

S4C  
Parc Ty Glas  
Llanishen  
Cardiff  
CF14 5DU  
[www.s4c.co.uk](http://www.s4c.co.uk)

S4C (Sianel Pedwar Cymru) was established in 1982 to provide a single television channel for Welsh language public service broadcasting. Prior to its establishment, some Welsh language programmes had been broadcast on BBC Wales and HTV Wales. It is part funded by a Government grant.

### **Irish and Ulster-Scots**

The supplementary report to follow, setting out the response of the devolved administration in Northern Ireland, will cover this point in respect of Irish and Ulster-Scots.

**3. Please indicate if any body or organisation has been consulted on the preparation of this periodical report or about the implementation of the recommendation of the Committee of Ministers addressed to your State. In the case of an affirmative answer, specify which one(s).**

### **Cornish**

The Cornish Language Partnership has been consulted on the preparation of this report.

### **Manx Gaelic**

The Department of Education, Manx National Heritage and Manx Heritage Foundation were the main governmental bodies consulted in the preparation of this report. Through the Manx Heritage Foundation's Manx Language Officer other bodies with an involvement with Manx Gaelic were made aware that the periodic report was being prepared. Comments from the Secretary of Yn Cheshaght Ghailckagh/Manx Branch of the Celtic Congress were received and taken into account.

### **Scots and Scottish Gaelic**

The Scottish Government and Bòrd na Gàidhlig together undertook a comprehensive written consultation exercise with local authorities, public bodies and NGOs across Scotland. This consultation exercise reminded those bodies of the requirements of the undertakings of the Charter which the UK has ratified in respect of Gaelic and Scots, and sought information from those bodies on activities which were contributing to their implementation.

### **Welsh**

The Welsh Language Board has been consulted by the Welsh Assembly Government in the compilation of this response.

**4. Please indicate the measures taken (in accordance with Article 6 of the Charter) to make better known the rights and the duties deriving from the application of the Charter.**

**Cornish**

Since 2005, information on the Charter has continued to be disseminated through the Language Strategy, which remains the base document for the work under way, which includes a chapter explaining the Charter and the full text of Part I and II in an appendix. The Cornish Language Partnership has developed a branded website – [www.magakernow.org.uk](http://www.magakernow.org.uk) - which carries full information on the Strategy and on the Charter itself. Press releases and publicity information issued by the Partnership have also made frequent reference to the Charter. The rights and duties deriving from the Charter were the basis on which the Kerrier District Council policy was adopted by full council.

The Government Office for the South West's website includes an explanation of the Charter and provides links to the Charter text and its Explanatory Report.

**Irish**

The fact that the UK was giving active consideration to the ratification of the Charter, and the implications of the Charter for Irish, were made clear in the Belfast ("Good Friday") Agreement of 1998. Further detail on what has been done to promote the implications of the Charter within Northern Ireland will be supplied in the supplementary report covering the response from the devolved administration in Northern Ireland.

**Manx Gaelic**

The Isle of Man Government's decision to request that the United Kingdom's ratification of the Charter be extended to the Island in respect of Part II protection for Manx Gaelic was reported on local radio and in the local press. The Charter's Part II protection for the Manx language has also been discussed in Tynwald, the Island's Parliament.

However, it is recognised that whilst awareness of the language itself is very widespread within the Island, being certainly much broader than just those persons who regularly

use Manx Gaelic, knowledge of the Charter (even amongst users of the language) is much more limited.

Points 5, 6, and 7 of Part I of the Outline for Three Yearly Periodical Reports are not relevant to the Isle of Man as to date the Committee of Ministers on the application of the Charter has not made any Recommendations in respect of Manx Gaelic.

### **Scottish Gaelic and Scots**

As noted in section 3 above, the Scottish Government and Bòrd na Gàidhlig together undertook a written consultation exercise with local authorities, public bodies and NGOs across Scotland, reminding those bodies of the requirements of the undertakings of the Charter which the UK has ratified in respect of Gaelic and Scots.

In respect of Gaelic, section 1(2)(d) of the Gaelic Language (Scotland) Act 2005 gives Bòrd na Gàidhlig the specific function of monitoring and reporting to the Scottish Government on implementation of the European Charter. The Bòrd submitted a monitoring report to the Scottish government to inform the development of the 3<sup>rd</sup> UK Periodical Report. Paragraph 9 of schedule 1 to the 2005 Act also requires the Bòrd to prepare a report on the exercise of its functions for the year (an annual report), which must be laid before the Scottish Parliament. The Scottish Government, and in turn the Scottish Parliament, will therefore receive regular updates from Bòrd na Gàidhlig on implementation of Charter undertakings. In collecting information on implementation of the Charter the Bòrd will make better known the rights and duties which derive from its application.

### **Ulster-Scots**

Further detail on what has been done to promote the implications of the Charter for Ulster-Scots will be supplied in the supplementary report covering the response from the devolved administration in Northern Ireland.

### **Welsh**

Ministers within the Welsh Assembly Government have issued various press notices drawing attention to the Charter since its' inception. The then Minister for Culture, Jenny Randerson issued a press notice in March 2001 welcoming the ratification of the Charter. Opportunities are also taken to highlight the Charter in speeches given by Ministers.

The Welsh Language Board, the Assembly Government's Sponsored Body, publicised the Charter on its website and wrote to a large number of organisations (including Public Bodies, Broadcasters, Unitary, Education and Health Authorities and Trusts) enclosing details about the Charter following its entry into force on 1 July 2001.

Details of the 2nd Report of the Council of Europe's Committee of Experts on the application of the Charter in the United Kingdom were published on the Welsh Assembly Government's internet site: [www.wales.gov.uk/welshlanguage](http://www.wales.gov.uk/welshlanguage).

**5. It is understood that full details of the measures taken to implement the recommendations of the Committee of Ministers will appear in the body of the report. Nevertheless, please summarise those measures for each recommendation.**

### **Irish**

The Committee of Experts made the following recommendations in respect of Irish:

- *develop a comprehensive Irish language policy, including measures to met the increasing demand for Irish-medium education; and*
- *increase support for the printed media in Irish.*

As mentioned above, the Northern Ireland (St Andrews Agreement) Act 2006 amended the Northern Ireland Act 1998 to place a statutory duty on the Northern Ireland Executive to adopt a strategy setting out how it proposed to enhance and protect the development of the Irish language.

Following the restoration of devolved government in Northern Ireland, which happened (8 May 2007) shortly after the Committee of Experts' recommendations were adopted by the Committee of Ministers, responsibility for the implementation of these recommendations transferred to the Northern Ireland Executive. Details of what has been done in each of the areas covered by the Committee's specific recommendations will be included in the supplementary report to follow, setting out the response from the devolved administration in Northern Ireland.

### **Scots**

The Committee of Experts made the following recommendation for Scots:

#### **Recommendation**

- *Strengthen the efforts to improve the position of Scots*

Since the last reporting cycle was completed there has been a change of government in Scotland (May 2007). In its pre-election manifesto, the Scottish Government gave the following commitments for the Scots language:

- Promote an increased awareness of Scots and its literature. This will include introducing a question on Scots in the census and ensuring that European obligations to develop the language are honoured.
- Actively encourage the use of Scots in education, broadcasting and the arts.

To assist with the development of policy for Scots language, the Scottish Government is now undertaking an audit of the current provision for the Scots language. The audit is designed to take account of what measures are currently in place to promote the language, and what opportunities exist to make further progress with these, either as part of, or in addition to, the Scottish Government's manifesto commitments and existing European Charter obligations. The audit is due to report by the end of October 2008. Any action the Scottish Government takes in the future to improve provision for the Scots language will be guided by the findings of the audit, and associated work.

### **Scottish Gaelic**

A summary of implementation of the three relevant recommendations is set out below:

#### **Recommendation**

*- elaborate and implement a comprehensive Scottish Gaelic language education policy –* the Scottish Government gave a commitment during the passage of the 2005 Act through the Scottish Parliament that Bòrd na Gàidhlig would set out a comprehensive National Gaelic Education Strategy as part of the National Plan for Gaelic. The Bòrd has done this and as of October 2007 has established a National Gaelic Education Steering Group to oversee its implementation. The National Gaelic Education Steering Group, which comprises all of the key interests in Scottish education, met for the first time in October 2007 and subsequently established four working groups to address specific issues: a Gaelic Learners Education Working Group, a Gaelic Teacher Recruitment and Supply Working Group, a Gaelic further and Higher Education Working Group, a Gaelic Secondary Curriculum Design Working Group, Research, and a Terminology and Translation Working Group. The NGESG will shortly submit an interim report on its progress to date to the Scottish Government. Specific examples of initiatives being taken forward by the NGESG are set out in the report on implementation of Part III of the Charter.

## **Recommendation**

- *increase support for the printed media in Scottish Gaelic* – the National Plan for Gaelic identifies two key projects to increase support for the printed media, to be implemented by Bòrd na Gàidhlig working with key partners. These projects will prepare an audit of the current level of Gaelic in the media and an action plan to increase this in the life of this national plan to 2012, and will support the development of Gaelic journalistic skills through the creation of professional training opportunities.

## **Ulster-Scots**

### **Recommendation**

- *strengthen the efforts to improve the position of Ulster-Scots.*

As mentioned above, the Northern Ireland (St Andrews Agreement) Act 2006 amended the Northern Ireland Act 1998 to place a statutory duty on the Northern Ireland Executive to adopt a strategy setting out how it proposed to enhance and develop the Ulster Scots language, heritage and culture.

Following the restoration of devolved government in Northern Ireland, responsibility for the further implementation of the Committee's recommendation relating to Ulster-Scots transferred to the Northern Ireland Executive. Details of what has been done in each of the areas covered by the Committee's specific recommendations will be included in the supplementary report to follow, setting out the response from the devolved administration in Northern Ireland.

## **Welsh**

### **Recommendation 2**

**Establish a system for monitoring the measures taken and progress achieved in minority language education, including the production and publication of reports of the findings.**

The Welsh Assembly Government is committed to meeting its duty under the Government of Wales Act 2006 by reporting annually on progress with both Iaith Pawb, the National Action Plan for a Bilingual Wales, and its own Welsh Language Scheme. Reports are available on the Assembly Government's internet site:

<http://www.wales.gov.uk/welshlanguage>

The reports cover a wide range of Welsh Assembly Government policy areas, including Welsh medium education.

From 1 April 2008, a Welsh Language Development Unit has been operational within the Department for Children, Education, Lifelong Learning and Skills (DCELLS) in the Welsh Assembly Government. The overall aim of the Unit is to improve capacity in the education system through developing provision, training and resources for teaching and learning through the medium of Welsh, and to provide strategic direction for the development of Welsh-medium provision.

In particular it will coordinate and drive the Department's contribution to the *Iaith Pawb* agenda and, during the course of 2008-09, will lead on the One Wales commitment to develop a national strategy for Welsh-medium education and training, supported by an implementation programme, which will then be published for public consultation.

The Welsh Language Development Unit manages and funds development projects such as the language immersion pilots and linguistic continuity projects, the national Welsh-language Sabbaticals Scheme for practitioners and Bilingual Champions pilot, and commissions Welsh-language materials for teaching and learning, including coordination of needs assessment to determine priorities.

While the Welsh Language Board has a strategic overview of education across the ages, it does not lead on Welsh-medium education policy development. This is the role of DCELLS. The work of the Welsh Language Development Unit in DCELLS will include monitoring progress.

In line with *Iaith Pawb*, the Assembly Government is committed to reporting annually on progress. This will include monitoring the measures taken and progress achieved in minority language education.

## **Recommendation 6**

### **Improve the use of Welsh in social care facilities, particularly hospitals and care of the elderly,**

The All Wales Task Group for Welsh Language Services is preparing a new direction on how it can assist and encourage further development in bilingual provision. A number of initiatives have been taken forward in the field of health and social care, and these are detailed in this report under Article 13, paragraph 2c.



## 6. Indicate what steps your state has taken to inform the following of the

### **Recommendations:**

- All levels of government (national, federal, local and regional authorities or administrations);
- Judicial authorities;
- Legally established bodies and associations.

### **Scottish Gaelic and Scots**

As noted in section 3, the Scottish Government and Bòrd na Gàidhlig together undertook a written consultation exercise with local authorities, public bodies and NGOs across Scotland, reminding those bodies of the requirements of the undertakings of the Charter which the UK has ratified in respect of Gaelic and Scots, and sought information from those bodies on how they were contributing to their implementation.

### **Welsh**

The NHS Welsh Language Unit works to raise awareness about the importance of the Welsh language within the healthcare sector in Wales and to promote and facilitate the use of it.

The European Charter and the recommendation in respect of Welsh and health and social care facilities were discussed at the first meeting of the re-established Welsh Language in Healthcare and Social Services Taskgroup in November 2007. Chaired by the Deputy Minister for Social Services the Taskgroup's membership includes representatives from the health and social services sectors in Wales, including voluntary bodies and representatives from the Welsh Language Board.

The Unit also works closely with the NHS Trusts and Local Health Boards in promoting and encouraging the use of the Welsh language in healthcare services in Wales. In particular, they are working with both the Welsh Language Champions Group in the Trusts and LHBs and their Welsh Language Contact Points Groups. Implementation of the Charter and ComEx's recommendation were discussed at a meeting of the Champions Group in 2007 and also covered in an e-bulletin to the Champions Group in July 2007.

The NHS Welsh Language Unit holds an annual Welsh language in healthcare conference. At the 2008 conference, a session was held on the European Charter, and how health and social services can be improved in order to fulfil the clause in the Charter. The session was chaired by the Deputy Minister for Social Services, and the speakers included Emyr Lewis, member of ComEx and Dr Rob Dunbar, consultant to ComEx. Delegates present included a cross-section from the health and social services sectors in Wales.

A Welsh Health Circular [WHC (2008) 002] 'Strengthening the Welsh Language provision within NHS services in Wales', January 2008, highlighted the ComEx report released in 2006 and the recommendation in relation to health and social care facilities. Indeed the ComEx report and recommendation was an important impetus behind the circular which required that each Trust should appoint a Welsh Language Officer and that all LHBS develop a regional Welsh Language Unit.

The European Charter and the ComEx report recommendation have also been discussed at the following meetings:

- NHS Lead Chief Executives meeting, September 2007
- Association of the Directors of Social Services meeting, April 2008
- Assembly Government's Department of Health and Social Services Business Board, May 2008.

### **Irish and Ulster-Scots**

Details will be included in the supplementary report to follow, setting out the response from the devolved administration in Northern Ireland.

**7. Please explain how your state has involved the above, in implementing the recommendations.**

### **Scottish Gaelic and Scots**

Please see the information set out under section 5 above.

## **PART II**

**1. Please indicate what measures your State has taken to apply Article 7 of the Charter to the regional or minority languages referred to in paragraphs 1 and 3 of part I above, specifying the different levels of government responsibility.**

**Article 7: Objectives and principles**

**1. In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:**

**a) The recognition of the regional or minority languages as an expression of cultural wealth;**

The Department for Culture, Media and Sport supports the general principle of language as an expression of cultural wealth, particularly where this supports regional distinctiveness and sense of place, and this policy is delivered regionally through its agencies.

**Cornish**

The Minister for Local Government and the Regions, in announcing the UK Government's recognition of Cornish under Part II of the Charter, specifically referred to the symbolic importance of the language for Cornish identity and heritage. On 14 June 2005, the Minister for Local Government, in announcing in a national press release funding support for the language, said "Languages are part of our history, our culture, and our identity. It is right that we should nurture the Cornish language."

The National Curriculum in England sets out a statutory entitlement to learning for all pupils whilst allowing schools to meet the individual learning needs of pupils and to develop a distinctive character and ethos rooted in their local communities. The Programmes of Study for History allows scope for pupils to develop and apply knowledge and understanding of the cultural, economic, and historical characteristics of their local area/community. Key Stages 1-3 each include a local history study which range from looking at "the way of life of people in the more distant past who lived in the local area" at Key Stage 1 to "investigating aspects of personal, family or local history and how they related to a broader historical context" at Key Stage 3.

Cornwall County Council and the six District Councils each have in place a policy on the language in which they recognise the distinctiveness of Cornwall and the place of the

language as a vital part of contemporary culture and heritage, and undertake to, subject to resources, provide information on the language and support development initiatives.

As members of the Cornish Language Partnership, the County and District Councils have also undertaken to play a part in the future development of the language. Initiatives have included the provision of bilingual signage in Kerrier and Carrick, the development of language panels in Kerrier and Penwith, and support from Cornwall County Council for Sense of Place, which has delivered Cornish curriculum elements in schools and for festivals and events with Cornish content. Kerrier District Council has also supported the use of Cornish in council documents and translation work is currently being undertaken for the One Cornwall programme, which is developing the implementation plans for the new unitary council.

Through the work of the Cornish Language Partnership, which has been enabled by Government, Cornwall County Council and EU Objective 1 funding, projects have been undertaken with young people, linking Cornish language and music, with support for Cornish film making and in piloting new resources for children. In addition, the Partnership has offered a translation service which has assisted organisations and events throughout Cornwall to engage with Cornish.

### **Irish and Ulster Scots**

In the Belfast (“Good Friday”) Agreement of 1998, the participants (including the UK Government) specifically recognised “the importance of the respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.” This was reflected in the further commitments made in the St Andrews Agreement of 2006 and the statutory duties subsequently placed on the Northern Ireland Executive in respect of Irish and Ulster-Scots.

Steps have been taken to increase access to the Irish Language broadcasting channel TG4 which is now available in 90% of households in Northern Ireland. Work is continuing to ensure that level of provision is maintained or improved following the digital switchover in 2012.

Further details will be included in the supplementary report to follow, setting out the response from the devolved administration in Northern Ireland.

## **Manx Gaelic**

Although not making any explicit reference to the language the Isle of Man Government Strategic Plan 2007 – 2011 does under Policy Four, Quality of Life, identify one of its aims as:

*“To foster an economic and social climate which supports the protection, promotion and participation in our unique cultural heritage”*

The *Freedom to Flourish* brochure which was developed as a consequence of an extensive debate in the Island was produced in bi-lingual format.

A Manx Language Development Programme was produced for the Manx Heritage Foundation and Manx National Heritage and published in December, 2000. It provides a comprehensive integrative language development strategy covering all aspects of the Manx language for Government, business and the voluntary sector and has been used extensively by the Foundation and voluntary groups as the foundation of their language development programmes.

The Bills of Exchange Act 1883 as amended by the Banking Act 1998 Schedule 1 provides that cheques written in Manx shall be cleared by Manx banks.

## **Scots**

Scots is a language of Scotland. The Scottish Government considers the Scots language – in all its variations - to be an integral part of Scotland’s distinctive culture and heritage.

Most of the Scottish Government’s existing support for the Scots language is channelled through the Scottish Arts Council ([www.scottisharts.org.uk](http://www.scottisharts.org.uk)), which currently funds the following organisations:

- Dub Busters/Itchy Coo [www.itchy-coo.com](http://www.itchy-coo.com) (works in primary and secondary schools to promote the Scots language and literature, which includes the publication of new literary works in Scots and the translation of existing works from English into Scots, and in-service training for teachers).
- Scottish Language Dictionaries [www.scotsdictionaries.org.uk](http://www.scotsdictionaries.org.uk) (A *Dictionary of the Older Scottish Tongue*, the *Scottish National Dictionary*, the *Concise Scots Dictionary*, the *Essential Scots Dictionary* and the on-line resource for schools, the *Scuilwab*).

- Scots Language Centre <http://www.scotslanguage.com/> (furthers the interests of the Scots language and its speakers).
- Association for Scottish Literary Studies <http://www.asls.org.uk> (supports the teaching, study, writing and reading of Scottish literature and language, past and present).
- Traditional Music and Song Association of Scotland <http://www.tmsa.org.uk/> (supports the development of Scottish traditional music).
- Scots Music Group <http://www.scotsmusic.org/> (supports traditional music development).
- Scots Language Society <http://www.lallans.co.uk/> (publishes the *Lallans* magazine).
- Scottish Storytelling Centre [www.scottishstorytellingcentre.co.uk](http://www.scottishstorytellingcentre.co.uk) (which has a remit for the Scots language as part of its wider work).

It is the policy of the Scottish Arts Council's Literature Department to support writing, publishing, and readership in all of the languages of Scotland, both historical and contemporary, including the Scots language. Similarly, in addition to those agencies it supports with a direct remit in supporting and promoting Scots, all of the national literature organisations it supports are involved in the Scots language in some way.

In 2009 Scotland will host *Homecoming Scotland*, a festival which has been created and timed to mark the 250th anniversary of Scotland's national poet Robert Burns:

<http://www.homecomingscotland2009.com/default.aspx> Throughout the year, the programme of events will, amongst other things, celebrate the life and works of Burns and Scotland's culture and heritage.

Within the current school curriculum review, *A Curriculum for Excellence*, the guidance document *Building the Curriculum 1: the contribution of curriculum areas* recognises that 'Scotland has a rich diversity of language, including Scots' and clearly states that teachers should strongly encourage and promote the use of the language the child or young person is using to communicate. The Draft Experiences and Outcomes for Literacy and English (which include Scots) have been released for engagement: <http://www.curriculumforexcellencescotland.gov.uk/outcomes/index.asp>

In relation to Scots and Scottish texts, recognition is given that 'the languages, dialects and literature of Scotland provide a rich and valuable resource for children and young people to learn about Scotland's culture, identity and language. The draft experiences and outcomes therefore encourage appropriate emphasis upon Scotland's literature and the languages of Scotland.'

In its pre-election manifesto, the Scottish Government gave the following commitments for the Scots language:

- Promote an increased awareness of Scots and its literature. This will include introducing a question on Scots in the census and ensuring that European obligations to develop the language are honoured.
- Actively encourage the use of Scots in education, broadcasting and the arts.

To assist with the development of policy for Scots language, the Scottish Government is now undertaking an audit of the current provision for the Scots language. The audit is designed to take account of what measures are currently in place to promote the language, and what opportunities exist to make further progress with these, either as part of, or in addition to, the Scottish Government's manifesto commitments and existing European Charter obligations. The audit is due to report by the end of October 2008.

### **Scottish Gaelic**

Successive governments in Scotland have recognised that Gaelic is an integral part of the cultural identity of modern Scotland, supporting and funding a range of cultural, media, education and community initiatives which have helped raise the profile and usage of Gaelic. An important development over recent years has been the appointment of a Minister within the Scottish Government to be responsible for Gaelic, and this level of recognition is to be welcomed as a means of ensuring that Gaelic issues are prioritised at the central government level. Linda Fabiani is Minister for Europe, External Affairs and Culture with responsibility for Gaelic and Scots.

The most significant recent expression of the Scottish Government's and Scottish Parliament's commitment to recognising Gaelic as an expression of cultural wealth was the enactment of the Gaelic Language (Scotland) Act 2005. The 2005 Act provides for recognition in law of the Gaelic language as an official language of Scotland commanding equal respect to the English language and establishes a public body, Bòrd na Gàidhlig, with the specific remit to promote, and support the promotion of, Gaelic. The Scottish Government also continues to increase the funding available to support general Gaelic development activities and Gaelic education on a year-on-year basis.

At the local government level in Scotland, a significant number of local authorities support Gaelic cultural and educational initiatives. The level of support provided varies across Scotland with some local authorities, such as Comhairle nan Eilean Siar and the Highland Council, actively promoting Gaelic as a priority element of their identity and



purpose. The establishment of all-Gaelic schools in Glasgow and Inverness demonstrates commitment on the part of particular local authorities to meet the needs and demands of parents seeking a Gaelic-medium education.

At the public authority level (those public bodies established by the Scottish Government to perform specific function on its behalf), there is an increasing tendency for these bodies to engage with Gaelic issues and to consider how they can help promote the language. Some bodies, such as Scottish Natural Heritage, are proactively adopting a bilingual corporate identity to help improve the profile and status of Gaelic.

### **Welsh**

Welsh is a statutory subject in the National Curriculum in Wales. All pupils of statutory school age (5-16) in maintained schools are required to study Welsh either as a first or second language. The Foundation Phase will be introduced from September 2008 (initially for 3-4 year olds but to be rolled out to 7 year olds) and includes as one of the seven areas of learning Welsh Language Development.

In addition, it is a common requirement of the National Curriculum for Wales that pupils should be given opportunities, where appropriate, in their study of a subject to develop and apply knowledge and understanding of the cultural, economic, environmental, historical and linguistic characteristics of Wales. This is known as the Cwricwlwm Cymreig.

The Welsh Baccaalaureat is an exciting qualification for students in Wales that adds a valuable new dimension to the subjects and courses already available for 14 to 19 year old students. It combines personal development skills with existing qualifications like A levels, NVQs and GCSEs to make one wider award that is valued by employers and universities. The Welsh Baccaalaureate gives broader experiences than traditional learning programmes. It can be studied in English or Welsh, or a combination of the two languages. One of the four core components is on Wales, Europe and the World. After a positive evaluation of the pilot scheme, the Welsh Baccaalaureate is now available at an increasing number of schools and colleges throughout Wales at Advanced, Intermediate and Foundation level. The qualification is being recognised by an increasing number of higher education institutions.

Welsh is widely used as a medium of instruction in schools. In 2007, some 32% of primary schools either has Welsh as the sole or main medium of instruction or use Welsh as a medium of teaching for part of the curriculum. In the secondary sector, about 24% of schools meet the statutory definition of a Welsh speaking school which is

one where more than half of the foundation subjects of the National Curriculum, other than English, Welsh and Religious Education, are taught wholly or partly in Welsh.

Welsh also features at Further and Higher levels of Education. Learning the language is a significant adult learning activity, with 18,494 course registrations in 2006-07. With regard to Welsh medium provision in Further Education, the target of 9,000 learners was met in 2004-05.

Provision of Higher Education through the medium of Welsh varies between institutions within Wales. Overall 3.2% of students undertook at least part of their degree through the medium of Welsh in the 2003-2004 academic year. The Welsh Assembly Government is committed to making bilingualism a reality and has a target of 7% of students undertaking at least part of their degree studies through the medium of Welsh by 2010. Recent actions to support this have been the announcement of a £2.9 million investment over 7 years to provide more lecturers who can teach through the medium of Welsh.

In 2007, DCELLS in the Welsh Assembly Government in partnership with the Welsh Language Board developed a language awareness training pack for the educational sector and community and voluntary sector. The training pack included specific sections on cultural and historical awareness of the Welsh context and promotes the use of the Welsh language in everyday situations. This pack has been trialled in the education sector in two counties of Wales and has now been distributed to all educational institutions and many voluntary bodies in Wales. More sector-specific packs are being considered for future development.

The National Library of Wales ([www.llgc.org.uk](http://www.llgc.org.uk)) based in Aberystwyth houses and gives access to a vast collection of works about Wales, many of which are written in Welsh. These include books and pamphlets, magazines and newspapers, microforms and electronic material. It also has thousands of manuscripts and archives, pictures and photographs, maps, sound recordings and moving images. Amongst the Library's collections is William Salesbury's New Testament of 1567 (in Welsh), William Morgan's Bible of 1588 (arguably the most important book ever in Welsh) and *Drych Cristionogawl* of 1587, which was the first book to be printed in Wales.

Amgueddfa Cymru – National Museum Wales ([www.museumwales.ac.uk](http://www.museumwales.ac.uk)) promotes the wider knowledge and better understanding of Wales, its history, culture and place in the world. It welcomes around 1.6 million visitors a year at the seven sites open to the public, and through its collections and their interpretation strives to deepen and extend the awareness of Wales, including the Welsh language and its rich cultural heritage.

The Welsh Books Council provides grants to authors of Welsh language books, publishes an annual catalogue with books and education resources for children, and organises a number of events and clubs to promote reading and literacy. The materials used in these campaigns are Welsh language books and books from Wales. The Welsh language Children's Poet Laureate raises the profile of poetry amongst children and young people.

- b) The respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question.**

### Cornish

Part 1 of the Local Government and Public Involvement in Health Act 2007 now provides for the process of Structural and Boundary change in England.

Structural change is from two-tiers to a single tier of local government and the Act provides for the Secretary of State for Communities and Local Government to commence this process via invitation to councils to submit proposals if they so wish. The Secretary of State may not implement any proposal without consulting every authority affected by it and such other persons as he considers appropriate.

Boundary change is separate from structural change. The Act provides for the Boundary Committee for England to conduct a review of a principal authority's administrative boundaries either on its own initiative or at the request of the Secretary of State or a local authority. In conducting a review, the Boundary Committee is required to consult the council of any local government area to which the review relates, and such other local authorities, parish councils, or other persons who appear to have an interest. In considering whether change is desirable, the boundary Committee must have regard to the need to reflect the identities and interests of local communities, which may include language as one of the factors taken into account.

A new single tier (unitary) authority will from 1 April 2009 replace the existing Cornwall County Council and 6 District Councils in Cornwall. The Cornwall Structural Change Order came into effect on 26 February 2008 and gives effect to a proposal by Cornwall County Council, submitted to the Secretary of State for Communities and Local Government under section 2 of the Local Government and Public Involvement in Health Act 2007. The boundaries of the new authority will be the same as for the existing Cornwall County Council

The Cornish Language Partnership is reviewing its future arrangements in the light of the changes. Cornwall County Council is currently the lead body for the Partnership and there is additional representation from each district council. The extent of future representation from the new authority is under discussion as part of the review of the infrastructure for language support in the future. The Cornish Language Partnership is engaging with the transition team for the new unitary authority, to discuss the policy framework and mechanism for ensuring embedding of the Cornish language.

### **Manx Gaelic**

Not applicable.

### **Scots**

When referring to ‘the Scots language’ or ‘Scots’ the Scottish Government understands that the language comprises a range of distinct regional, local and / or demotic variants which are spoken throughout the country, and attaches equal respect to each form as used. At present no data is held centrally on the number of Scots language speakers in Scotland. Proposals for the inclusion of a question in the 2011 Census on the use of Scots are currently under consideration by the General Register Office for Scotland.

### **Scottish Gaelic**

While there are significant variations in the level of usage of Gaelic in different regions, Gaelic continues to be spoken across the whole of Scotland and the Scottish Government has demonstrated a willingness to develop policy for Gaelic on a national basis. The Gaelic Language (Scotland) Act 2005 recognised that Gaelic is a language of all of Scotland by requiring the development of a National Plan for Gaelic and a National Gaelic Education Strategy, and by enabling Bòrd na Gàidhlig to ask any public authority anywhere in Scotland to develop a statutory Gaelic Language Plan. Similarly, the Specific Grants for Gaelic Education Fund which helps support the development of Gaelic education is open to local authorities on a national basis to help ensure that additional funding is available to assist all local authorities which wish to develop their level of Gaelic provision.

Although there are no administrative barriers to the development of Gaelic across Scotland, the level of support which is provided inevitably varies on a regional basis. And, while a flexible and proportionate approach to Gaelic development is clearly necessary, it will be important to ensure that this does not lead to inaction in areas where the number of Gaelic speakers is limited. It will be increasingly important to emphasise the need for all parts of Scotland, and the bodies operating in those areas, to do what they reasonably can to support Gaelic development to ensure the language is enabled to grow on a national basis.

### **Welsh**

Within Wales, local government is divided into 22 principal councils as provided for in The Local Government (Wales) Act 1994. The Local Government Boundary Commission for Wales has a responsibility to keep the boundaries of the authorities under review and may recommend changes to boundaries, including the merger of two or more authorities into one, if it feels that this is in the interests of "effective and convenient local government".

In operational terms, one of the issues they take into account is the "sense of community". In parts of Wales, that "sense of community" is one which may be connected to the main first language of that community. In that case, the Commission might well take this into account in any proposal to divide or move a community in administrative terms. It would, of course, be weighed against other pertinent factors.

### **Irish and Ulster Scots**

Within Northern Ireland, local government is a devolved matter. The supplementary report to follow will set out the response from the devolved administration in Northern Ireland.

- c) **The need for resolute action to promote regional or minority languages in order to safeguard them**

### **Cornish**

The focus of action has been on implementation and further development of the Language Strategy adopted in 2005 by Cornwall County Council, the six district councils, a

large number of individual parish and town councils and Non Governmental Organisations. The Government endorsed the Strategy as providing the framework for implementing Part II of the Charter and has provided £80,000 in funding each year for three years, alongside £20,000 a year from Cornwall County Council and £100,000 a year from the EU Objective 1 programme, to take it forward.

The Strategy has facilitating a cohesive approach to development of the language.

The work thus far has concentrated on testing the assumptions in the Strategy, commissioning work to establish baselines, and building future action plans which will provide the basis of the next stage of development. A major focus has been the development of a Standard Written Form for the language for use in official documentation and formal education, which in itself is expected to open the way for wider use. The freedom for individuals to use whichever form they personally prefer has been maintained, but the standardisation will encourage and enable growth in official usage. The Standard Written Form is recognised as a significant milestone in the development of the language.

### **Irish and Ulster Scots**

See information under section a) above.

### **Manx Gaelic**

See information under section a) above.

In addition, as stated in Part I of the Report, the Broadcasting Act 1993 and the Education Act 2001 contain specific legislative requirements in the areas of sound broadcasting services and the school curriculum respectively.

Government may consider developing a mechanism to quantify the level of involvement and fluency of Manx Gaelic speakers and writers in order to provide baseline figures to monitor continuing growth in the levels of use and competency of language users for which census information may be a starting point.

### **Scots**

As noted in 1. a) above, the Scottish Government is currently involved directly or indirectly in the promotion of the Scots language. In view of the fact that little research has been undertaken by previous administrations on the availability of Scots language provision in Scotland, the Scottish Government is now undertaking an audit of current provision for the Scots language. This research will provide the necessary baseline data in order to identify where provision currently exists, and help determine what opportunities may exist to make further progress with these, either as part of, or in addition to, the Scottish Government's manifesto commitments and existing European Charter obligations. Any action the Scottish Government takes in the future to improve provision for the Scots language will be guided by the findings of the audit, and associated work.

### **Scottish Gaelic**

While there is undoubtedly an increase in the number of government and public sector bodies at all levels in Scotland which actively engage with Gaelic, the position of the language remains extremely fragile and further concerted efforts are required if government is to deliver on its ambition to create a sustainable future for Gaelic in Scotland. There needs to be co-ordination of effort and direction of resources toward agreed actions and outcomes.

At the national level, there remains a need for the Scottish Government to advocate the importance of Gaelic as an integral element of Scotland's national identity and to provide the resources necessary for the National Plan for Gaelic to be implemented. The publication of the Scottish Government's Gaelic Language Plan will be particularly important in setting a tone for the rest of the public sector in Scotland to follow, and should set out what the Scottish Government will do to bring tangible benefits to Gaelic-speakers. In the light of the Scottish Government's move towards establishing Single Outcome Agreements with local authorities and public bodies (intended to ensure that the public sector in Scotland is working toward shared goals) it will be critically important that Gaelic is embedded as a priority within this framework in order that it is given the attention and resources necessary to support its development.

At the local authority level, there is a particular need for local authorities to build on the level of education provision currently provided and to work towards a situation where all parents who wish access to a Gaelic-medium education system are able to do so, and that access to an all-through education (particularly in moving from pre-school to primary school to secondary education) is available. Local authorities also have a crucial

role to play in facilitating the use of Gaelic, given the range of functions they perform which can touch on the everyday lives of Gaelic speakers who reside within their areas.

In the case of public authorities, there is a need for these bodies to continue to promote Gaelic as an expression of cultural wealth, but also to move beyond this and increase opportunities for people to use Gaelic and to consider how their specific functions can support Gaelic policy development. It will be important that bodies such as Creative Scotland, if it is established to support culture and creativity across Scotland, supports the development of Gaelic in the exercise of its core functions and helps support and develop Gaelic artistic and cultural activities. It will be equally important that the body uses Gaelic in its everyday business, where appropriate, and in its external communications. Similarly, it will be important that all of the main education bodies in Scotland play their role in supporting Gaelic development if the sector is to grow on a co-ordinated basis. The work of the National Gaelic Education Steering Group, and the development of statutory Gaelic Language Plans by relevant bodies, will be a crucial means of ensuring that happens.

More work is required too to ensure that other parts of society in Scotland, such as UK bodies which operate in Scotland, private bodies and the voluntary sector, recognise the role that they can play in helping Gaelic to develop. There is a new role for both the Scottish Government and Bòrd na Gàidhlig to take forward this agenda. While most of the key building blocks for Gaelic development are now arguably in place to take a holistic approach to Gaelic development, there remains a particular need to address how Gaelic is used, and its use encouraged, at the community level. Addressing this particular area will require concerted effort by all levels of government and the public, private and voluntary sectors, and Bòrd na Gàidhlig has prioritised this as a key part of its programme of work.

## **Welsh**

In 2002, following a policy review of the Welsh language by the National Assembly's Culture and Education Committees, *Iaith Pawb* a National Action Plan for a Bilingual Wales was launched. The aim of *Iaith Pawb* was to build on the foundations already laid and work to support and promote the Welsh language.

Both *Iaith Pawb* and the Welsh Assembly Government's Welsh Language Scheme, prepared under the Welsh Language Act 1993, commit Assembly Government Ministers



and officials to mainstream the Welsh language in all aspects of the Assembly Government's work.

The Welsh Assembly Government expects organisations that it funds to follow its lead and ensure that the Welsh language is mainstreamed within their activities. To this end, and as is noted in *Iaith Pawb*, the remit letters of Assembly Government Sponsored Bodies (AGSB) in 2007-08 and 2008-9, as in previous years, included a requirement to mainstream the language.

New checklists were developed by the Welsh Assembly Government in 2007-08 as part of its ongoing effort to mainstream the Welsh language. The new checklists emphasise the link between any new policies and new services and the Welsh language, and can also be used to check that existing policies and services give due regard to the language. The checklists were designed to be used alongside the Welsh Assembly Government's Policy Gateway Integration Tool.

The Welsh Assembly Government is committed under its One Wales agreement of 2007 to develop a national strategy for Welsh-medium education and training, supported by an implementation programme. This strategy is in preparation during 2008-09 prior to public consultation in 2009. The agreement also states a commitment to the establishment of a Welsh for Adults Unit with sufficient funding, giving priority to tutor education.

The Single Education Plan (Wales) Regulations 2006 replaced four strategic education plans required by statute, but also contained new regulations. The plan, which has effect for a two-year period from September 2006, was produced and published by the Local Education Authorities (LEA) after consultation with, among others, the Welsh Language Board (see section 6.(2)(e)). Under Part II, regulation 3.(g), the plan must include a strategy for the "support for linguistic continuity in the Welsh language". And under the same Part, the authority is also required to declare a strategy for planning school places that takes into account the demand for Welsh-medium places (see Part II, section 5.(c)). Finally in more detail, the LEA is to provide information on the "demand for Welsh-medium provision in schools maintained by the authority as compared with available places for the school year 2005 – 06 and the following five school years" (see section (c) of Supporting Information). The Children and Young People's plan replaces Single Education Plans from September 2008. The level of detail required will be considerably reduced but it has been made clear in guidance that authorities will need to provide for rising demand where it occurs.

The Welsh Language Act 1993 established the principle that, in the conduct of public business and the administration of justice in Wales, the Welsh and English language should be treated on the basis of equality.

Under Part II of the Act, the Welsh Language Board may give a notice in writing to any public body to produce a Welsh language scheme. The scheme will specify the measures that body proposes to take to give effect to that principle of equality, so far as is appropriate in the circumstances and reasonably practicable.

Section 6 of the Act lists various bodies that constitute public bodies for the purposes of Part II of the Act and provides that the Secretary of State (now the National Assembly) may specify by Order further bodies as public bodies for those purposes. The Welsh Assembly Government has a rolling programme of legislation under Section 6(1)(0) of the Welsh Language Act so as to ensure that coverage of the public sector is as comprehensive as possible. When new bodies are established which exercise functions of a public nature, the Welsh Assembly Government seeks to include them in subordinate legislation as quickly as possible. Five Orders have been made so far under section 6(1)(o) and others will be made in future.

The fifth Order made in January 2004 saw the water companies in Wales being included within the scope of the Welsh Language Act. This was the first instance of utility companies being included within the ambit of the Act and the Welsh Assembly Government is working to identify whether it would be possible to bring other sectors of the utilities under the Act.

A sixth Order was made in July 2008, which specifies 57 bodies performing services of a public nature. This was the largest single tranche of bodies to be specified since the Welsh Act 1993 was passed. The order came into force in August 2008.

The Welsh Language Board undertakes a programme of language promotion designed to raise the profile of the language across all sectors. The Welsh Language Board grant aids numerous organisations whose remit includes the promotion of the language. In 2007-08, it provided over £7m in grants to bodies and organisations that promote the Welsh language. Some of the main grant recipients include Mudiad Ysgolion Meithrin, a Welsh language nursery education provider which runs around 1000 community based pre-school and mother and toddler groups, Urdd Gobaith Cymru, which organises Welsh-medium cultural/leisure activities for young people, and the National Eisteddfod of Wales.

The Welsh Assembly Government has committed itself, through the One Wales partnership agreement in 2007, to a programme which recognises that there are two official languages in Wales and that both Welsh speakers and English speakers should

enjoy the freedom to be able to speak and use the language of their choice in their everyday lives.

A Legislative Competence Order (LCO) which would allow the National Assembly to take forward these commitments has been presented to Parliament and the National Assembly for pre-legislative scrutiny.

The LCO would give the Assembly the power to pass Assembly Measures on the Welsh language. The One Wales agreement commits the Assembly Government to introducing a Measure to:

- confirm the official status of both Welsh and English;
- deliver linguistic rights in the provision of services; and
- establish a Welsh Language Commissioner
- 

The LCO will support the Assembly Government's work to make real the laith Pawb vision of a truly bilingual Wales.

In light of the changing landscape with regard to Welsh Language policy, work is underway to develop the policy framework to underpin the Measure that will be required to deliver the 'One Wales' commitments.

**d) The facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life**

**Cornish**

The use of Cornish has been encouraged and facilitated, in line with the strategy, in a number of ways.

Through signage. Kerrier and Carrick district councils have initiated bilingual signage policies for street names. The Partnership has also worked with a number of private sector companies on signage, notably Wetherspoons who have a fully bilingual approach to signage in the several new premises opened over the past few years and has advised on translation for signage with developers and commercial organisations. The next stage needs to be proactive work with public and private sector organisations to develop it further.

Through promotional materials and official use. Kerrier District Council has a policy for the inclusion of Cornish in documents. The Cornish Language Partnership provides a

translation service which has worked with a number of enterprises from the Crown Prosecution Service to Fifteen Cornwall restaurant to enable reports, menus and promotional material to carry some Cornish. A recent survey has identified some of the barriers to commercial use of the language and has informed an approach to targeted support which will take these into account. The Cornish Language Partnership publishes a monthly Newsletter on news and information about Cornish language developments, events and learning opportunities.

Through marketing. A marketing strategy has ensured a Cornish Language Partnership presence at high density events such as the Royal Cornwall Show and at smaller community events, has provided talks for organisations, presentations and poster campaigns for classes. A series of Taster events have been piloted for further development.

Through learning resources. A set of resources aimed at primary age children have been produced, commissioned by the Cornish Language Partnership, for use in school and in the home, a set of which will be supplied to each school with a single book going to each Year 3 child. These are aimed to engender interest and are stories chiefly in English, which introduce Cornish through direct speech and then develop the grammatical constructions introduced through games and activities. Further work has been undertaken with language groups on marketing and promoting existing resources and working on new projects.

Through the media. The BBC maintains a five minute news bulletin on Radio Cornwall which is also available on line. The Cornish Language Partnership website, MAGA, now carries weekly podcasts of news as well as video clips. A new initiative is providing a web streamed radio service. A DVD of Cornish language films is in production and the Govynn Kernewek supports the production of a film in Cornish each year. The Partnership issued a press release about the agreement on a Standard Written Form of Cornish and this prompted generally positive coverage in the regional, national and even some international media – broadcast and press. This was part of ongoing press work by the Partnership which has aimed at ensuring a flow of information to the public about developments in the language

Through engagement with young people. A youth project run by the Cornish Language Partnership in Saltash concentrated on action research to look at young people's attitudes towards the language and also introduced Cornish through work with young music bands, who incorporated Cornish into new tracks. This has resulted in recommendations for the future and some good young ambassadors for Cornish.

Through the development of a Standard Written Form. The Cornish Language Partnership appointed, in early 2007, a commission of international language planning experts to advise it on the process for agreeing a standard written form, the absence of which was seen as a barrier to wider use of the language in official documents and in formal education. Agreement was reached in May 2008. The concentration on reaching this agreement has allowed initiatives aimed at education and public life to begin and the momentum will be maintained through consolidation of existing effort, dissemination of good practice and pro-active work. The Partnership has run three annual conferences, the first based on learning from other regions, the second and third contributing to the process towards standard form. In each case these brought together speakers who do not normally meet face to face.

Through projects that have been funded through other means, for example:

The Heritage Lottery Fund (HLF) provides grants to a wide range of heritage and heritage activities, and these can include heritage languages, including Cornish. HLF has financed the Cornish Braids oral history project and the An Daras resource project, which although culturally rather than linguistically based, have broadened knowledge and contributed to language development.

The Arts Council England (ACE) South West is the region's funding and development agency for the arts and can provide grants for a range of art and cultural activities in Cornwall, including through the medium of Cornish. ACE SW is supporting "Scryfa" through the Grants for the Arts programme with a total of £33,700 since 2004 to date. Scryfa is a journal of contemporary Cornish writing which aims to publish new work by both established and new writers in English, dialect and Cornish language prose and poetry.

### **Irish and Ulster-Scots**

See information under a) and b) above.

All three major UK government departments operating in Northern Ireland (The Northern Ireland Office, the Northern Ireland Court Service and Her Majesty's Revenue and Customs) operate Codes of Courtesy which provide guidance for staff on the use of Irish and Ulster Scots in official business. Further details are in Part 3, Article 10.

In addition to this, the Northern Ireland Prison Service has established a new translation and interpretation service which specifically mentions Irish and Ulster-Scots under contract specifications. The Office of the Police Ombudsman (OPONI) website allows for complaints against the police to be registered using either Irish or Ulster-Scots, and the

instructions for registering a complaint have been translated into both Irish and Ulster-Scots.

The Northern Ireland Policing Board held a meeting on 19 May in Irish for the first time. The meeting gave an overview of policing and the work of the Policing Board in relation to outreach to Irish speakers. Translation services were made available for non-Irish speakers. Depending on the success of this event, further events may be held in Irish.

### **Manx Gaelic**

Manx Radio, which is partly government funded, provides some programming in and about Manx Gaelic, with assistance from the Gaelic Broadcasting Committee (a body overseen by the Isle of Man Government's Communications Commission). This committee presents an annual report of its activities to Tynwald, the Manx parliament. A copy of the latest available report, which reflects the present position in respect of Manx Gaelic radio programming, is attached.

The Manx Heritage Foundation, an Isle of Man Government agency, funds Manx Gaelic projects, including research work carried out under the auspices of the Centre for Manx Studies (affiliated to the University of Liverpool and jointly funded by Manx National Heritage and the IoM Department of Education). It has a full-time Manx Language Development Officer.

The Manx Heritage Foundation has developed an extensive website – [www.learnmanx.com](http://www.learnmanx.com) - which includes mp3 files suitable for beginners through to fluent speakers. The site also includes a variety of sound dictionaries, a number of which, are aimed at ensuring correct usage of place-names and personal names in the Island.

The Manx Heritage Foundation and the Department of Education have provided financial assistance to Mooinjer Veggey for a Manx Gaelic Writer/Resource Development Officer who is primarily attached to the Bunscoill Ghaelgagh. The post includes the translation of material into Manx and the creation of original material for those learning through Manx or learning the language at Pre-school, Primary and Secondary school.

Coonceil ny Gaelgey, which operates as a sub-committee of the Manx Heritage Foundation, continues to provide authoritative Manx versions of the titles of Government Departments, street names etc. and the creation of new words and phrases in Manx Gaelic. These terms are available at: [www.learnmanx.com](http://www.learnmanx.com)

In conjunction with the Isle of Man newspapers the Manx Language Officer for the Manx Heritage Foundation produces a regular series of video lessons.

<http://www.iomtoday.co.im/newsfront.aspx?sectionid=1143>

In conjunction with Manx Telecom the Manx Language Officer for the Manx Heritage Foundation produces a regular series of downloadable sound files.

[www.modo.im/eup/channel?id=4028e78415613ad601156552302e47b8](http://www.modo.im/eup/channel?id=4028e78415613ad601156552302e47b8)

Manx Radio provides three regular programmes which use the language together with weekly news articles in the language.

[www.manxradio.com/newsinGaelic.aspx](http://www.manxradio.com/newsinGaelic.aspx)

The Manx Heritage Foundation has financed an on-line dictionary and Bible at:

<http://www.mannin.info/MHF/> This aims to provide a significant amount of searchable Manx Gaelic on the web.

The Manx Heritage Foundation has financed the writing of 'Practical Manx'. This book will provide an authoritative guide to the grammar and use of the language.

Manx Language Officer for the Manx Heritage Foundation is presently undertaking video interviews with older speakers of the language .

The Manx Heritage Foundation is funding the production of a new course for adults of the language and is developing an extensive programme for learners.

The Manx Heritage Foundation continues to provide financial assistance to Yn Cheshaght Ghailckagh in the important work of publishing modern literature in Manx Gaelic; whilst it is also, the key financial supporter for organizations and individual wishing to attend festivals and/or conferences in the Celtic nations and beyond.

The Manx Language Development Officer of the Manx Heritage Foundation continues to produce a wide variety of material aimed at raising the profile of the language.

Manx National Heritage is continuing to supporting a programme for the recording of contemporary fluent Manx Gaelic speakers.

Manx National Heritage is developing a full documentation of Manx Gaelic archives and publications in the national collections which will result in public information sheets and bibliographies provided improved public knowledge and access to Manx Gaelic resources.

### **Scots**

As noted in 1. a) above, the Scottish Arts Council provides funding to a number of organisations to facilitate and/or encourage the use of Scots language in speech and writing, in a variety of settings in public and private life.

As a sign of the new administration's commitment to raising the profile of Scots and promoting its use, in January 2008 the Scottish Government made available on its website a Scots translation of the foreword and summary to the consultation document *Scotland's Future: a National Conversation* (translation contributed by Mr L Colin Wilson):

<http://www.scotland.gov.uk/Topics/a-national-conversation/Translated-Summaries/scotstranslation>

### **Scottish Gaelic**

Gaelic speech and writing is facilitated in a number of ways. In the visual media, BBC Scotland in particular produces a broad range of high-quality and distinctive television and radio programmes for all age groups, reflecting the diverse nature of Scotland and celebrating all aspects of Scottish culture and heritage, including Gaelic. The BBC also runs and funds BBC Radio nan Gaidheal, a service which has a loyal following, as well as providing Gaelic on-line services on the [bbc.co.uk](http://bbc.co.uk) website. The establishment of the forthcoming Gaelic Digital TV Service, a joint-venture between the BBC and the MG Alba, will mark a significant step forward in increasing the presence and use of Gaelic on television by providing a dedicated Gaelic-language service aimed at speakers and learners.

In the print media, Gaelic columns appear regularly in newspapers, at the national level in the Scotsman and at the local level in weekly newspapers such as West Highland Free Press and the Stornoway Gazette. There are also periodical Gaelic language publications such as Cothrom and An Gaidheal Ur (further detail is set out in Part III) which are aimed



specifically at Gaelic speakers and learners. The Gaelic publishing sector has two main constituent parts. Resources for learning and education are developed and published by An Stòrlann under guidance from local authorities and other Gaelic education stakeholders. Mainstream publishing is co-ordinated by the Gaelic Books Council working in conjunction with Acair and Clàr (the federation of independent Gaelic publishers).

For any minority language, presence in the media is of crucial importance, facilitating both language acquisition and usage, and there is scope for much more to be done to support Gaelic in this area. It will be important that the Gaelic Digital TV Service is provided with the necessary funding to deliver a wide-range of high quality programmes, and that it is established on Freeview to ensure it reaches the widest possible audience. More can also be done to encourage the English mainstream media to carry more articles through the medium of Gaelic and about Gaelic. There also remains a lack of a regular newspaper directed specifically towards a Gaelic audience.

Another area which requires to be addressed is increasing the opportunities for the spontaneous use of Gaelic in speech and in writing in everyday settings in public and private life. The visibility and audibility of Gaelic in Scotland is an important aspect of Gaelic in Scotland. They confirm that the language belongs in Scotland, and can boost the confidence of speakers and learners. With some specific exceptions, particularly in areas of the Western Isles where the highest concentrations of Gaelic speakers are based, opportunities for people fluent in Gaelic or learning Gaelic to use the language are extremely limited. English continues to be the language of administration in almost all settings. The development of statutory Gaelic Language Plans by public bodies will be one means by which this can be addressed, but the scale of the challenge is considerable and will require a change in mindset from the public sector in Scotland.

## **Welsh**

The UK Government is committed to a sustainable future for Welsh language broadcasting. The Welsh Fourth Channel Authority, S4C, receives a statutory government grant - £92.817 million in 2007/08 - updated each year in line with inflation, for the provision of Welsh language television services.

In addition, S4C has a statutory entitlement to receive a minimum of ten hours a week of Welsh language programmes from the BBC, free of charge; the value of these programmes in 2006/07 was approximately £20.6 million. During 2007, S4C broadcast an average of 47 hours a week of Welsh language programmes on its analogue service

and over 80 hours a week on the digital channel S4C Digidol. Radio Cymru, Wales' only national Welsh language station, was established in 1977 and broadcasts 20 hours a day of Welsh language programmes.

A full Welsh language radio service is provided by the BBC.

Both S4C and the BBC provide online services in Welsh, which complement their programme services. The BBC's online news and Welsh learners' support services have proved particularly valued by Welsh speakers and learners. ([www.bbc.co.uk/welsh](http://www.bbc.co.uk/welsh))

This includes the BBC's Vocab system ([www.bbc.co.uk/vocab](http://www.bbc.co.uk/vocab)), which helps Welsh learners to view the BBC's Welsh language internet pages by providing translations of terminology by hovering the mouse cursor over certain words. The Welsh Language Board have worked with the BBC to incorporate vocabulary levels into the system, and its implementation forms part of the next stage of rollout of the Vocab scheme. This stage also includes making the Vocab system available on any Welsh language website, starting with those of the Board.

The BBC's current Royal Charter makes clear the Government's view that the BBC should continue to provide more dedicated programming in and for each of the devolved nations of the United Kingdom. It noted that this should include provision in indigenous minority languages across a range of platforms and that the internet has particular value in supporting these languages.

A new settlement between the BBC and S4C was announced in 2006, giving S4C a greater say in what programmes it received from the BBC.

The Welsh Assembly Government's responses to Ofcom's first Review of Public Service Broadcasting in 2004/05 emphasised the bilingual nature of Wales and the importance of taking this into account in terms of planning and producing content as well as any regulatory activities. In April 2008, Ofcom launched the first phase of their second Review of Public Service Broadcasting. The Welsh Assembly Government's response called for continued support for S4C, stressing the important role played by public service broadcasting in the promotion of minority languages. The response also welcomed the suggestion by Ofcom that the scope for S4C to play a still stronger role in the support of children's television in other languages should be investigated.

Schemes such as the Language Awareness Training Scheme (Law yn Llaw) commissioned by the Welsh Language Board and the TŵF Project (a programme to encourage new parents to transmit Welsh to their children) also commissioned by the Welsh Language Board target personal use of Welsh. Tŵf employs 22 field officers and in 2008-09,

£615,000 of funding was provided for this project by the Welsh Language Board. This financed over 1000 presentations to expecting parents amongst other activities to promote the Welsh language. The Mentrau Iaith (community Language initiatives) mentioned above also do work in this area.

Menter a Busnes (an agency established to promote entrepreneurship amongst Welsh speakers) addresses economic life and is involved in the delivery of several programmes and initiatives to encourage and enable Welsh speakers to set up their own businesses and to exploit the opportunities afforded by the language and bilingualism. Menter a Busnes were responsible for providing support to Welsh speakers as part of the Potentia project designed to increase participation amongst specific under-represented groups in business. During the Potentia project, which came to an end in March 2007, almost 3,200 Welsh speakers registered with Menter a Busnes, with 430 businesses being started which created 492 jobs. Business support for Welsh speakers has now been mainstreamed and 66 half day Welsh language awareness training sessions delivered for Menter a Busnes were attended by a total of 465 individuals.

Another initiative, y Ffatri Fenter, was set up to provide aspiring entrepreneurs with opportunities to test trade their business ideas, 399 of whom were Welsh speakers.

The Welsh Language-Economy Discussion Group was established by the Assembly Government in 2003 and the Group currently includes members from Menter a Busnes, the Welsh Language Board, Care Council for Wales, Careers Wales, Cardiff University Business School, the Welsh Local Government Association and other economic and language experts as well as representation from several Welsh Assembly Government policy areas, such as Heritage, Economic Development and DCELLS. The original aim was to increase knowledge and understanding of the link between language and economy and the Group initially focused on reviewing existing research and filling in the knowledge gaps. More recently it has developed a more pro-active approach in targeting and influencing policy decisions. It has also set up a Marketing sub-group to share and disseminate information, highlight good practice and generally promote the benefits brought by the language and bilingualism through identifying and highlighting relevant case studies. An additional Research sub group is disseminating research findings and advising on research proposals relating to Language Economy issues as well as identifying opportunities to use research to inform policy-making.

The Arts Council for Wales provides funding for the Arts through the medium of Welsh as well as English. The Welsh Assembly Government's support for Welsh language publishing is channelled through the Welsh Books Council. The Welsh Books Council

received additional funding of £250,000 in 2002/03 for Welsh language publishing, rising to £300,000 in 2003/04 and £500,000 in 2004/05.

During the 2005-06 financial year, the Welsh Assembly Government gave £1.123 million to the Welsh Books Council for Welsh Language publishing, with the figure rising to £1.358 in 2007-08. During the 2008-09 financial year, the Welsh Assembly Government will give £1.556 million to the Welsh Books Council for Welsh language publishing.

Additional funding from the Welsh Assembly Government over a period of three years has shown results with an overall increase in sales of 132% for Welsh language books in the years 2003 - 2006 compared with 2000-2003. In 2007-08, there was an overall increase of 12.1% in the sales of Welsh language books compared with the previous year.

The first productions of Theatr Genedlaethol Cymru (the national Welsh language theatre company) were held in 2003. The company's annual output features 3 touring productions, performed at the main theatre venues in Wales. They also stage a programme of events at each National Eisteddfod of Wales and endeavour to have close relationships with schools and the communities which they serve. The company is funded by the Welsh Assembly Government / Arts Council of Wales and received funding of over £1m in 2007-08.

**e) The maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages**

The British Irish Council, established by the St Andrew's Agreement, comprises the UK and Irish Governments, the three Devolved Administrations of Scotland, Wales and Northern Ireland, and the three Crown Dependencies of Jersey, Guernsey and the Isle of Man. As part of its ongoing programme of work, the British Irish Council has a workstream dedicated to minority and lesser used languages. This workstream is led by the Welsh Assembly Government on behalf of the British Irish Council, and comprises all members of the Council.

## **Cornish**

Links with other language groups in the UK are maintained by the Cornish Sub-Committee of the UK Committee of the European Bureau of Lesser Used Languages, which links to the UK Committee, the Vice Presidency of which is now held by Cornwall. The Cornish Sub-Committee is reassessing its structure and closer links with the work of the Cornish Language Partnership in terms of Europe are likely to be established.

The Partnership has established close links with Language Boards and bodies in Wales, Scotland and the Isle of Man and exchanges information also with Scots.

Cultural links are continued through festivals in particular, the Lowender Peran festival providing a particular focus, and through exchange visits. Over the past year Partnership officers have visited and spoken in both Wales and the Isle of Man and there have been regular exchanges though the medium of music and dance.

## **Irish and Ulster-Scots**

Relationships between the Northern Ireland Executive (which has general policy responsible for language matters in Northern Ireland) and other administrations on matters relating to language are a devolved matter. Further information will be provided in the supplementary report to follow, setting out the response from the devolved administration in Northern Ireland.

## **Manx Gaelic**

Not applicable within the Island, but Manx Gaelic groups in the Isle of Man do have links with other Gaelic/minority language groups within the UK and Ireland and further afield (e.g. the Breton language of Brittany region of France).

## **Scots**

As noted above in 1. b), the Scottish Government understands that ‘the Scots language’ or ‘Scots’ comprises a range of distinct regional, local and / or demotic variants which are spoken throughout the country, and attaches equal respect to each form as used. Accordingly, the organisations which receive public funding to promote the Scots language recognise and reflect the diversity of the language and its users in their operations.

The *Tobar an Dualchais / Kist o Riches* project

(<http://www.smo.uhi.ac.uk/dualchas/index.html>), which is managed by Sabhal Mòr Ostaig, the Gaelic college on the Isle of Skye, aims to digitise, catalogue and disseminate Gaelic and Scots sound recordings online. This will ensure that the vast heritage of stories, poetry, music and factual information will be preserved as a unique record of Scotland's cultural and linguistic heritage. Online access to the recordings will also ensure that they are widely available for educational and personal use. In the first phase of the project, 12,000 hours of recordings are being made available online.

Scots language interests have been represented on the UK Committee of the European Bureau for Lesser Used Languages. The Scottish Government is also a member of the British-Irish Council's Indigenous, Minority and Lesser-Used Languages Sectoral Group.

### **Scottish Gaelic**

On a formal level, Gaelic has been represented on the UK Committee of the European Bureau for Lesser Used Languages. The Scottish Government and Bòrd na Gàidhlig also participate in the British Irish Council sectoral group which has a specific remit to consider minority language issues within the UK. Bòrd na Gàidhlig will also shortly be joining the Network to Promote Linguistic Diversity. This network was established at the end of 2007 with the aim of facilitating the sharing of existing best practice and the development of new and innovative ideas in the field of language planning in all linguistic domains amongst Europe's less widely used languages.

Informal links exist between the governments of the devolved administration on minority language issues, and also between the relevant language development bodies. This year, Bòrd na Gàidhlig and the Welsh Language Board have enjoyed visitations from each other to share experiences, and the Bòrd intends to do the same with Foras na Gaeilge, the body responsible for the promotion of the Irish language through Ireland. Cultural links have been established through Colmcille – the Columba Initiative – with the Irish Gaelic speaking community in the Republic of Ireland and Northern Ireland.

### **Welsh**

The Welsh Language Board, out of its grant in aid, gives support to the London Welsh Medium Junior School (£33,660 in the current financial year). The Welsh Language Board regularly replies to requests for information regarding the Welsh language from Welsh

speakers living in England and its linkline to Welsh service maintains a list of Welsh tutors outside Wales.

Wales is represented on the UK committee of the European Bureau of Lesser-Used languages. The Welsh Language Board was also innovative in setting up the European Network of Language Boards in 2001, relaunched as the the Network to Promote Linguistic Diversity in May 2008 (see [www.npld.eu](http://www.npld.eu)) with the aim of debating issues of common interest to regional or minority languages across Europe. The Network brings together 20 organisations. The Network meets regularly in order to share information and bet practice and it is currently focussing on the following issues:

- media
- Pre-school education
- Youth

Wales is leading the work of the British Irish Council's sectoral group on indigenous, minority and lesser-used languages, with the Welsh Language Board responsible for providing secretariat support for the group. The group is focussing on 3 specific areas, including language transmission within the family with Wales taking the lead in this area, building on the work already undertaken by the Board as part of the Twf initiative. Individuals with digital satellite receivers can watch S4C transmissions UK wide.

**f) The provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages.**

**Cornish**

The National Curriculum in England sets out a statutory entitlement to learning for all pupils whilst allowing schools to meet the individual learning needs of pupils and to develop a distinctive character and ethos rooted in their local communities.

Currently, there is a primary school entitlement to language learning but languages are not statutory at Key Stage 2. Primary schools can offer language learning programmes in any language for which they have in-house, or access to, expertise and which reflect the needs of the school community. A review of the primary curriculum is underway by the Department for Children Schools and Families (DCSF), and this will include languages as a compulsory subject at Key Stage 2.

From September 2008, secondary schools will have greater flexibility when deciding which languages to offer at Key Stage 3. The requirement that schools must first offer one of the official languages of the European Union will be removed. Instead, there is a

non-statutory explanatory note in the programme of study indicating that schools can teach any major European and world languages, which may include Arabic, French, German, Italian, Japanese, Mandarin, Russian, Spanish and Urdu. . Schools may teach other languages in addition to, or instead of, the languages featured in the list. Guidance is provided to help schools when planning their language provision at Key Stage 3. The guidance notes that the possibility of having some choice of the languages pupils might learn is a significant motivational factor that helps engage learners better, and that some pupils may wish to extend their knowledge of a language spoken in their local community. It notes that the number and availability of qualified teachers may limit the choice of languages a school may wish to offer. It says that secondary schools should have a clear rationale for their languages provision, exploiting fully the learning gains made at Key Stage 2 and offering continuity of languages provision at Key Stage 4, whilst also recognising that learning a new or additional language at Key Stage 4 can be highly motivating for some pupils. There is a statutory entitlement to a course in a modern foreign language at Key Stage 4 that leads to a recognised qualification.

The Department for Children Schools and Families (DCSF) has worked proactively with the Cornish Language Partnership to include Cornish as one of the languages available through the Asset Languages scheme, and provided £80,000 match funding to enable this development. The Government's National Recognition Scheme, the Languages Ladder allows learners across all stages of education (primary, secondary, further, higher) to gain credit for their language skills at a number of stages depending on their ability, ranging from 'breakthrough' to 'mastery'. Asset Languages is the formal assessment scheme which recognises achievement against the Languages Ladder framework. The scheme is now available in twenty five languages. Cornish was made available from April 2008 at the first two stages of Breakthrough (Entry Level) and Intermediate (Level 1- equivalent to GCSE grades D-G) and will be available at Intermediate (Level 2 – equivalent to GCSE grades A\*-C) in 2008/9. This provides nationally accredited examinations, something that Cornish has not had since a GCSE was discontinued some years ago. A training event for teachers of Cornish using the scheme was held in Cornwall on 10 June 2008, supported by DCSF and Asset Languages.

The Cornish Language Partnership has been working towards the targets and actions identified in the strategy. Working with language organisations and the Local Education Authority, it has begun assessment of current provision and demand with a view to assessing the needs for the future.

Independent research carried out with secondary schoolchildren has shown a demand for the language and interest among pupils is high. The research, which is not yet published but has been made available to the Partnership, surveyed 600 children across a number of secondary schools. The main conclusions showed a marked interest in Cornish as a non-



compulsory subject in schools and investigated differences in attitude against gender and place of origin.

Three secondary schools currently teach Cornish at Year 7 as a 'taster' though none currently continue it beyond that. In primary schools it has been taught where there is a keen members of staff, usually as an after school club. The Partnership is publishing a new set of books and inter-active DVD for use in primary schools and at home by teachers and parents who do not have a working knowledge of Cornish themselves. These have been piloted in two schools with very positive feedback.

In Service Training has been offered and delivered to just over 70 teachers and a network of volunteer support teachers is being established to assist with queries and to give help in schools if required.

Other methods of teaching have been investigated and the need for immersion / intensive courses has been identified.

### **Irish and Ulster Scots**

Within Northern Ireland, overall responsibility for education is devolved. The supplementary report to follow will set out the response from the devolved administration in Northern Ireland. Within the non-devolved sphere, the Committee will wish to note that the Northern Ireland Prison Service employs two part-time Irish teachers at its main prison establishment.

### **Manx Gaelic**

The Department of Education employs a team of four full-time teachers and the Manx Language Officer to deliver a programme of lessons in Manx Gaelic. The language is taught as an optional subject in all the Department's junior and secondary schools. Children may opt to study Manx from the age of 8.

At two of the five secondary schools, Manx is an optional timetabled subject for children in the age group 11- 14. Examination assessed qualifications, Teisht Chadjin Ghaelgagh (GCSE equivalent in Manx) and Ard Teisht Ghaelgagh (A level equivalent) are available to all pupils, although in some schools these are studied as an extra curricular subject.

In addition to teaching, Yn Unnid Gaelgagh/Manx Language Unit prepares resources including language courses, story books, computer-based teaching materials and games for use in all schools. Yn Unnid Gaelgagh is currently delivering a training programme whereby primary school teachers are released from school for 20 days, one per week.

They are trained to deliver the course Bun Noa and to become the Manx specialist in their school. Three teachers were trained last year and a further six will be trained and ready to begin teaching Manx in September 2008.

There are 53 children attending the Bunscoill Ghaelgagh or Manx-medium school where they receive their education entirely through Manx. On leaving the Bunscoill, children have the opportunity to learn three subjects through Manx at the secondary school within whose catchment area the Bunscoill lies.

Mooijer Veggey operates two non-government Manx Gaelic playgroups and three 'part Manx Gaelic' nurseries for the Department of Education. It also runs the Bunscoill Ghaelgagh for the Department of Education and employs an Education Officer, a Pre-School Support Officer and a Writer/Resource Officer. Mooijer Veggey is primarily government funded with a small proportion of its income coming from fees and charitable donations

The Manx Heritage Foundation runs an annual three/four day adult-course in the summer and It is hoped that in 2009/10 the Foundation will be able to establish a proper and professionally ran summer school in the language.

### **Scots**

As mentioned above in 1. a), the Scottish schools curriculum is currently going through a highly ambitious programme of reform, *Curriculum for Excellence*, which aims to create a coherent, more flexible and enriched curriculum from 3 – 18, firmly focused on the needs of the child and young person. It also aims to deliver a better quality of learning and teaching and increased attainment and achievement for all children and young people in Scotland. The guidance document *Building the Curriculum 1: the contribution of curriculum areas*:

<http://www.ltscotland.org.uk/curriculumforexcellence/makingithappen/Buildingthecurriculum1/languages/intro.asp> recognises that 'Scotland has a rich diversity of language, including Scots' and clearly states that teachers should strongly encourage and promote the use of the language the child or young person is using to communicate.

The Draft Experiences and Outcomes for Literacy and English (which includes Scots language) have been released for engagement by educators: <http://www.curriculumforexcellencescotland.gov.uk/outcomes/index.asp> In relation to Scots and Scottish texts, recognition is given that 'the languages, dialects and literature of Scotland provide a rich and valuable resource for children and young people to learn about Scotland's culture, identity and language. The draft experiences and outcomes therefore encourage appropriate emphasis upon Scotland's literature and the languages

of Scotland.’ The new Curriculum for Excellence guidance will eventually replace the existing 5 - 14 national guidelines.

Learning and Teaching Scotland (LTS) provides a range of guidance and resources in support of teaching in and about the Scots language in schools:

<http://www.ltscotland.org.uk/5to14/specialfocus/scots/index.asp>

Between August 2006 and June 2007 Itchy Coo, Glasgow University and Literature in Learning (an initiative led by the Scottish Book Trust) worked with pupils and teachers in Letham Primary School in West Lothian to investigate what happens when children work in Scots across the curriculum throughout the year:

<http://www.scottishbooktrust.com/node/15937>

Following completion of this project, similar work is currently under way at Kirkhill Primary School (also in West Lothian) where teaching staff have been working with Matthew Fitt, Schools Officer for Itchy Coo, to develop teaching materials and strategies appropriate to the different stages of primary education:

<http://www.ltscotland.org.uk/5to14/specialfocus/scots/organisations/spkirkhillscots.asp>

We are also aware of the following activities in local authority areas:

- East Lothian Council - Strategic Priority 3 within the Education and Children’s Services Improvement Plan: ‘Embed Scottish History, culture and heritage throughout school life and make every effort to support Scotland’s languages – both Gaelic and Scots.
- East Lothian Council, in partnership with Fèisean nan Gàidheal, deliver chanter and children’s song lessons to local authority schools as part of the Scottish Government’s *Youth Music Initiative*. The children’s songs include Scottish songs.
- Renfrewshire Council holds a range of cultural events such as music, drama, dance, poetry and playground games in establishments. In session 2006-07, Renfrewshire and Inverclyde Councils held an inter-agency Scots Language Literacy Conference. The main speakers were Matthew Fitt and James Robertson from Itchy Coo, who worked with LTS in developing online ideas and teaching resources.
- Renfrewshire Council is currently looking at a literacy strategy which will include the place of Scots language. It is also making plans to work with Inverclyde Council on inter-authority Scots language materials for use in the primary school.
- Renfrewshire Council’s Arts and Museums Service programmes include traditional Scots performances, activities and classes. In the autumn of 2007, the programme included *The Ballad*, a play inspired by traditional Scottish Ballads. In February 2008, two performances of *Wee Fairy Tales* in the Scots language were held in schools. In

March, the Scottish singer Dick Gaughan was showcased in the authority's series of folk music events.

- In Stirling Council's area some primary schools have purchased resources that allow children to have greater access to the Scots language through literature.

### **Scottish Gaelic**

Gaelic-medium education has grown rapidly since the first Gaelic-medium primary classes were opened in 1985. The commitment to Gaelic education in Scotland is illustrated by the increased year-on-year financial investment from the Scottish Government, a growing number of local authorities promoting and making provision for Gaelic-medium education, and the contribution of national education agencies and Gaelic bodies. Through collaborative working there have been a number of significant developments and improvements in funding, resources, information and communications technology and teacher training. Gaelic-medium education, Gaidhlig for fluent speakers, and Gaelic learners is provided by a range of local authorities.

While the development of Gaelic education over the past 20 years has been a success story, there is a need for a more co-ordinated approach to be taken to the sector if it is to continue to develop and grow to meet both demand and expectations from parents wishing to access a Gaelic-medium education. There is a particular need, for example, to continue present efforts to ensure that the supply of Gaelic-medium teachers matches demand and that education bodies and local authorities together address the problem of providing a continuum of education from the pre-school stage onwards. The National Plan for Gaelic projects the need for a substantial increase in the number of Gaelic speakers at the next censuses, and key to achieving sustained growth will be the development of a vision for the Gaelic education sector by the National Gaelic Education Steering Group, and its adoption and delivery by the Scottish Government, local authorities and key education bodies. An interim report will be produced shortly by the NGESE and presented to Ministers to take this forward.

Further detail on the provision of Gaelic education is set out in the report on Part III implementation.

### **Welsh**

As outlined in the answer to Article 7.1(a) above, the statutory programmes of study for Welsh make provision for the language to be studied either as a first language or as a

second language according to parental choice in the statutory sector, according to a combination of parental choice, ability, background and location.

Mudiad Ysgolion Meithrin exists to promote and support the education and development of children under five years of age through the medium of Welsh, in Cylchoedd Meithrin and Cylchoedd Ti a Fi. Welsh Language Board funding to MYM in 2008-09 is £1.1 million. MYM will also receive £375,057 of core funding in 2008-09 through the Assembly Government's Children and Families Organisations Grant scheme.

Welsh medium schools exist at both primary and secondary level and there is provision in both Further and Higher Education. 3.2% of students undertook part of their degrees through the medium of Welsh in the 2003-04 academic year.

The Welsh for Adults (WfA) qualifications, administered by the Welsh Joint Education Committee (WJEC) have been mapped to the Common European Framework of Reference for Languages and conform with two of the measures in Recommendation 222 (2007):

6.c.i. – The WfA qualifications are mapped against the CEFR: Entry = A1, Foundation = A2, Intermediate = B1, Higher = B2/C1.

The WJEC is a member of ALTE, and the qualifications on levels A1 and A2 have been audited. One of the ALTE minimum standards is that a relationship with an external framework is evident, which is the CEFR. Within the UK, the qualifications also need to be mapped to the National Qualifications Framework (NQF), and this has also been done with the WfA qualifications.

6.c.ii – Resources: the WJEC course books have been developed to lead to the achievement of the qualifications, therefore the content is in line with the CEFR.

**g) The provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn if they so desire**

**Cornish**

The Government's funding policy for adult education and skills is focused on the development of a world class workforce, including helping the disadvantaged and low skilled to achieve the training they need for employment and further progression. Public funding is administered by the Learning and Skills Council (LSC) for England to Further Education (FE) colleges and providers to support the delivery of post-16 further

education and skills. This funding is prioritised in line with Government priorities i.e. on programmes that equip adults with the skills they need for sustainable employment and progression (Skills for Life - basic literacy and numeracy, full level 2, full level 3 qualifications as well as a full range of first steps learning supporting progression into further learning). In line with recommendations from Lord Leitch's Review of Skills to put more purchasing power in the hands of learners and employers, funding for adult learning and skills is becoming increasingly demand-led.

The Government also allocates £210 million a year for informal adult learning which can range from family learning, sports and recreation as well as humanities and the study of languages designed to meet social and community needs - these can take place in structured or non-structured learning environments (community centres, Local Authorities, FE colleges). The Department for Innovation and Skills has just completed a wide-ranging consultation on this kind of informal adult learning to inform future Government policy.

It is for the college or the post-16 provider to determine whether offering a class with a low number of learners is economically viable. LSC funding will be provided in respect of the learners where they are eligible and the course itself attracts LSC funding.

The Partnership has undertaken a survey of adult classes for two years. Following the survey in 2007, the Partnership instituted a generic campaign to advertise classes in order to ensure that their availability was better known. Demand resulted in two new classes being established, in Helston and Bude and other new classes could follow in September 2008, subject to available tutors. Some classes however closed, due to retirement of tutors or other causes, some amalgamating two classes in one. Distance learning continues and is an important element of adult learning.

The cost of classes continues to differ, particularly between those which are run under the Adult Education Service and those which are run privately. The Partnership has assisted with the costs of venues for private classes. Support has been given by the Partnership to adult education classes to put them on a more professional footing, using accessible venues.

Surveys by the Partnership have shown that student numbers remained more or less stable with 218 students over 27 classes in 2006/7 and 226 students over 20 classes in 2007/8, though there is demand coming from places not presently served. These figures do not include those learning through online courses or abroad. The annual Cornish Language Weekend has attracted more people than ever, with well over a hundred taking part.

Surveys by the Partnership have shown that student numbers remained more or less stable at 218 and 226 in 2006 and 2007, though there is demand coming from places not presently served. The annual Cornish Language Weekend has attracted more people than ever, with well over a hundred taking part.

Taster days held earlier in 2008 translated into several people joining classes and therefore a series of these across Cornwall is planned for the Autumn.

The Partnership has undertaken a survey of adult class teachers to identify needs and aspirations. That is leading to a programme of short courses and longer term training. Teachers' days have been held each year in conjunction with the Cornish Language Board (CLB) and further training on the new Asset accreditation scheme is underway. The CLB exams will continue side by side with that scheme. Building teacher skills and training new teachers is the next planned phase.

### **Irish and Ulster Scots**

Please see the information provided at f) above.

### **Manx Gaelic**

As stated in section f) above, children of school age have the option of learning the Manx language and there are both Government run and voluntary organisation led evening classes for adult learners.

### **Scots**

There are opportunities to learn in and about Scots language and literature in schools and universities throughout Scotland. Scots language groups also promote a range of events and activities throughout Scotland which provide opportunities to use, appreciate or learn about the Scots language and culture. In addition, a number of reference books are available for self-learners, some of which are listed on the LTS web pages for Scots:

<http://www.ltscotland.org.uk/5to14/specialfocus/scots/resources/index.asp>

## **Scottish Gaelic**

Gaelic can be learned in schools in many areas of Scotland. There are also opportunities to learn about Scots language and literature in schools throughout Scotland. Adults may also learn Gaelic in a number of settings: through university provision, local authority provision, and voluntary classes.

There is a need to better understand the level and quality of the different types of Gaelic education currently available in Scotland. To this end, Bòrd na Gàidhlig is initiating a number of studies which will review existing provision to identify any gaps which exist and to make recommendations for future action.

## **Welsh**

The Welsh Assembly Government has been keen to develop lifelong learning structures and policies that reflect Wales' specific needs and priorities. These include having regard to Wales as a bilingual nation.

In April 2001, the National Council for Education and Training for Wales took over the role of the Further Education Funding Council for Wales (FEFCW) and the four Welsh Training and Enterprise Councils (TECs) in relation to the planning and funding of all post-16 learning in Wales, in addition to funding all community learning.

In April 2002, the National Council assumed responsibility for funding all community learning and for funding sixth form provision in Wales. The National Council was known under the brand name 'ELWa' and was one of the organisations that merged with the Welsh Assembly Government in April 2006. ELWa's remit was to respond to the need for post-16 Welsh-medium and bilingual education and training and Welsh for Adults.

ELWa has now been merged with the Department for Children, Education, Lifelong Learning and Skills within the Welsh Assembly Government.

In order to meet the Assembly's requirements, ELWa made the decision to restructure Welsh for Adults in order to mainstream and professionalise provision.

Since the publication of the 2<sup>nd</sup> report of the Committee of Experts in 2006, ELWa has been merged into the Welsh Assembly Government, and six dedicated Welsh for Adults centres have been established under the guidance of the Welsh Assembly Government. The Welsh Assembly Government invested £4.6m in the centres over a period of 28 months from April 2006 – July 2008, and the Minister for Children, Education, Lifelong



Learning and Skills has recently committed to provide grant funding to the centres until July 2011.

The centres are responsible for planning and funding the provision within their regions or sub-regions to enable capacity-building, better quality assurance and better progression from one level to the next. The overall aim is to achieve higher levels of learners achieving fluency.

The Welsh for Adults centres are also in receipt of grant funding from the Welsh Language Board for the planning and delivery of informal learning opportunities for adult learners of Welsh. Informal learning is integral to the learning process as it provides learners with the opportunity to practise their oral skills in an informal setting and will facilitate the path to fluency. The centres can help ensure that informal learning opportunities are dovetailed into their formal provision.

The Welsh Assembly Government worked in partnership with the centres and other external stakeholders to implement the first national marketing campaign in 2007. Due to the success of the campaign and the on-going need to target new learners, a second campaign is planned for 2008.

A 'One Wales' (Welsh Assembly Government) commitment is to develop a long term strategy for Welsh-medium Education, to include Welsh for Adults. This strategy will be developed during 2008-09 for consultation in spring 2009. This strategy will form the basis of all future development.

A series of five Welsh for Adults examinations at the WJEC will continue to be funded, and credit pathways are currently being developed to run parallel with the examinations. Courses appropriate to the five language levels form the basis of provision.

A wide variety of courses are available: weekly evening classes; intensive courses; bespoke courses for the workplace and the family. There are also on-line and distance learning courses, summer schools, and Saturday schools.

The Welsh for Adults centres have been tasked with developing bespoke courses to the three priority sectors: Welsh for the Workplace, Welsh for the Family and Welsh for incomers to Wales. The provision of these courses has increased over the past two years, and the centres now have targets to develop further provision for the next three years until 2011.

A range of resources for Welsh learners and tutors have been funded for development by the Welsh Assembly Government. These include: a series of Welsh language course books and audio resources for learners in the non-intensive sector; online interactive materials for learners; online teaching materials for Welsh for Adults tutors, including an online magazine; DVD and audio-CD teaching pack.

The Welsh Language Board continues to provide grant funding for Athrawon Bro (Welsh Language support teachers who support the teaching of Welsh as a first or second language). The Athrawon Bro funding is the main element of the Welsh Language Board's grants to LEAs for promoting the use of Welsh. In 2008-09, the Board's funding under this grants programme will be £2.84m. The WLB agrees quantitative and qualitative targets with all LEAs annually. It is anticipated that the number of Athrawon Bro employed by LEAs during 2007-08 is similar to the 176 in 2006-07. (The 176 refers to the total number of Athrawon Bro employed by LEAs. The WLB's grant funds 75% of the costs of the service. Each LEA must contribute a minimum of 25% of the remaining costs).

Funding for latecomers centres is another element of the Welsh Language Board's grants to LEAs for promoting the use of Welsh. These centres provide intensive Welsh courses, for children usually between 7 and 11 years old, who had no previous contact with the Welsh language. £513,000 will be provided in 2008-09 to fund the latecomer centres. The funding, amongst other things, helps to support 8 teachers in latecomer centres.

All Welsh-medium statutory nursery and primary provision is open to children who come from non-Welsh-speaking homes. In addition, immersion pilot schemes are showing that it is possible to provide late entry to Welsh-medium education or to boost Welsh-language skills substantially by providing Welsh-language immersion in Year 5 or 6 of primary schools leading to entry into secondary Welsh medium education at Year 7. Welsh Assembly Government funding for this pilot is used by the Welsh Language Board to fund specialist input and provide support for schools in the form of grants for additional teachers, supply cover, training and resources.

#### **h) The promotion of study and research on regional or minority languages at universities or equivalent institutions**

##### **Cornish**

It is for Universities to decide which courses to offer. The Higher Education Funding Council for England (HEFCE) allocates funding to each University according to the number of students at an institution and the types of courses they are taking.

A number of Universities in the UK have Departments of Celtic Studies with courses at both undergraduate and post-graduate level.

The University of Exeter, via the Institute of Cornish Studies at Tremough in Cornwall promotes study and research in a number of ways:

- i) it delivers undergraduate combined honours programmes and modules in Modern Celtic Studies and Cornish Studies and a postgraduate masters degree in Cornish Studies. Some of the modules include case studies of the historical and socio-economic aspects of the language and its revival and its contemporary role in Cornish life, set in a comparative context of the other Celtic languages.
- ii) it supports research on the Cornish language, especially its historical dimensions and its relationship to surnames and place names;
- iii) it encourages and publishes articles on the language in its annual publication Cornish Studies;
- iv) it holds some material relating to the language, for example a small collection of published versions of the religious plays and various revivalist material, but the major resource it has is a copy (on microfiche) of Oliver Padel's Cornish Placenames Index;
- v) it produced recently a short guide to resources about the history of the language recently, as part of a Knowledge Transfer project with the Royal Cornwall Museum. This is available online – at [http://www.exeter.ac.uk/cornwall/academic\\_departments/huss/ics/knowledgetransfer.shtml](http://www.exeter.ac.uk/cornwall/academic_departments/huss/ics/knowledgetransfer.shtml)

The Cornish Language Partnership has commissioned research on various topics in pursuit of the strategy: the creation of an audio archive, in collaboration with the Cornish Audio Visual Archive at Tremough; the creation of a resource database; and the preparation of an edition of a late Cornish text and attitudinal research with teachers.

The Partnership has also worked with Plymouth University on attitudinal and quantitative baseline research as the first phase of work in co-operation with HE institutions with regard to language planning and statistics.

A conference to look at future research on Cornish and making the corpus accessible is planned with the Institute of Cornish Studies for the Autumn 2008 which it is hoped will lead to a standing research group.

### **Irish and Ulster Scots**

Please see the information provided at f) above.

### **Manx Gaelic**

Founded in 1992, the Centre for Manx Studies is an academic unit of the University of Liverpool managed by a committee with representatives of the three partner organisations Manx National Heritage, the University of Liverpool and the Isle of Man Department of Education.

Its primary functions are to teach students, to carry out research in Manx archaeological, cultural, environmental and historical studies and to further the international recognition of the Isle of Man in these areas.

The Manx Heritage Foundation has financed an exploratory work into the nature of the Carval tradition (religious poems written in Manx) in the Island. This project is being administered through the Centre for Manx Studies.

### **Scots**

Studies in and about Scots language and literature are available in varying levels at a number of universities in Scotland, including: Edinburgh, Glasgow, Aberdeen and Stirling. Research is also carried out by Scottish Language Dictionaries and the Scots Resource Centre.

### **Scottish Gaelic**

The Universities of Glasgow, Edinburgh and Aberdeen offer Gaelic. The colleges of the UHI Millennium Institute promote the study of and research into Gaelic. The Scots language and literature may also be studied at a number of Universities in Scotland.

The Scottish Funding Council (SFC) published its report on Gaelic Education in Scotland / Solarachadh an fhoghlaim Ghaidhlig ann an Alba in November 2007. This was the result of analysis of available statistics, interviews with people in colleges and universities and discussion with a group of national experts on Gaelic. It made suggestions for means of enhancing the contribution of further and higher education to Gaelic development. The SFC has consulted on this report and has recently identified a new stream of funding and has invited proposals for projects to support Gaelic medium education. Specifically, the SFC is seeking to support immersion learning for students and the development of demand and resources. In addition, the SFC is offering additional support for Gaelic classes with small cohorts to ensure their financial viability.

The Scottish Funding Council has recognised that there are limitations on the available data on Gaelic activity. From October 2007, colleges have been required to return figures in relation to Gaelic provision. Arrangements are in hand to require universities to provide finer grained information on their Celtic studies provision. Latest data shows that there were 1,289 enrolments in Scottish colleges for courses with Gaelic content, delivered at 12 colleges. 59% of these enrolments were for courses featuring Gaelic content and delivery. In 2006-07, there were 397 students whose courses included Celtic Studies or Gaelic, of whom 205 were first degree students. In the same period there were 41 research postgraduates and 18 taught postgraduates.

### **Welsh**

Welsh is taught as a subject at degree level at Aberystwyth University, Bangor University, Swansea University, Cardiff University and University of Wales Lampeter,. A Professional Welsh course is taught at the University of Glamorgan.

The Welsh Assembly Government, via the Higher Education Funding Council for Wales (HEFCW), funds the Centre for Advanced Welsh and Celtic Studies and the University of Wales Board of Celtic Studies. Among its other research work, the University of Wales Board of Celtic Studies produced in 2002 the first standardised historical Welsh language dictionary. Work is on-going to revise the earlier parts of the dictionary. In addition, HEFCW also supports research into Celtic studies at Aberystwyth University, Bangor University, Cardiff University and Swansea University. Finally the Assembly via HEFCW supports the University of Wales Press, which publishes academic works on the Welsh language, history and literature - including some works in the medium of Welsh. HEFCW, with Assembly Government funding, supports the Centre for Welsh Medium Education, which works with all higher education institutions in Wales to implement a national strategy for Welsh medium provision, in response to the 'One Wales' commitment in this area. Since 2007 the staffing of the Centre has been increased and it works in close collaboration with the HE sector on a range of initiatives.

- i) The promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States**

### **Cornish**

The Strategy for the Cornish Language includes a target for developing and maintaining links with other language communities which encompasses the possibility of exchange.

Over the past three years the Partnership has taken part in trans-national conferences and has engaged with the new Network for Linguistic Diversity, an EU funded network which involved a wide range of European language communities. In addition, potential opportunities for exchange of good practice and of speakers are being explored under the protocol between Cornwall and Finistere. A Cornish class was taught over several weekends in Brittany in 2007, under the auspices of the Cornish Language Board and in conjunction with an existing Breton language network.

The work on establishing a Standard Written Form of Cornish drew on the expertise of language planners from other communities, notably Ireland and Catalonia.

### **Irish**

Steps have been taken to increase access to the Irish Language broadcasting channel TG4 which is now available in 90% of households in Northern Ireland. Work is continuing to ensure that level of provision is maintained or improved following the digital switchover in 2012.

A cross-border North-South Language Implementation Body was established following the Belfast (“Good Friday”) Agreement by the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999. Responsibility for this, within Northern Ireland, is a matter for the Northern Ireland Executive; further details may be provided in the supplementary report dealing with the steps the devolved administration has taken in Northern Ireland to comply with those parts of the Charter for which it is responsible.

### **Manx Gaelic**

Whilst Manx Gaelic is not used beyond the Isle of Man, local organisations do have links with organisations involved with similar Gaelic regional or minority language throughout the British Isles and further afield.

## **Scots**

As a part of the British-Irish Council, the Scottish Government participates in the sectoral group that has a focus on minority languages, including Gaelic and Scots.

## **Scottish Gaelic**

Colmcille (the Columba Initiative) is a transfrontier initiative involving the Scottish Government, Northern Ireland and the Republic of Ireland. The initiative embraces and celebrates the similarities between the two languages (Irish or Gaeilge, and Scottish Gaelic or Gàidhlig) and cultures and provides a channel for interaction, cultural exchange and relationship building.

The Highland Council has established a Memorandum of Understanding with Nova Scotia in Canada. This has already seen cultural exchanges at many different levels of contact and covers youth and student exchanges, cultural initiatives, author, artist and craft support, and specific Gaelic language projects.

Festivals such as the Ceòlas Summer School routinely attract overseas participation.

## **Welsh**

The Welsh Assembly Government continues to fund the teaching of Welsh in the Chubut province of Argentina. The project is managed for the Assembly Government by the British Council in collaboration with Cymdeithas Cymru-Ariannin (the Wales-Argentina Society) and Cardiff University's Welsh Language Teaching Centre for Adults. It involves the secondment of three teachers from Wales to key target communities, the development of native teachers, the establishment of structured courses and the promotion of Welsh language activities. In May 2005, the previous Minister for Culture, Welsh language and Sport, announced that the Welsh Assembly Government would continue to fund the Welsh language project in Patagonia between 2006-2009. The activities supported by the Assembly Government benefits both the communities of the Chubut Valley (including Gaiman and Trelew) and those in the Andes (such as Esquel and Trevelin).

In April 2005, the Welsh Books Council and British Council Wales agreed to establish a scheme to send books to Patagonia. Cymdeithas Cymru-Ariannin were also involved with the scheme. Over one thousand books and educational material worth nearly

£7,000 were delivered to Patagonia. The financial support of Cymdeithas Cymru-Ariannin and the British Council was matched by the Welsh Books Council and independent publishers.

[www.cymru-ariannin.org](http://www.cymru-ariannin.org)

<http://www.walesinternationalconsortium.com/stakeholders/bc.shtml>

CyMAL: Museums Archives and Libraries Wales which is a division of the Welsh Assembly Government is promoting co-operation between museums, archives and libraries in Wales and Welsh museums, archives and libraries in Patagonia. Archivists and digitisation specialists from Wales have visited Patagonia and catalogued, digitised and conserved material there. These have been placed on the tri-lingual [www.glanriad.com](http://www.glanriad.com) website (Welsh, Spanish and English), which brings the collection from organisations in Wales and Patagonia together for the first time.

- 2. The Parties undertake to eliminate, if they have not already done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority languages and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and rest if the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely used languages.**

### **Cornish**

The UK Government believes it is supporting the safeguarding and development of Cornish, facilitating its use in public and private life and providing means for teaching and study. Individuals are free to express themselves in their own languages in private and public, orally and in writing.

### **Irish**

The UK Government does not believe that there are any unjustified distinctions, exclusions, restrictions or preferences relating to the use of Irish within Northern Ireland



and intended to discourage or endanger the maintenance or development of this language. Any further views from the devolved administration in Northern Ireland will be set out in the supplementary report to follow.

### **Manx Gaelic**

The Isle of Man Government believes that it is doing as much as possible to eliminate any unjustified distinction, exclusion or restriction on the use of Manx Gaelic. Rather than discouraging the development of the Manx language the Isle of Man Government is interested in promoting it.

The Isle of Man Government would however note that it does not believe that, given the number of users of the Manx language, it is able at present to justify the additional administrative and financial resources that would be required to allow it to extend Part III of the Charter protection to Manx Gaelic.

A thorough review of all the paragraphs and sub-paragraphs showed that in respect of several Articles from Part III the Isle of Man was already achieving more than the minimum standard. However, the Isle of Man Government did not believe it was possible at this stage to accept the necessary number of commitments from all the required Articles. The Isle of Man Government will keep this matter under review, in light of the further development of the Manx language.

### **Scots**

The Scottish Government is committed to the equality of opportunity for all people in Scotland. There is no legislation or public administration practice in Scotland that supports any unjustified distinction, exclusion, restriction or preference relating to the use of regional or minority languages and is intended to discourage or endanger the maintenance or development of such languages. As noted above in 1. a), the Scottish Government has given a number of commitments to raise the profile and use of the Scots language.

As noted above in 1. b) and 1. e), the Scottish Government understands that ‘the Scots language’ or ‘Scots’ comprises a range of distinct regional, local and demotic variants which are spoken throughout the country, and attaches equal respect to each form as used. Accordingly, the organisations which receive public funding to promote the Scots

language recognise and reflect the diversity of the language and its users in their operations.

### **Scottish Gaelic**

There is no legislation or public administration rule/practice in Scotland that supports any unjustified distinction, exclusion, restriction or preference relating to the use of regional or minority languages and intended to discourage or endanger the maintenance or development of such languages. However, the fact that English is usually either de facto or de jure the language of law and administration in Scotland does inevitably mean that it remains excluded from many areas of public life in Scotland. Implementation of the Gaelic Language (Scotland) Act 2005, and in particular the development of Gaelic Language Plans by public bodies, will help address this.

### **Ulster-Scots**

The UK Government does not believe that there are any unjustified distinctions, exclusions, restrictions or preferences relating to the use of Ulster-Scots within Northern Ireland and intended to discourage or endanger its maintenance or development. Any further views from the devolved administration in Northern Ireland will be set out in the supplementary report to follow.

### **Welsh**

The Welsh Assembly Government is committed to promoting equality of opportunity for all people.

The Welsh Assembly Government's Welsh Language Scheme states that:

“Linguistic equality is part of the Assembly Government's equal opportunities agenda, and will be integrated into its equal opportunities work. The Government will expect other organisations to adopt the same approach.”

**3. The parties undertake to promote by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.**

### **Cornish**

The Government is committed to developing policies to bring people of different backgrounds together in local communities and to empower them to shape the decisions which affect them. In February 2008, the Government published its response to the independent Commission on Integration and Cohesion which set out how it is following up all of the Commission's recommendations. It underlines the Government's clear commitment to delivering cohesive and integrated communities, increased investment in cohesion and a new public service agreement for cohesive, empowered and active communities. The response also sets out how the Government will support local delivery of cohesion through key principles including a move away from a "one size fits all" approach; a national framework for local support and guidance; and building positive relationships.

The Citizenship section of the National Curriculum emphasises that pupils should be taught about the diverse national, regional, religious and ethnic identities in the United Kingdom and the need for mutual respect and understanding. A new strand to secondary school citizenship education classes will be introduced from September 2008, entitled "identity, diversity and living together in the UK". Through it, pupils will learn to appreciate that identities are complex, can change over time and are informed by different understandings of what it means to be a citizen in the UK; they will explore the diverse national, regional, ethnic and religious cultures, groups and communities in the UK and the connections between them; and explore community cohesion and the different forces that bring about change in communities over time.

A School Linking Network ([www.schoolslinkingnetwork.org.uk](http://www.schoolslinkingnetwork.org.uk)) was launched recently and will bring together schools of different faiths, settings and ethnic mixes, so that young people of different backgrounds can learn from one another and discover their own identity by sharing it.

Resources and support for schools for a new 'Who Do We Think We Are' week, which will provide a focus for activity around diversity and identity and collective exploration by schools, are being developed by the Department for Children Schools and Families with the Royal Geographical Society and the Historical Association.

Since September 2007, schools have had a duty to promote community cohesion. The aim of the duty is to help children and young people to grow up with an understanding and appreciation of others from different backgrounds.

The Department for Innovation Universities and Skills (DIUS) in England recognises that Further Education (FE) colleges have an important role to play in promoting community cohesion and has been holding a national consultation on this. DIUS' proposals focus on the importance of encouraging debate and exploration of shared values along with breaking down segregation between different groups. The Post 16 Citizenship materials are seen as particularly valuable in providing colleges with a starting point in this work, but DIUS expect each college to develop its interventions based on the needs within its local community and reflecting an understanding of where issues and tensions can arise. The materials provide a high level framework within which local issues can be explored and young people can be helped to think about what is special about their particular community and develop more positive and tolerant attitudes in relation to a range of issues, which might include minority languages in those parts of the country where they are being used. DIUS will be announcing further work on this in the summer 2008 including measures that the FE sector itself will be bringing forward to support practice in this area, with a focus on sharing of good practice and peer support.

The Communications Act 2003 places a duty on the broadcasting regulator, Ofcom, to draw up a code for television and radio standards in programmes. The Ofcom broadcasting standards code, which implements the standards requirements set out in the Communications Act, prohibits discriminatory treatment or language on the grounds of (amongst other issues) race, religion or beliefs. All broadcasters are required to comply with these rules and Ofcom has a range of sanctions available if the code is breached by broadcasters. The Ofcom broadcasting standards code reflects Article 22a of the Television Without Frontiers Directive which states that Member States shall ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality.

The Government strongly believes that a press free from State intervention is fundamental to democracy, and will not, therefore, seek to interfere in any way in how newspapers or magazines choose to express themselves. They must abide by the law, and they also choose to sign up to a Code of Practice, overseen by the press Complaints

Commission, but beyond that Government upholds their right to express themselves in the way that they choose.

### **Irish**

The UK Government's position in respect of Irish is set out in the Belfast ("Good Friday") Agreement of 1998 and the St Andrews Agreement of 2006 as described above. Any further information relating to the position of the devolved administration in Northern Ireland will be set out in the supplementary report to follow.

### **Manx Gaelic**

Whilst the Isle of Man Government is actively promoting greater knowledge of Manx Gaelic, it is mindful that at present the number of users of the language represent a small percentage of the Island's population. It is therefore careful when promoting the language to ensure that the policy is not pursued at such a pace or in such a way as to cause difficulties for, or resentment among, the majority of Isle of Man residents who presently have little or no knowledge of Manx and who perhaps no wish to learn it.

The Isle of Man Government believes that promoting a ground up approach of introducing children to the Manx language and culture at school, together with providing opportunities for those adults who wish to learn about the Manx language, to be the best approach.

### **Scots**

As noted above in 1. a), the Scottish Government has given a number of commitments to raise the profile and use of the Scots language:

- Promote an increased awareness of Scots and its literature. This will include introducing a question on Scots in the census and ensuring that European obligations to develop the language are honoured.
- Actively encourage the use of Scots in education, broadcasting and the arts.

It is hoped that one consequence of the Scottish Government engaging in these activities will be to raise the status of the Scots language, which may engender greater

respect, understanding and tolerance of Scots speakers from those who do not speak the language.

The Scottish Parliament currently promotes and encourages some use of the Scots language in its operation and in the provision of information relating to its services.

In recent years BBC Scotland has produced programmes for television such as *Still Game*, *Chewin' the Fat* and *River City*, within which the Scots dialect spoken in and around Glasgow features prominently.

### **Scottish Gaelic**

**'Please explain how the Scottish Executive's National Cultural Strategy has been implemented.'**

Since the last reporting cycle was completed a new administration is in power, with new priorities. It does not propose to legislate on the remaining parts of the last administration's Draft Culture (Scotland) Bill. Its main priority is to establish Creative Scotland, as a result of a merger between the existing Scottish Arts Council and Scottish Screen.

As noted in 1. a) above, successive governments in Scotland have recognised that Gaelic is an integral part of the cultural identity of modern Scotland, supporting and funding a range of cultural, media, education and community initiatives which have helped raise the profile and usage of Gaelic. It is hoped that one consequence of the Scottish Government engaging in these activities will be to raise the status of the Scots language, which may engender greater respect, understanding and tolerance of Gaelic speakers from those who do not speak the language. As mentioned above in 2., the status of the language will also be raised as more public authorities publish their own Gaelic Language Plans.

### **Ulster-Scots**

The UK Government's position in respect of Ulster-Scots is set out in the Belfast ("Good Friday") Agreement of 1998 and the St Andrews Agreement of 2006 as described above. Any further information relating to the position of the devolved administration in Northern Ireland will be set out in the supplementary report to follow.

## Welsh

The Welsh Assembly Government recognises that the goodwill towards the language of the majority of the population of Wales which does not speak Welsh is necessary to its future wellbeing. Full regard is given to this in language policy development.

In 2008, the Equality and Human Rights Division produced a Consultation Document for a Single Equality Scheme. The document brings together, for the first time, the six key equality strands: age, disability, gender, race, religion or belief/non-belief and sexual orientation. It aims to put equality, diversity and human rights issues at the heart of the work of the Assembly Government and raise awareness about the key issues. The consultation document stated that the scheme will address age; disability; gender; race; religion or belief and sexual orientation: Human Rights and the Welsh Language will be woven through all these equality strands.

**4. In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.**

## Cornish

The UK Government recognises the public and voluntary sector Cornish Language Partnership as an advisory body on the language.

## Irish

The UK Government recognises Foras na Gaeilge, the Irish Language Agency within the cross-border North-South Language Implementation Body, established following the Belfast (“Good Friday”) Agreement by the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999. Under devolution, the UK responsibilities for this body rest with the devolved administration in Northern Ireland. Further details will be provided in the supplementary report to follow, setting out the response of the Northern Ireland Executive.

### **Manx Gaelic**

In order to ensure debate regarding the future of the language the Manx Heritage Foundation presently runs a yearly Forum ny Gaelgey / Manx Gaelic Forum. This is open to the public and all groups interested in the future of the language'

### **Scots**

As explained above in 1. a), as a necessary part of the process to develop Scots language policy, the Scottish Government is now undertaking an audit of current provision for the Scots language in Scotland. Part of the policy-making process will consider the needs of Scots speakers and the relevant Scots language organisations will have the opportunity to contribute to this part of the process. As noted above in 1) c, any action the Scottish Government takes in the future to improve provision for the Scots language will be guided by the findings of the audit, and associated work.

### **Scottish Gaelic**

The Gaelic Language (Scotland) Act 2005 established Bòrd na Gàidhlig with the statutory duty of advising the Scottish Ministers, public authorities and others on matters relating to the Gaelic language, culture and education. One of the guiding principles underlying the development of this legislation was to establish a statutory body whose sole purpose is to promote, and support the promotion of, Gaelic in Scotland. The Bòrd provides financial support to a wide range of bodies to help delivery its objective for Gaelic.

The 2005 Act also gives the Bòrd the specific function of reporting to Ministers on implementation of the European Charter for Regional or Minority Languages to ensure that the undertakings deriving from it are widely understood and their implementation monitored.

### **Ulster-Scots**

The UK Government recognises Tha Boord o Ulstèr-Scotch, the Ulster-Scots Agency within the cross-border North-South Language Implementation Body, established following the



Belfast (“Good Friday”) Agreement by the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999. Under devolution, the UK responsibilities for this body rest with the devolved administration in Northern Ireland. Further details will be provided in the supplementary report to follow, setting out the response of the Northern Ireland Executive.

## **Welsh**

The Welsh Language Board has a statutory duty under Section 3 of the Welsh Language Act 1993 to give advice to the Welsh Assembly Government on Welsh language issues. The Welsh Language Board's views are sought on policies as they develop. The Welsh Language Board presents policy documents to the Welsh Assembly Government and has made formal submissions and given advice to the Assembly's policy reviews of the Welsh language and the Welsh Language in Education. The Welsh Language Board also has a monitoring role in relation to the Welsh Assembly Government's own Welsh Language Scheme, and that of other public and Crown Bodies.

The Mentrau Iaith (language initiatives), of which there are currently 22 across Wales, aim to extend and expand the use of Welsh at a community level. This includes providing advice and support to public, private, business and voluntary organisations. In 2008-09, funding to the Mentrau from the Welsh Language Board will stand at over £1.4m.

**5. The parties undertake to apply, mutandis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.**

Not applicable

**Table: Number of people in Northern Ireland aged 3 and over with knowledge of Irish (2001 Census Figures)**

	All persons aged 3 and over	Persons aged 3 and over who:						
		Understand spoken Irish but cannot read, write or speak Irish	Speak but do not read or write Irish <sup>1</sup>	Speak and read but do not write Irish <sup>1</sup>	Speak, read, write and understand Irish	Other combination of skills	Some knowledge of Irish	No knowledge of Irish
<b>Northern Ireland</b>	<b>1,617,957</b>	<b>36,479</b>	<b>24,536</b>	<b>7,183</b>	<b>75,125</b>	<b>24,167</b>	<b>167,490</b>	<b>1,450,467</b>
<b>Local Government District</b>								
Antrim	46,220	795	524	188	1,630	500	3,637	42,583
Ards	70,517	529	285	87	879	348	2,128	68,389
Armagh	51,875	1,707	1,076	323	3,408	1,123	7,637	44,238
Ballymena	56,422	694	421	109	1,191	400	2,815	53,607
Ballymoney	25,759	391	271	73	785	292	1,812	23,947
Banbridge	39,643	565	319	95	1,082	377	2,438	37,205
Belfast	267,716	7,430	5,493	1,610	17,639	4,145	36,317	231,399
Carrickfergus	36,231	193	113	35	261	103	705	35,526
Castlereagh	63,951	611	390	147	1,189	402	2,739	61,212
Coleraine	54,135	678	473	101	1,632	503	3,387	50,748
Cookstown	31,203	1,052	618	168	1,824	835	4,497	26,706
Craigavon	77,358	1,643	1,218	363	3,610	1,239	8,073	69,285
Derry	100,423	2,876	1,762	590	6,459	2,125	13,812	86,611
Down	61,272	1,518	980	234	2,408	859	5,999	55,273
Dungannon	45,598	1,722	1,259	347	4,074	1,309	8,711	36,887

Fermanagh	55,215	1,567	934	320	2,995	1,295	7,111	48,104
Larne	29,719	297	227	63	484	238	1,309	28,410
Limavady	30,972	760	525	135	1,337	600	3,357	27,615
Lisburn	104,163	2,022	1,398	342	3,520	881	8,163	96,000
Magherafelt	37,996	1,434	1,059	275	2,932	964	6,664	31,332
Moyle	15,279	529	299	94	941	333	2,196	13,083
Newry and Mourne	83,130	3,576	2,453	757	7,545	2,634	16,965	66,165
Newtownabbey	77,043	705	482	150	1,503	497	3,337	73,706
North Down	73,802	543	261	100	743	326	1,973	71,829
Omagh	45,811	1,689	1,097	319	3,182	1,128	7,415	38,396
Strabane	36,504	953	599	158	1,872	711	4,293	32,211
<b>Health and Social Services Board</b>								
Eastern	641,421	12,653	8,807	2,520	26,378	6,961	57,319	584,102
Northern	410,007	6,768	4,487	1,256	13,183	4,665	30,359	379,648
Southern	297,604	9,213	6,325	1,885	19,719	6,682	43,824	253,780
Western	268,925	7,845	4,917	1,522	15,845	5,859	35,988	232,937
<b>Education and Library Board</b>								
Belfast	267,716	7,430	5,493	1,610	17,639	4,145	36,317	231,399
North Eastern	378,804	5,716	3,869	1,088	11,359	3,830	25,862	352,942
South Eastern	373,705	5,223	3,314	910	8,739	2,816	21,002	352,703
Southern	328,807	10,265	6,943	2,053	21,543	7,517	48,321	280,486
Western	268,925	7,845	4,917	1,522	15,845	5,859	35,988	232,937
<b>Parliamentary Constituency</b>								
Belfast East	76,590	577	338	99	953	376	2,343	74,247

Belfast North	<b>82,886</b>	1,890	1,357	406	4,279	1,114	9,046	73,840
Belfast South	<b>92,071</b>	2,015	1,401	540	6,067	1,530	11,553	80,518
Belfast West	<b>83,921</b>	4,370	3,490	833	9,249	1,872	19,814	64,107
East Antrim	<b>80,882</b>	603	422	134	1,069	452	2,680	78,202
East Londonderry	<b>85,107</b>	1,438	998	236	2,969	1,103	6,744	78,363
Fermanagh and South Tyrone	<b>87,379</b>	2,563	1,608	505	5,338	2,060	12,074	75,305
Foyle	<b>100,423</b>	2,876	1,762	590	6,459	2,125	13,812	86,611
Lagan Valley	<b>97,542</b>	1,178	683	192	1,731	515	4,299	93,243
Mid Ulster	<b>82,633</b>	3,212	2,262	605	6,487	2,343	14,909	67,724
Newry and Armagh	<b>96,453</b>	3,897	2,501	752	7,931	2,674	17,755	78,698
North Antrim	<b>97,460</b>	1,614	991	276	2,917	1,025	6,823	90,637
North Down	<b>83,189</b>	601	281	110	810	365	2,167	81,022
South Antrim	<b>95,755</b>	1,290	848	291	2,626	839	5,894	89,861
South Down	<b>100,279</b>	2,992	2,099	572	5,591	1,988	13,242	87,037
Strangford	<b>94,345</b>	769	430	146	1,326	469	3,140	91,205
Upper Bann	<b>98,727</b>	1,952	1,369	419	4,269	1,478	9,487	89,240
West Tyrone	<b>82,315</b>	2,642	1,696	477	5,054	1,839	11,708	70,607
<b>NUTS Level III</b>								
Belfast	<b>267,716</b>	7,430	5,493	1,610	17,639	4,145	36,317	231,399
Outer Belfast	<b>355,190</b>	4,074	2,644	774	7,216	2,209	16,917	338,273
East of Northern Ireland	<b>381,151</b>	6,041	3,974	1,139	11,284	3,961	26,399	354,752
North of Northern Ireland	<b>263,072</b>	6,187	3,929	1,151	13,026	4,564	28,857	234,215
West and South of Northern Ireland	<b>350,828</b>	12,747	8,496	2,509	25,960	9,288	59,000	291,828

Notes:

(1) An ability to speak, read or write Irish does not imply an ability to understand spoken Irish unless stated. Persons in these categories may or may not have the ability to understand Irish.

**Table 2A Number of people aged 3 and over with individual Gaelic language abilities in each Council area**

Council area of residence	Total people		Some Gaelic language ability <sup>1</sup>		Understands spoken Gaelic but cannot speak, read or write it		Speaks, reads and writes Gaelic		Speaks but neither reads nor writes Gaelic		Speaks and reads but cannot write Gaelic		Reads but neither speaks nor writes Gaelic		Speaks and writes but does not read Gaelic		Other combinations of skills in Gaelic	
	1991	2001	1991	2001	199		1991	2001	1991	2001	1991	2001	1991	2001	1991	2001	1991	2001
					1	2001												
<b>Scotland</b>	<b>4,809,698</b>	<b>4,900,492</b>	<b>69,510</b>	<b>92,396</b>	-	<b>26,722</b>	<b>29,450</b>	<b>31,218</b>	<b>26,888</b>	<b>19,181</b>	<b>9,426</b>	<b>7,934</b>	<b>2,436</b>	<b>6,744</b>	<b>214</b>	<b>319</b>	<b>1,096</b>	<b>2,278</b>
Aberdeen City	197,564	205,973	1,276	2,554	-	840	529	825	486	432	111	153	103	205	8	10	39	89
Aberdeenshire	206,637	219,365	992	1,843	-	755	397	461	405	298	81	110	85	146	4	6	20	67
Angus	104,175	105,158	532	934	-	351	194	238	248	185	43	58	35	61	0	7	12	34
Argyll & Bute	88,547	88,676	5,165	6,515	-	1,897	1,896	1,924	2,389	1,725	572	478	167	267	20	41	121	183
Clackmannanshire	45,849	46,528	293	517	-	168	126	162	131	124	11	15	21	34	0	2	4	12
Dumfries & Galloway	142,531	143,546	574	969	-	384	194	188	280	203	38	55	35	101	3	4	24	34
Dundee City	144,059	141,443	663	1,295	-	462	255	366	286	219	50	56	60	123	0	4	12	65
East Ayrshire	117,533	116,454	415	730	-	292	138	163	208	145	29	55	26	50	3	6	11	19
East Dunbartonshire	105,272	104,973	1,032	1,496	-	495	421	479	432	308	110	101	51	72	3	5	15	36
East Lothian	80,904	86,919	359	690	-	261	121	143	170	158	31	36	30	68	0	0	7	24
East Renfrewshire	81,879	86,243	594	1,015	-	351	237	317	239	191	66	80	38	53	1	2	13	21
Edinburgh, City of	403,655	435,411	3,493	6,022	-	2,027	1,467	1,766	1,264	971	339	368	310	668	18	27	95	195
Eilean Siar	28,569	25,745	19,738	18,423	-	2,374	10,171	8,999	5,278	3,904	4,073	2,789	102	165	24	31	90	161
Falkirk	135,965	140,320	547	1,063	-	431	175	277	291	192	51	58	21	78	1	0	8	27
Fife	328,180	338,143	1,623	2,426	-	988	562	523	771	446	130	132	104	236	14	7	42	94
Glasgow City	583,053	559,139	6,401	9,941	-	3,365	2,676	2,955	2,704	2,086	622	659	276	551	16	31	107	294
Highland	196,303	202,291	15,302	18,363	-	4,778	6,153	6,910	6,341	4,007	2,171	1,694	369	582	48	58	220	334

Inverclyde	86,695	81,600	496	809	-	301	156	173	261	186	40	50	22	54	4	4	13	41
Midlothian	75,928	78,014	251	501	-	187	86	115	121	107	20	21	16	46	1	3	7	22
Moray	80,313	84,122	522	929	-	368	194	215	228	181	47	63	43	79	1	1	9	22
North Ayrshire	131,609	131,620	656	1,103	-	419	214	278	307	219	75	59	39	76	0	3	21	49
North Lanarkshire	311,172	309,773	1,147	2,046	-	834	349	511	622	398	96	101	52	112	3	8	25	82
Orkney Islands	18,834	18,698	98	172	-	66	30	54	50	25	12	12	4	14	0	1	2	0
Perth & Kinross	121,885	130,802	1,546	2,480	-	753	629	755	627	511	139	166	90	197	8	21	53	77
Renfrewshire	166,734	167,219	1,091	1,842	-	703	401	488	488	371	110	125	66	99	8	5	18	51
Scottish Borders	100,292	103,572	511	820	-	321	181	190	241	146	36	39	35	95	2	2	16	27
Shetland Islands	21,572	21,211	113	183	-	73	51	53	45	30	9	13	7	11	0	0	1	3
South Ayrshire	108,841	108,940	538	816	-	302	186	199	251	164	42	54	41	75	4	6	14	16
South Lanarkshire	288,908	292,283	1,343	2,157	-	855	436	539	688	437	84	98	92	155	8	5	35	68
Stirling	76,124	83,438	889	1,587	-	486	382	438	357	390	82	108	43	116	5	12	20	37
West																		
Dunbartonshire	92,175	90,374	710	1,000	-	406	234	243	375	199	55	54	30	55	4	2	12	41
West Lothian	137,941	152,499	600	1,155	-	429	209	271	304	223	51	74	23	100	3	5	10	53

1. In 1991, "Some Gaelic language ability" incorporated all people able to speak, read or write Gaelic. In 2001, it included people able to understand spoken Gaelic as well as those able to speak, read or write the language.

Sources: GROS

**Table 1 Number of people aged 3 and over able to speak, read, write or understand Gaelic by administrative area**

Area of residence	Speaks, reads or writes Gaelic		<i>Percentage of the population who speak, read or write</i>		Speaks Gaelic		Reads Gaelic		Writes Gaelic		Understands Gaelic	
	1991	2001	1991	2001	1991	2001	1991	2001	1991	2001	1991	2001
	<b>Scotland</b>	<b>69,510</b>	<b>65,674</b>	<b>1.4</b>	<b>1.3</b>	<b>65,978</b>	<b>58,652</b>	<b>42,159</b>	<b>45,320</b>	<b>30,760</b>	<b>33,815</b>	-
<b>Council areas</b>												
Aberdeen City	1,276	1,714	0.6	0.8	1,134	1,420	770	1,233	576	924	-	2,137
Aberdeenshire	992	1,088	0.5	0.5	887	875	577	757	421	534	-	1,548
Angus	532	583	0.5	0.6	485	488	282	379	206	279	-	752
Argyll & Bute	5,165	4,618	5.8	5.2	4,877	4,168	2,738	2,807	2,037	2,148	-	5,343
Clackmannanshire	293	349	0.6	0.8	268	303	162	221	130	176	-	431
Dumfries & Galloway	574	585	0.4	0.4	515	450	284	365	221	226	-	747
Dundee City	663	833	0.5	0.6	591	645	375	571	267	435	-	1,011
East Ayrshire	415	438	0.4	0.4	378	369	199	279	152	188	-	589
East Dunbartonshire	1,032	1,001	1.0	1.0	966	893	595	675	439	520	-	1,311
East Lothian	359	429	0.4	0.5	322	337	188	263	128	167	-	534
East Renfrewshire	594	664	0.7	0.8	543	590	351	462	251	340	-	888
Edinburgh, City of	3,493	3,995	0.9	0.9	3,088	3,132	2,185	2,925	1,580	1,988	-	4,774
Eilean Siar	19,738	16,049	69.1	62.3	19,546	15,723	14,430	12,090	10,285	9,191	-	16,889
Falkirk	547	632	0.4	0.5	518	527	252	427	184	304	-	865
Fife	1,623	1,438	0.5	0.4	1,477	1,108	825	933	618	624	-	1,893
Glasgow City	6,401	6,576	1.1	1.2	6,018	5,731	3,650	4,312	2,799	3,280	-	8,389
Highland	15,302	13,585	7.8	6.7	14,713	12,669	8,890	9,459	6,421	7,302	-	16,070
Inverclyde	496	508	0.6	0.6	461	413	225	295	173	218	-	648
Midlothian	251	314	0.3	0.4	228	246	126	194	94	140	-	386
Moray	522	561	0.6	0.7	470	460	289	369	204	238	-	776
North Ayrshire	656	684	0.5	0.5	596	559	342	438	235	330	-	886

North Lanarkshire	1,147	1,212	0.4	0.4	1,070	1,018	507	765	377	601	-	1,678
Orkney Islands	98	106	0.5	0.6	92	92	48	80	32	55	-	147
Perth & Kinross	1,546	1,727	1.3	1.3	1,403	1,453	901	1,166	690	853	-	1,970
Renfrewshire	1,091	1,139	0.7	0.7	1,007	989	590	740	427	544	-	1,545
Scottish Borders	511	499	0.5	0.5	460	377	264	336	199	219	-	635
Shetland Islands	113	110	0.5	0.5	105	96	68	79	52	56	-	160
South Ayrshire	538	514	0.5	0.5	483	423	277	339	204	221	-	661
South Lanarkshire	1,343	1,302	0.5	0.4	1,216	1,079	630	825	479	612	-	1,760
Stirling	889	1,101	1.2	1.3	826	948	524	686	407	487	-	1,263
West Dunbartonshire	710	594	0.8	0.7	668	498	327	378	250	286	-	802
West Lothian	600	726	0.4	0.5	567	573	288	472	222	329	-	914

Source: GROS

### Scotland: Gaelic abilities by 2001

Age-group	Total population	Gaelic speakers	Read and /or write only	Understand Gaelic only	All Gaelic lng abilities
0 - 4	276,874	930	101	903	1,934
5 - 9	307,138	2,744	134	955	3,833
10 - 14	322,870	3,474	362	352	4,936
15 - 19	317,273	3,010	389	1,253	4,652
20 - 24	314,387	3,100	531	1,770	5,401
25 - 29	317,303	3,078	601	1,858	5,537
30 - 34	382,094	3,571	627	2,265	6,463
35 - 39	402,954	3,971	671	2,304	6,946
40 - 44	337,910	3,879	557	2,220	6,656
45 - 49	337,469	4,066	532	1,932	6,530
50 - 54	351,107	4,613	570	2,095	7,278
55 - 59	287,999	4,107	482	1,747	6,336



60 - 64	261,733	4,069	366	1,736	6,171
65 - 69	239,116	3,776	331	1,480	5,587
70 - 74	206,917	3,449	292	1,309	5,050
75 - 79	165,523	3,018	247	977	4,242
80 - 84	104,989	2,040	183	660	2,883
85 - 89	59,241	1,292	101	447	1,840
90 +	29,114	782	27	198	1,007
Total	5,062,011	58,969	7,094	27,219	93,282

## 2001 CENSUS SCOTLAND: EDUCATION AUTHORITY AREAS WITH AND WITHOUT GAELIC MEDIUM EDUCATION: SUMMARY

Education authority areas	All Gaelic speakers (all ages 0+)	G. spkrs as % of all persons	Read and/or write but not speak Gaelic	Read and /or write as % of all Gaelic abilities	Understand Gaelic only	Understand only as % of all Gaelic abilities	All persons with any Gaelic ability
Argyll & Bute	4,186	4.58	450	1.87	1,909	29.17	6,545
Eileanan Siar	15,842	59.78	327	1.75	2,493	13.36	18,662
Highland	12,731	6.09	1,699	4.98	4,862	26.26	18,515
Total Highlands and Hebrides	32,759	10.03	3,253	3.89	9,264	21.19	43,722
Other EAs with GME	17,028	0.68	4,952	10.48	10,766	34.68	31,047
All EAs with GME	49,787	1.76	2,142	6.62	20,030	26.79	74,769
Other EAs without GME	9,182	0.41	2,142	1.16	7,189	38.83	18,513
Total Scotland	58,969	1.16	7,094	7.60	27,219	29.18	93,282

- A question on understanding Gaelic was asked for the first time in 2001. A national total of 27,219 persons without speaking, reading or writing ability in Gaelic claimed to be able to understand it when spoken.
- These persons may represent 'semi-speakers': persons brought up in contact with Gaelic but whose educational experience has not given them the confidence or ability actually to speak it.
- Questions on reading and writing Gaelic have been asked since 1971. In 2001 a national total of 7,094 persons claimed to be able to read and/or write Gaelic but not to be able to speak or understand spoken Gaelic.
- These persons may represent adult Gaelic learners at intermediate stages, or persons who have learned Gaelic at school chiefly through the written word.
- These persons comprised over 10% of all with Gaelic abilities in the education authority areas with GME outwith the Highlands and Hebrides.
- The lowest incidence of such abilities and the highest proportion of passive non-speaking abilities were registered in the areas without Gaelic medium education.

**Table 1: Viability of Gaelic population – Census 1921 – 2001  
Scotland**

Census year	Gaelic spkers 3-24	All Gael spkers aged 3+	G. spkers 3-24 as % all G. sp.	All aged 3-24 years	Total: all persons aged 3+	3-24s as % all 3+	Source
1921	42,332	158,761	26.664	2,037,567	4,573,371	44.553	Census 1921: Tables 37, 38, 62.
1931	33,514	136,130	24.612	1,911,672	4,588,909	41.659	Census 1931: Tables 30, 52.
1941	No census during wartime.						
1951	No census age data available.						
1961	16,310	80,978	20.141	1,759,711	4,892,822	35.965	1961 Gaelic Report: Table 6.
1971	19,653	88,892	22.109	1,875,665	4,967,110	37.762	1971 Gaelic Report: Table 2.
1981	17,368	79,307	21.900	1,727,084	4,843,553	35.657	1981 Gaelic Report: Table 3; Appx B.
1991	13,547	65,978	20.533	1,464,590	4,809,698	30.451	Census 1991 LBS Table L67S.
2001	12,941	58,652	22.064	1,377,023	4,900,492	28.100	2001 Gaelic Report: Tables 4, 6.

**Table 2 Viability of Gaelic populations – Census 2001 council / education authority areas. Source:**  
Special tabulations (Census Customer Services 11.06.08.)

Council / Education Authority Areas	Gaelic speakers aged 0-24 years	Gaelic speakers: all ages	% under 25 years
Eileanan Siar	3,077	15,842	19.423
Highland	3,204	12,731	25.167
Argyll & Bute	1,102	4,186	26.325
Highlands and Hebrides	7,383	32,759	23.453

<b>Other EAs with GME</b>	4,370	17,028	25.664
<b>All EAs with GME</b>	11,753	49,787	23.607
<b>Other EAs without GME</b>	1,505	9,182	16.391
<b>Total other EAs</b>	5,875	26,210	22.415
<b>Total Scotland</b>	13,258	58,969	22.483

<b>Council Education Authority Areas</b> /	<b>Whole population: 0-24</b>	<b>Whole population: all ages</b>	<b>% under 25 years</b>
Eileanan Siar	7,253	26,502	27.531
Highland	60,330	208,914	28.882
Argyll & Bute	25,197	91,306	27.596
Highlands and Hebrides	92,780	326,722	28.397
<b>Other EAs with GME</b>	773,433	2,504,143	30.886
<b>All EAs with GME</b>	866,213	2,830,865	30.599
<b>Other EAs without GME</b>	672,329	2,231,146	30.134
<b>Total other EAs</b>	1,445,762	4,735,289	30.532
<b>Total Scotland</b>	1,538,542	5,062,011	30.394

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## **PART III**

**Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2.**

## Irish

### Article 8, paragraph 1

The UK's commitments under Article 8, paragraphs 1a(iii), 1b(iv), 1c(iv), 1d(iv), 1e(iii), 1f(ii), 1g and 1h deal with devolved matters in Northern Ireland and therefore fall to the devolved administration to implement. Details on implementation will be provided in the supplementary report to follow, which sets out the response of the Northern Ireland Executive.

### Article 8, paragraph 2

**Irish language is included in the National Curriculum in England. Irish is available as an optional GCSE subject and Irish exams are available to be taken at GCSE and A level. Irish is available as a subject at University level in the UK**

### Article 9

The UK's commitments under Article 9, paragraph 3 falls to the devolved administration to implement in Northern Ireland. Details on implementation will be provided in the supplementary report to follow, which sets out the response of the Northern Ireland Executive.

### Article 10

The UK's commitments under Article 10, paragraphs 1a(iv), 1c, 2b, 2e, 2g, 3c, 4a and 5 fall primarily to the devolved administration to implement in Northern Ireland. Details on implementation will be provided in the supplementary report to follow, which sets out the response of the Northern Ireland Executive.

There are, however, a number of non-devolved UK Government Departments who operate in Northern Ireland: principally the Northern Ireland Office, HMRC and the Northern Ireland Court Service.

All three have Codes of Courtesy which provide guidance for staff on the use of Irish in official business, including correspondence, telephone contact and face to face transactions. They deal specifically with the issue of the use of place-names and family names, stating that *"staff must respect the wishes of anyone who wants to be known by the Irish version of their name"* and that *"when a person has used a lawful Irish language street name, staff should use the Irish form in replying to correspondence or while processing applications. Both Irish and English versions should be noted on the official record."* The law governing the lawfulness of street names in Northern Ireland is a devolved matter. Further information on this will be provided in the supplementary report to follow which sets out the response of the Northern Ireland Executive.

There is also a telephone voicemail facility for users who wish to conduct administrative business in Irish referred to in the Code of Courtesy. The Court Service also provides a translation service for all its publications (no requests have been received for translations into Irish in the last three years), and its main user guide – “About the Court Service” – is available in Irish on its website and at all courthouses.

**Article 11, paragraph 1a(iii)**

There is no statutory requirement for broadcasters in Northern Ireland to deliver Irish language programming. There are, however, governmental recognition and specific commitments to Irish language broadcasting in the 1998 Belfast (Good Friday) Agreement. A key reason for the lack of a specific statutory requirement of this nature is that following the Good Friday Agreement Intergovernmental Agreement of 2 March 2005 (see below Article 11(2)) the majority of Irish language broadcasting in Northern Ireland comes from the Republic of Ireland’s Irish language station TG4. While this recognises the value of using bilateral agreements to facilitate cross-border co-operation amongst speakers of Irish (as set out in Article 14 of the Charter), it also means that the UK authorities have no jurisdiction over the channel’s development.

In addition to the near universal coverage of TG4 within Northern Ireland, there have also been developments within the UK’s own national broadcasters. In April 2008, BBC Northern Ireland announced an enhancement to its programming in minority languages, with a funding allocation of £3.9 million over a three year period. The BBC’s Irish language commitments include expenditure of approximately £950,000 each year across radio, television and online; the creation of a weekly presence for Irish language output on BBC Northern Ireland (about 50% of which will be originations or acquisitions, including programmes aimed at younger audiences); the further development of online resources in Irish; and work to maintain and refresh the appeal of Irish language radio output.

### **Article 11, paragraph 1b (ii)**

In its Statement of Programme Policy, BBC Radio Ulster is committed to supporting indigenous minority languages and to maintaining dedicated slots in the schedule for Irish (and Ulster Scots) language programming.

### **Article 11, paragraph 2**

Republic of Ireland radio and television broadcasts in Irish (RTE and TG4) are widely available in Northern Ireland. In the Belfast (“Good Friday”) Agreement, the UK Government committed to exploring urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifis na Gaeilge [the previous name for TG4] in Northern Ireland. Subsequently, at the British Irish Intergovernmental Conference on 2 March 2005 the two joint chairs signed an Intergovernmental Agreement granting authority for TG4 to use a UK frequency to broadcast in Northern Ireland. In 2005 the UK Government provided for TG4 to be broadcast directly to homes in Northern Ireland from the Divis aerial in Belfast. Work by the UK government on the best technical solution to ensure the continued widespread availability of TG4 after the Digital Switchover in 2012 is ongoing.

### **Article 11, paragraphs 1d, 1e(i), 1f(ii) and 1g**

The UK’s commitments under Article 11, paragraphs 1d, 1e(i), 1f(ii) and 1g fall to the devolved administration to implement in Northern Ireland. Details on implementation will be provided in the supplementary report to follow, which sets out the response of the Northern Ireland Executive.

### **Article 12**

The UK’s commitments under Article 12, paragraph 1a, 1d, 1e, 1f, 1h, 2 and 3 deal with devolved matters in Northern Ireland and so fall to the devolved administration to implement. Details on implementation will be provided in the supplementary report to follow, which sets out the response of the Northern Ireland Executive.

### **Article 13**

The UK’s commitments under Article 12, paragraph 1d deal with devolved matters in Northern Ireland and so fall to the devolved administration to implement. Details on implementation will be provided in the supplementary report to follow, which sets out the response of the Northern Ireland Executive.

### **Article 14**

In respect of Irish, the UK has undertaken:



- to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education; and
- for the benefit of the language, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

The State in which Irish is most prolifically spoken is, of course, Ireland. While international relations, generally, are an excepted matter and therefore the responsibility of the UK Government, special provision was made within the Belfast (“Good Friday”) Agreement and the subsequent Northern Ireland Act 1998 to facilitate direct bilateral relations between the Northern Ireland devolved institutions and the Government of Ireland through the North South Ministerial Council and its associated cross-border implementation bodies, one of which deals specifically with language matters. Further detail on the way in which this contact has impacted on the use of Irish within Northern Ireland or the experience of Irish-speakers there may be covered further in the supplementary report to follow, which will set out the response of the devolved administration in Northern Ireland.

In addition to this, the UK Government participates – along with the other administrations in the UK and Ireland and the UK Crown dependencies – in the British-Irish Council and its work-stream looking at the use of indigenous and minority languages. The work-stream, which meets on a quarterly basis, facilitates co-operation and understanding across the UK and Ireland on issues relating to all minority languages.

## **Scottish Gaelic**

### **General statement on Gaelic education**

**‘Please provide more detailed information on the funding mechanism of Gaelic-medium education.’**

Before addressing the specific education undertakings which apply to Gaelic, we set out below some general context to the provision of Gaelic medium education in Scotland (GME). (GME statistics are attached as an annex to this Part III response.)

- the Education (Scotland) Act 1980 specifies that “school education” includes “the teaching of Gaelic in Gaelic-speaking areas”, and that local authorities should have regard to the principle that “pupils are to be educated in accordance with the wishes of their parents”

- Specific Grants Regulations established a scheme of specific grants in 1986 to assist with the teaching of the Gaelic language or the teaching in that language of other subjects. Government provides 75% grant funding and local education authorities are expected to top-up the grant with 25% of their Grant-Aided Expenditure. The Scheme of Specific Grants for Gaelic has been critical to the expansion and development of GME and Gaelic Learner Education (GLE) over the last twenty years and it has also facilitated the production of appropriate curriculum resources through Stòrlann Nàiseanta na Gàidhlig, the National Gaelic Resource Centre. While the Scottish Government has moved towards a Single Outcome Agreement system with local authorities (which effectively removes ring-fencing from government grants to local authorities) ring-fencing of the specific grants scheme has been retained, ensuring that resources can be targeted to best support Gaelic education development.
- the Standards in Scotland's Schools etc. Act 2000 states that there is a duty on all education authorities in Scotland to publish an annual statement of improvement objectives which must include an account of the ways in which they will provide GME or the circumstances in which it will be supported. Gaelic is also listed as a national priority in the Education (National Priorities)(Scotland) Order 2000.
- the Gaelic Language (Scotland) Act 2005 enables Bòrd na Gàidhlig to offer advice or to issue guidance in relation to Gaelic education; the Bòrd has set out a National Gaelic Education Strategy within its National Plan for Gaelic; and the Bòrd is able to request the development of Gaelic language plans by individual local public authorities including local authorities.
- Stòrlann produces Gaelic books and other learning and teaching materials for pre-school, primary and secondary education. Bòrd na Gàidhlig provides additional financial resources to Stòrlann to expand the range and quality of resources available to Gaelic schools.
- To date, three local authorities have developed statutory five-year Gaelic Language Plans which set out how those local authorities will support the development of Gaelic education. The Highland Council has given a commitment to establish two new dedicated Gaelic schools during the lifetime of its plan. Comhairle nan Eilean Siar (Western Isles) has indicated its intention to introduce a policy of Gaelic Medium Education, in line with the National Gaelic Education Strategy, as mainstream primary provision. It has also undertaken to plan for the expansion of GME as a significant part of secondary provision. [Sentence to describe A&B education commitments.] Six further bodies are about to begin developing Gaelic Language Plans. Five of these bodies are key policy and curriculum designers in the education system:
  - Scottish Funding Council
  - University of the Highland and Islands Millennium Institute
  - Learning and Teaching Scotland
  - Her Majesty's Inspectorate of Education

- Scottish Qualifications Authority
- City of Edinburgh Council

Local authorities have been encouraged to recognise the unique role that Gaelic language, heritage, and culture play in contributing to Scotland's national identity, and look at ways in which Gaelic can be further promoted and supported at local level through, for example, local festivals and events, and specific support for the Gaelic language in education and other areas.

Of particular significance in taking a co-ordinated, national approach to the development of Gaelic education is the work of the the National Gaelic Education Steering Group (NGESG) which Bòrd na Gàidhlig has set up to implement the National Gaelic Education Strategy contained within the National Plan for Gaelic. The NGESG met for the first time in October 2007 and agreed to establish five national working groups. Four of the five working groups have been established and have met to agree immediate priorities. The final working group for *Resources, Terminology and Translation* will be established shortly and is likely to address issues that are pertinent to the establishment of a Gaelic Academy (highlighted as a key project in the National Plan for Gaelic).

The membership of the NGESG is:

- General Teaching Council for Scotland / Bòrd na Gàidhlig
- Board of Celtic Studies Scotland (BOCS)
- Scottish Funding Council (SFC)
- Scottish Qualifications Authority (SQA)
- Learning & Teaching Scotland (LTS)
- Her Majesty's Inspectorate of Education (HMIE)
- Convention of Scottish Local Authorities (COSLA)
- Comunn nam Pàrant Nàiseanta
- Comunn Luchd-teagaisg Ard-sgoil (CLAS)
- Management Review Group (MRG)
- Scottish Government
- Member - Bòrd na Gàidhlig
- GaelicTeacher Recruitment Officer
- Education Manager – Bòrd na Gàidhlig

The remits of the NGESG working groups are summarised below:

- **Gaelic Learners Education Working Group** – if we are to increase the number of Gaelic speakers we must assist Gaelic learners to acquire fluency in the language. This working group co-ordinates developments for Gaelic learners and oversees the national audit of learners' provision and the development of a learning pathway to fluency.
- **Gaelic Teacher Recruitment & Supply Working Group** – the recruitment and retention of Gaelic teachers is a priority for the Scottish Government and the Bòrd. This working group is responsible for the co-ordination of a national teacher recruitment campaign, increasing the number of Gaelic teachers and liaising with Teacher Education Institutions (TEIs) to provide appropriate training opportunities.
- **Gaelic Further and Higher Education Working Group** – there needs to be greater co-operation and collaboration between colleges and universities offering Gaelic courses and courses through the medium of Gaelic. This working group will establish immersion opportunities for Gaelic students, collaborate on a menu of new Gaelic for work courses and liaise with Bòrd na Gàidhlig's Research Committee on agreed research priorities.
- **Gaelic Secondary Curriculum Design Working Group** – existing secondary courses will require to be reviewed in the light of Curriculum for Excellence developments and the forthcoming consultation on national qualifications. This working group will have responsibility for informing Gaelic curriculum developments that meet national requirements and will work towards increasing the number of Gaelic medium secondary subjects.

A summary of recent Gaelic education initiatives which the Bòrd has been involved with are set out below:

#### **Career Fairs – Assembly Halls Edinburgh / Royal Concert Hall, Glasgow / Schools**

The Teacher Recruitment Officer (TRO) has attended a number of national and local career events to raise awareness of Gaelic teaching opportunities and Gaelic career options. A development officer from Comunn na Gàidhlig is invited to attend such events with the TRO to provide advice and information on other Gaelic career opportunities.

#### **Web Design – [www.gaelicteaching.com](http://www.gaelicteaching.com)**

This new website will provide a one-stop source of information on Gaelic teacher training and Gaelic teaching opportunities. It will contain valuable information on vacancies, funding sources and case studies supplied by a selection of Gaelic teachers. The new site will be launched at the Learning Festival in September and will be profiled in the TESS.

## School Visits

The Teacher Recruitment Officer is in the middle of a School Visit programme aimed at providing pupils with information on Gaelic teaching and Gaelic career opportunities.

## Advertising Campaign

In November 2007 a targeted teacher recruitment campaign was launched in Argyll & Bute, Highland and Comhairle nan Eilean Siar council areas. The artwork and many original features of this first campaign will be re-launched at the Learning Festival in September as part of a major recruitment campaign to raise awareness of Gaelic teaching and encourage recruitment in the Central Scotland council areas.

## Research

Relevant up-to-date research evidence is critical to inform the way forward with Gaelic and both the Steering Group and working groups have identified a range of surveys and research studies that they wish to see progressed. The list below reflects some of the surveys initiated recently:

- a **national tracking survey** of all Gaelic teachers who have entered the profession since the introduction of the induction programme is expected in August 2008. The survey aims to investigate Gaelic probationers' progress and determine whether they are still involved in GME. Where teachers are identified as having left Gaelic teaching their reasons for doing so will be investigated and efforts will be made to encourage them to transfer back.
- a national **audit on Gaelic speaking teachers** not currently employed in GME to determine whether they are interested in transferring to GME has been initiated. This study will target secondary teachers in the first instance, to determine what additional Continuing Professional Development (CPD) they require in order to improve their linguistic skills and consider transferring to GME.
- a survey of existing **GME models in Scotland** has been initiated. The survey will seek to determine what Gaelic provision is made in schools across Scotland. It will consider how many years of immersion schools offer? When is English language introduced to pupils? What percentage of the upper stage curriculum is delivered through English?
- an interim report on a collaborative research project funded by Bòrd na Gàidhlig, HIE and Careers Scotland is expected early in July. The **Gaelic Market Impact Study** will investigate the extent to which various organisations and authorities make use of Gaelic skills in the workplace and will endeavour to project potential workforce needs in the

future in the light of the increased demand for a skilled Gaelic workforce to implement public authorities' Gaelic Language Plans.

- a comprehensive **review of Gaelic Early Years Education** will be undertaken, in collaboration with Scottish Government in August 2008. The tender document is the subject of Government procurement procedures at the moment.
- a tender document is being prepared that sets out the scale and scope of the national **audit of Gaelic Learners Education**.
- a tender document is being prepared for a national **Motivational & Attitudinal Study of Gaelic** to determine what motivates people to learn Gaelic and to ascertain the influences and barriers to their success

### **Guidance / Information Papers**

It is intended that the NGESG will lead the way in producing guidance which will facilitate the development of Gaelic-education on a national basis:

- the first draft of a paper that aims to clarify the differences in the provision and ethos & environment in **Gaelic schools and Gaelic Medium Units (GMUs)** has been produced and has been considered and refined by the Steering Group. The information will be published and issued as a guidance document to local authorities, parents and education agencies.
- a paper on **Succession Planning** has been prepared and will be considered by the Steering Group before being delivered as a keynote address at a forthcoming seminar hosted by the Bòrd and Learning and Teaching Scotland (LTS) in autumn 2008.
- a first draft of an information paper that details the menu of **Gaelic courses** available in colleges and universities has been prepared. The paper will be refined before being brought to a future meeting of the Steering Group.
- Scottish Government, Scottish Funding Council and Bòrd na Gàidhlig have prepared papers detailing their respective **funding for Gaelic education** and these have been presented to the Steering Group and relevant working groups.

### **Scottish Funding Council**

The participation of the Scottish Funding Council (SFC) in the National Steering Group and its associated Further & Higher Education working group has been very beneficial to all parties

concerned. The SFC has illustrated its commitment to Gaelic development with the establishment of a £250,000 Strategic Development Budget for Gaelic. This new funding will support the viability of Gaelic courses in FE & HE establishments, establish a student immersion language placement giving Gaelic parity with other Modern Languages in undergraduate courses and will encourage collaboration and co-operation between FE & HE establishments through the development of new courses and materials.

### **Scottish Qualifications Authority (SQA)**

Very successful partnership working practices have been established between Bòrd na Gàidhlig and the SQA. SQA is collaborating with the Bòrd and is actively participating in the working groups to ascertain the nature of courses and national qualifications required to progress new qualifications for Gaelic and relevant Gaelic for Work programmes.

### **Rannsachadh na Gàidhlig 2008**

The Chair and Education Manager of Bòrd na Gàidhlig have been invited to deliver a keynote address and make presentations on Gaelic education developments at the Rannsachadh na Gàidhlig Conference (the Scottish Gaelic Research Conference) which will be held at Saint Francis Xavier University in Nova Scotia in July 2008. Rannsachadh na Gàidhlig was first held in 2000 at the University of Aberdeen. This is the first time Canada has hosted the conference, and the organisers are expecting nearly one hundred Gaelic scholars, from Scotland, Canada, Ireland and other countries, to attend.

### **Links with other organisations**

Bòrd na Gàidhlig enjoys a very productive and collaborative working relationship with **Comunn nam Pàrant Nàiseanta (CnP(N))**. The Bòrd supported CnP(N) to undertake a series of meetings with parents from the Western Isles who wished support and advice on the implications for Gaelic education in the light of CnES's current rationalisation exercise. Support through CnP(N), was also provided to parents in Portree who are currently negotiating for a dedicated Gaelic school. Similar offers of support will be made available to parents on Barra and in Lochaber when they engage with their wider parental stakeholders. Through its development budget for Gaelic organisations, the Bòrd has allocated CnP(N) financial resources to co-ordinate and initiate a **National Parental Advocacy Scheme**. The scheme aims to provide parents with the necessary training and information to take on advocacy roles in their local areas and support and encourage more parents to enrol their children for GME.

In June 2008, Bòrd na Gàidhlig hosted a meeting to bring together all the various **Gaelic Educational Trusts** and Gaelic organisations that provide financial assistance to Gaelic students. The aim of this first meeting was to clarify individual groups' priorities and funding criteria and provide clear information for Gaelic students seeking financial support. In the first instance this information will be lodged on the new [www.gaelicteaching.com](http://www.gaelicteaching.com) website and will be posted on Bòrd na Gàidhlig's website. An undertaking was given to host such a meeting on an annual basis to review priorities and plan future developments.

The Bòrd's Education Manager and Teacher Recruitment Officer, in collaboration with **GTCS** and **Scottish Government** have allocated all Gaelic probationers to Scottish local authorities. There are 5 primary and 5 secondary teachers entering the profession this year. Projections for 2008-09 are very promising with 18 potential Gaelic primary student teachers. Details of secondary numbers are not available yet.

Discussions have taken place between the Bòrd and Scottish Qualifications Authority, Her Majesty's Inspectorate of Education (HMIe), Scottish Funding Council, Learning and Teaching Scotland, University of the Highland and Islands Millenium Institute (UHIMI), the **five education organisations** who will be served with formal notices for Gaelic Language Plans in June 2008.

## **Article 8 - Education**

### **1a(i) To make available pre-school education in Scottish Gaelic**

**'Please provide more detailed information on the situation of Gaelic-medium pre-school education in those areas where there is a high number of speakers.'**

The Scottish Government provides Gaelic specific grant to education authorities to support the development of Gaelic pre-school education in Scotland. Bòrd na Gàidhlig is currently preparing a paper recommending expanding the use of Gaelic Specific Grants to support the viability of private Gaelic Childcare provision. There are six privately run Gaelic Childcare facilities that are experiencing difficulties in accessing sufficient funds to maintain their viability and enable them to offer additional childcare places.

Pre-school education in Gaelic is available in 12 local authorities across Scotland. Gaelic pre-school pupil numbers for 2007-08 were 718 pupils in 55 pre-school centres. In addition, Comhairle nan Sgoiltean Araich (The Gaelic Pre-School Council) receives £150,000 per annum from Bòrd na Gàidhlig to promote Gaelic pre-school throughout Scotland. CNSA has 108 Gaelic playgroups and Parent and Toddler groups across Scotland. CNSA makes provision for the 0-3 age-groups and most registered 3-5 Gaelic provision is the responsibility of local education authorities.



Bòrd na Gàidhlig is jointly funding research into the pre-school sector designed to review the provision that is available, to identify gaps, and to make recommendations for how the sector should be further developed. Once this major review has been completed, the National Gaelic Education Steering Group will consider the findings and make recommendations on how GM early years provision can be expanded to realise the education targets set out in the National Plan for Gaelic.

In terms of areas where there is a high number of Gaelic speakers, current provision is as follows:

- Argyll&Bute – the council has 6 GM pre-school providers in Sandbank, Dunoon; Bowmore, Isle of Islay; Salen, Isle of Mull; Rockfield, Oban; Strath of Appin. 80 children between the age of 3 and 5 access this provision. 8 childcare and education workers deliver this provision. In the process of creating Early Years Gaelic classes for children aged 3-7 to enhance the immersion phase.
- The Highland Council – the council has established a successful Childcare Partnership initiative and provides a mixed economy of Gaelic childcare and pre-school provision. Funding is provided by the council to enable CNSA to provide Gaelic early-years provision. The Highland Council has 263 children registered for Gaelic pre-school provision across the council area.
- Glasgow City Council – the council currently provides 140 spaces across 3 early stage learning establishments at Sgoil Ghàidlig Ghlaschu (the Glasgow Gaelic School – ‘SGG’) and Rowena Nursery, both in the west end of the City and a new facility at Lyoncross Nursery School in the south side. All these facilities are linked to SGG. The curriculum is delivered through the medium of Gaelic and each has a class teacher in recognition of the immersion experience. The facilities are successful, with uptake in some sessions running at 100%. In partnership with Little Scholars Nursery, based at Langside College, the council also provides a further 25 spaces for 0-5 year olds.
- Comhairle nan Eilean Siar – the council works with Comunn na Gaidhlig in the promotion of Gaelic-medium education, including a home-visiting scheme, press advertising, exhibitions and meetings with parental groups; Gaelic-medium education is offered in 19 pre-school centres with 194 3-5 year olds currently attending Gaelic pre-school provision
- City of Edinburgh has a dedicated Gaelic pre-school unit located within Tollcross Primary School which offers GME in the city. There are 30 children registered for GM pre-school education

Examples of pre-school provision in other local authorities is as follows:

- North Lanarkshire council – nursery classes are offered in two centres, Condorrat Primary (30 places) and Tollbrae (20 places)
- East Ayrshire Council – the Gaelic Parent and Toddler Project aims to promote the development of the Gaelic language and culture among children aged 0-3 years by expanding the activities available to children and their parents. Children attending the project experience an immersion programme with emphasis on receptive and productive use of Gaelic. The project also offers Gaelic tuition to the parents of children attending. The Council’s Gaelic Nursery Class aims to promote literacy and fluency in Gaelic among children aged 3-5 to build on the start made in the Parent and Toddler Project, with ten places currently available to prepare children for their entry to GME in P1.
- Stirling Council – GME is provided at Riverside Nursery and is available in all sessions for those parents who wish to opt in to it. There are currently 18 children registered for Gaelic pre-school education in Stirling Council.

#### **1b(i) To make available primary education in Scottish Gaelic**

##### **‘What concrete measures have been taken to make Scottish Gaelic-medium primary education available in order to meet the demand.’**

Gaelic specific grant is available to local authorities from the Scottish Government to support the development of Gaelic primary education in Scotland.

Primary education in Gaelic is available in 15 local authorities across Scotland. The number of primary pupils educated through Gaelic in 2007-08 were 2,164 based in 61 centres throughout Scotland.

Grant is also available from the Scottish Government to support Gaelic for learners in primary schools (the Gaelic Language in the Primary School Programme (GLPS)). The Scottish Government has invested in a Gaelic Learners in the Primary School (GLPS) initiative to provide primary pupils from schools the length and breadth of Scotland some basic Gaelic language instruction. Accurate statistics are as yet not available to quantify the number of pupils accessing GLPS, however it is estimated that approximately **6,000** pupils are being taught through GLPS initiative. Bòrd na Gàidhlig is currently in negotiation with the government education statistical department to address this issue to ensure that accurate statistics are available on Gaelic learners in primary schools.

In August 2007, the Highland Council opened its first dedicated Gaelic primary school in Inverness. Bòrd na Gàidhlig is liaising with groups of parents from Portree, Lochaber and

Barra to assist them to prepare their respective cases for dedicated Gaelic schools in their areas. Due to the increase in the number of pupils accessing provision at Sgoil Ghàidhlig Ghlaschu, pressure is emerging for the establishment of a second Gaelic school on the south side of Glasgow.

The Scottish Qualifications Authority provides a full range of Gaelic and Gàidhlig courses at levels 3 to 7 of the Scottish Credit and Qualifications Framework. They also make provision for students to study and be presented for National Qualifications in History, Geography, Modern Studies and Mathematics through the medium of Gaelic.

Examples of primary school provision in local authorities are as follows:

- Glasgow City Council – the expected roll for the Glasgow Gaelic School is 300, with 80 children joining Primary 1.
- Comhairle nan Eilean Siar – the council’s policy aspiration is to provide Gaelic-medium education as the principal means of tuition in the first two years of primary school, whilst maintaining a capacity for English medium education on an area basis. There is currently one Gaelic school, and Gaelic medium streams in 23 primary schools. A total of 505 pupils are currently in Gaelic medium education, representing 25.7% of the total primary school population. All schools have been provided with materials developed nationally under the Gaelic Language in the Primary School scheme and 17 teachers have undertaken GLPS training to improve their fluency in order to assist them with delivering these materials. All schools are expected to make Gaelic provision for pupils not in Gaelic medium streams, and all schools have at least one Gaelic-speaking member of teaching staff
- North Lanarkshire Council – Condorrat Primary School is a bilingual primary school teaching pupils through the medium of Gaelic and English. In one stream they follow the curriculum totally through Gaelic until the end of primary three when they begin studying in English with the aim of ensuring that pupils are equally competent in both Gaelic and English by the end of primary seven.
- East Renfrewshire Council provides transport to Gaelic-medium units in Glasgow for pupils wishing to access GME. Ten primary pupils currently access provision in Glasgow.
- South Lanarkshire provides GME primary provision through Mount Cameron Primary, with over 80 pupils attending
- In Clackmannanshire, parents who wish their children to have a Gaelic-medium education are supported by placing requests to an appropriate provision in a neighbouring education authority

- Midlothian Council has an arrangement with City of Edinburgh Council which permits anyone with the authority requesting Gaelic to access their facilities, although no-one currently makes use of this service.
- East Ayrshire Council – enables pupils in P1 and P2 and in the early stage of P3 of GME classes to experience an immersion programme, and from P3 onwards pupils experience the gradual development of English skills alongside their Gaelic skills. There are currently 3 members of staff working with P1-3, P4-5 and P6-7
- In the Stirling Council area approximately 70 children are enrolled in Gaelic-medium classes at Riverside Primary School
- East Lothian Council covers the transport costs associated with pupils accessing primary education in the Gaelic Unit at Tollcross Primary in City of Edinburgh Council area.

### **1c(i) To make available secondary education in Scottish Gaelic**

#### **‘What concrete measures have been taken to improve the availability of Scottish Gaelic-medium secondary education?’**

Gaelic grant is available to support the development of Gaelic secondary education in Scotland. The amount of grant available was increased in 2005 for secondary developments.

Gaelic secondary numbers for 2007-08 are 2,733 pupils taking learners courses and 968 pupils taking courses for fluent speakers. 39 secondary schools offer Gaelic for fluent speakers and 20 of these secondary schools offer a range of subjects through the medium of Gaelic. The significant dip in the number of pupils accessing GM secondary education has been attributed to individual schools inability to guarantee a range of subjects through the medium of Gaelic. The range of subjects a school can offer depends greatly on the number of Gaelic-speaking teachers available to teach their respective subjects through that medium. The Secondary Curriculum Design Working Group will now focus efforts on agreeing an appropriate and sustainable secondary menu of courses to ensure seamless transition from GM primary into secondary and provide pupils with a range of National Qualifications in Gaelic.

The Scottish Qualifications Authority provides a full range of Gaelic and Gaidhlig courses at levels 3 to 7 of the Scottish Credit and Qualifications Framework.

Examples of secondary school provision in local authorities are as follows:

- The Scottish Government contributed £2.75m towards Glasgow City Council’s £3.5m capital costs for a new Gaelic secondary school which opened in 2006. This is the only dedicated secondary school in Scotland and expects to make

provision by August 2008 for 100 pupils and is leading the way in teaching both Mathematics and Home Economics. The Glasgow Science Programme is being translated by Stòrlann, with the aim of rolling out the programme across all secondary GME provision in Scotland.

- Argyll & Bute Council has secured Gaelic staff in 5 of their 10 secondary schools and this is primarily to deliver Gaelic both as a subject for learners and for fluent speakers in order to develop language skills. GME provision in the council's secondary schools this is an area under development.
- In North Lanarkshire the Gaelic Department at Greenfaulds High School, two Gaelic teachers and a probationer teacher provide the following courses through the medium of Gaelic:- Registration, P.H.S.E, Science, History, Geography, Modern Studies, I.C.T, French and Gaidhlig.
- East Renfrewshire Council provides transport to Gaelic-medium units in Glasgow for pupils wishing to access GME. 18 secondary pupils currently access provision in Glasgow.
- South Lanarkshire Council facilitates secondary provision via the Glasgow Gaelic School
- Moray Council is in the process of employing a part-time peripatetic Gaelic teacher to work with pupils in S3-S6 with a view to offering these pupils the opportunity to achieve a Standard Grade pass in Gaelic.
- East Ayrshire's secondary Gaelic provision opened in 2003 after consultation with parents, and a local teacher has now been in post for four years. Pupils in S1-3 have Gaelic provision in Gaelic language, History, Geography, Modern Studies and in PSD, and it is hoped that other subjects will be added according to teacher supply, pupil demand and taking advantage where possible of new developments in communications technology.
- In Stirling Council provision for Gaelic learners and fluent speakers is available subject to demand at Wallace High School. Due to constraining factors, the teaching of other curriculum areas through the medium of Gaelic has yet to be achieved in the secondary sector.

In Comhairle nan Eilean Siar, Gaelic medium education started in 1983 with a pilot project in two secondary schools. From 1995, other schools introduced Gaelic medium education to cater for pupils progressing from Gaelic medium education in primary schools. Sustainability of a high level of provision has been a problem as a result of changes in the staffing situation in schools and problems in recruiting staff able to teach through the medium of Gaelic. Small numbers of pupils are an issue in some schools making it difficult to identify a viable class group. All S1 and S2 pupils study Gaidhlig or Gaelic as a second language and pupils have the opportunity to continue to study Gaelic as well as a Modern Foreign Language in S3 and beyond. Gaelic continues to be more popular as the language choice in the upper

school than the other modern languages combined.

**1d(iv) To apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.**

**‘Please clarify how the demand is measured for the teaching in/ of Scottish Gaelic with regard to technical and vocational education. Please provide more detailed information on whether Scottish Gaelic language courses are linked to technical and vocational education, and if so how.’**

Guidance issued from the Scottish Government to the Scottish Funding Council (SFC) stated that:- “The supply of teachers able to teach in the medium of Gaelic continues to be a priority for Scottish education Ministers. The Scottish Government would like the Council to continue to assist in promoting provision in this area.”

The Scottish Funding Council (SFC) published its report on Gaelic Education in Scotland / Solarachadh an fhoghlaim Ghaidhlig ann an Alba in November 2007. This was the result of analysis of available statistics, interviews with people in colleges and universities and discussion with a group of national experts on Gaelic. It made suggestions for means of enhancing the contribution of further and higher education to Gaelic development. The SFC has consulted on this report and has recently identified a new stream of funding and has invited proposals for projects to support Gaelic medium education. Specifically, the SFC is seeking to support immersion learning for students and the development of demand and resources. In addition, the SFC is offering additional support for Gaelic classes with small cohorts to ensure their financial viability.

The Gaelic college, Sabhal Mor Ostaig (SMO), is funded by the SFC as a provider of Gaelic medium further education provision, but outwith the standard formulaic method. As a part of the UHI Millenium Institute it also receives higher education institution support. In addition to this core funding, SMO receives additional a ring-fenced higher education grant in recognition of its specialist mission and activities. The SFC also administers the grant offered to SMO by the Scottish Government under the National Heritage (Scotland) Act 1985 for the purpose of securing the continued development of Gaelic language and culture. This amounts to £1.25m in 2008-09.

Scottish Funding Council core funding also supports the provision of courses in Gaelic at Ayr College, Kilmarnock College, Langside College, Perth College, Reid Kerr College, Stow College and Edinburgh’s Telford College, as well as further education courses at Lews Castle College and SMO.

The Scottish Funding Council has recognised that there are limitations on the available data on Gaelic activity. From October 2007, colleges have been required to return figures in relation to Gaelic provision. Arrangements are in hand to require universities to provide finer grained information on their Celtic studies provision. Latest data shows that there were 1,289 enrolments in Scottish colleges for courses with Gaelic content, delivered at 12 colleges. 59% of these enrolments were for courses featuring Gaelic content and delivery. In 2006-07, there were 397 students whose courses included Celtic Studies or Gaelic, of whom 205 were first degree students. In the same period there were 41 research postgraduates and 18 taught postgraduates.

Three universities in Scotland (Aberdeen, Edinburgh, Glasgow) have departments of Celtic Studies where undergraduate and postgraduate students may study Gaelic and conduct research into Gaelic.

The academic partners associated with the University of the Highlands and Islands Millennium Institute, particularly Sabhal Mòr Ostaig, Lews Castle College, Ionad Chaluum Chille Ile and Inverness College offer courses in Gaelic and promote the study of and research into Gaelic.

The National Gaelic Education Steering Group has established a Further and Higher Education working group to address the needs of this sector.

**1e(iii) if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and iii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in relevant regional or minority languages or of facilities for the study relevant regional or minority languages as university or higher education subjects.**

Core funding from the Scottish Funding Council supports:

- Department of Celtic, University of Aberdeen
- Department of Celtic and Scottish Studies, School of Literature, Languages and Culture, University of Edinburgh
- Department of Celtic, University of Glasgow
- UHI Millenium Institute university-led provision at its academic partners in Inverness College, Lews Castle College and Sabhal Mor Ostaig
- The Royal Scottish Academy of Music and Drama's degree in Scottish traditional music and piping

In addition, several universities including the University of Dundee, the University of St Andrews and the University of West of Scotland provide extra-mural classes in Gaelic to the broader community.

The traditional Celtic / Gaelic universities of Glasgow, Edinburgh and Aberdeen offer a range of under-graduate degree courses with Gaelic e.g. students can study Law and Gaelic, and Music and Gaelic Studies.

**1 f iii. If the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education.**

The NGESG has established a Gaelic Learners' Education working group and has instigated a comprehensive review of the adult learners market.

Funding is provided by Bòrd na Gàidhlig to Cli Gaidhlig, the Gaelic learners association. They maintain a register of learners and advanced courses throughout Scotland. Cli co-ordinates and manage the delivery of intensive Ulpan training for adult learners. Cli is in the process of establishing a national database of registered Ulpan tutors. (Ulpan is a fast and effective way to learn a language. It has been used to great effect in Israel, where it originated, and in Wales, where Ulpan has brought thousands of adult learners to fluency in Welsh. Generally speaking, with Ulpan speaking comes first, and reading and writing follow a little later.

Learn Direct Scotland has prepared adult Gaelic learning materials for a range of vocational areas and they provide Independent Learning Accounts (ILAs) for adults registered with Cli Gaidhlig for Ulpan courses.

Adult Gaelic education classes are available in the following Council areas: Aberdeen, Argyll and Bute, Clackmannanshire, Comhairle nan Eilean Siar, Dundee, East Ayrshire, East Renfrew, Edinburgh, Fife, Glasgow, Highland, Inverclyde, Moray, North Ayrshire, Perth and Kinross, Renfrewshire Council, Stirling, Scottish Borders, West Lothian

**1g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language.**

**'What arrangements have been made to ensure the teaching of the history and culture which is reflected by the Scottish Gaelic language.'**

The "Curriculum and Assessment in Scotland National Guidelines - Gaelic 5-14" recommend that as well as developing language skills it is equally necessary to develop a parallel



awareness and grasp of the richness and diversity of the culture and its significance to the pupils' own lives". The guidelines also stress that culture is more than language and literature, but also, for example, history, music, the visual arts, dance, legend, drama, the mass media, architecture, ways of work, habits of thought and feeling and human relationships."

A major review of the Scottish curriculum has taken place and a new Curriculum for Excellence is being trialled and is expected to be implemented in all Scottish schools by 2010. This new curriculum will give teachers and schools greater flexibility with regard to curriculum content. There will be an emphasis on cross-curricular learning and learning outcomes.

Examples of provision in individual local authorities are as follows:

- East Lothian - Strategic Priority 3 within the Education and Children's Services Improvement Plan proposes to: 'Embed Scottish History, culture and heritage throughout school life and make every effort to support Scotland's languages – both Gaelic and Scots.'
- Argyll & Bute – history and culture are taught within the subject of Gaelic and the council supports the local Mods and Feisean which promote Gaelic history and culture.
- Clackmannanshire – the Council has a Gaelic Development Officer who is preparing materials to support the teaching of the history and culture of Gaelic in the context of 'A Curriculum for Excellence'
- Midlothian – the teaching of history and culture of Gaelic, its literature and arts is picked up and reflected in history, modern studies and music curriculum
- Glasgow City Council – has piloted after-school clubs in English-medium schools and has produced appropriate teaching resources and organised short training courses for teachers. The council is working on an Environmental Studies Project on Gaelic in Glasgow which will look at the city's history, place names and contemporary situation. Gaelic culture is strongly promoted through activities support by the arms-length organisation Culture & Sport Glasgow such as Mòd Glaschu, Fèis Ghlaschu, Fèis Drama, Ceòl is Cràic and Mòd Nàiseanta.
- Stirling Council – aspects and elements of Gaelic history and culture are experienced through GM provision and GLPS provision

**1h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party .**

**‘Please state whether steps have been taken to tackle the shortage of suitably qualified teachers for Gaelic-medium education. If so, please give more detailed information.’**

A Teachers’ Action Group was established by the Scottish Government in 2005 to consider the recruitment, training and supply issues of Gaelic medium education. The recommendations contained in the Action Group report are being implemented in part by the employment of a dedicated Gaelic Teacher Recruitment Officer (GTRO) at Bòrd na Gàidhlig and the establishment of a national recruitment working group to look specifically at a national recruitment campaign, liaison with Teacher Education Institutions, workforce planning for Gaelic teachers and a programme of school visits and career conventions.

The Bòrd’s Gaelic Teacher Recruitment Officer liaises with schools, colleges and universities, careers agencies and provides guidance to staff on raising awareness of Gaelic teaching opportunities and associated education career options. Close liaison with those Teacher Education Institutions providing Gaelic training is also a major feature of the GTRO’s work. In August 2008, five primary and five secondary probationer teachers will enter the profession. Early indications are that 18 primary students have been accepted for the Strathclyde / UHIMI Gaelic PGDE training route but no details are available for secondary intake at present.

The Thig a Theagasg recruitment packs that were produced by Comunn na Gaidhlig have been used by the Bòrd’s Recruitment Officer in its campaign to encourage senior pupils and others to consider a career in Gaelic education. The Bòrd has also established a national recruitment campaign with a call to action of Gabh an Cothrom agus Thig a Theagasg (Take the Opportunity and Come and Teach).

Guidance from the Scottish Government to the Scottish Funding Council (SHEFC) states that “The supply of teachers able to teach in the medium of Gaelic continues to be a priority for Scottish education ministers. The Government would like the Council to continue to assist in promoting provision in this area.”

A number of other specific initiatives are in place to develop courses in Gaelic Medium Education and to improve access to teacher training, for example:-

- Aberdeen University has developed a two year part-time opening learning version of its PGDE(S) in collaboration with Highland Council
- Aberdeen University has recently developed a new M.A/M.A. (Hons) in Gaelic with Education. This new 4 year degree allows students to combine language study with gaining a teaching qualification through a unique collaboration between the University of Aberdeen, Sabhal Mòr Ostaig and Lews Castle College. The first two years of language study are carried out at either Sabhal Mòr Ostaig or Lews Castle College with the final two years spent combining language study at Sabhal Mòr Ostaig / Lews Castle College

and teacher training by blended learning, mainly online, with the School of Education at the University of Aberdeen

- Strathclyde University in association with UHIMI (specifically Lews Castle College, Argyll College and Inverness College) and a few local authorities have developed a GME version of their PGDE(P) course. This course operates on a one-year full-time basis.

SFC provides additional funding to Strathclyde University which guarantees a total of twenty places for Gaelic speakers under its PGDE(Primary) course.

**1i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Scottish Gaelic and for drawing up periodic reports of their findings, which will be made public**

The Gaelic Language (Scotland) Act 2005 establishes Bòrd na Gàidhlig with the specific function of reporting to the Scottish Ministers on progress being made to implement the undertakings of the Charter, including the relevant education undertakings. The Bord also has the power to advise Ministers and public bodies on matters relating to Gaelic education.

As part of its supervisory responsibility, Her Majesty's Inspectors of Education monitor, and publish reports on, the provision and development of Gaelic-medium education. Specific examples of HMIe's role are:

- inspecting all pre-school, primary, secondary and college providers
- inspecting education authorities, taking into consideration their Gaelic policies
- publishing reports on all inspected provision in English and Gaelic
- producing a core self-evaluation document (How Good is our School) in Gaelic
- participate in national bodies advising on Gaelic policy issues
- initiate and run CPD/good practice events for practitioners

Under the provisions of the Standards in Scotland Schools etc. Act 2000, all education authorities are statutorily required to report to the Scottish Ministers on the conditions in which, or the circumstances in which, they will make GME provision available.

**2 with regard to education and in respect of territories other than those in which the Scottish Gaelic are traditionally used, the Parties undertake, if the number of users of a**

**Scottish Gaelic justifies it, to allow, encourage or provide teaching in or of the Scottish Gaelic at all the appropriate stages of education**

**‘Please provide information on whether Scottish Gaelic is taught outside Scotland. If so, please specify.’**

Gaelic is taught through distance learning, online learning, sale of home tuition materials, classes/courses in many countries around the world – e.g. Germany, Canada, Australia, USA etc.

Sabhal Mòr Ostaig has developed an online learning course - An Cursa Inntigidh - that is accessed by students from Scotland and beyond. Gaelic learners from England, Spain, Japan, Australia and Canada have recently successfully learned elementary Gaelic using this method.

The Acadamaidh Gàidhlig an Atlantaig (Atlantic Gaelic Academy) co-ordinates Gaelic language classes and distance-learning programmes in the USA and Canada. Classes are available in 18 states including California, New York, Washington, Florida, Oklahoma, Texas and Alaska.

In Canada, course are available in Alberta, New Brunswick, Ontario, Quebec and Nova Scotia.

Comunn Gàidhlig Astràilia (Scottish Gaelic Association of Australia) co-ordinates Gaelic language courses in New South Wales, Victoria, South Australia, Western Australia and Queensland.

The Gaelic Society of New Zealand arrange courses for Gaelic learners in Dunedin and Wanganui and the Argentine Celtic League provides courses in Buenos Aires.

## **Article 9 - Judicial Authorities**

**Ib (iii) In civil proceedings to allow documents and evidence to be produced in Scottish Gaelic**

**‘Please provide further information about measures taken to ensure that the right to use Scottish Gaelic in court has been made known to the public, and on the situation outside the three court districts of the Western Isles and the Isle of Skye.’**

An Act of Court was passed in Grampian, Highlands and Islands on 11 June 2001 and came into effect on 1 July in Lochmaddy, Portree and Stornoway Sheriff Courts in pursuance of the European Charter for Regional or Minority Languages enabling parties in civil cases to

apply to court to be allowed to address or give oral evidence to court in Gaelic. This is where provision has been concentrated to date.

In those instances where Gaelic is used, the court provides and pays for an interpreter. There is currently no equivalent provision for criminal proceedings. Currently, staff in Lochmaddy and Portree Sheriff Courts are able to converse in Gaelic and these courts have bilingual signage to reflect this practice.

When the above practice was introduced local practitioners were advised and a copy of the Act of Court was published in the Scots Law Times journal for the benefit of legal practitioners from further afield. In order to promote the existence of this facility to members of the public, a notice on the court public notice board advises people, in both Gaelic and English, that civil cases may be presented in such a manner. On request, a short explanatory leaflet is provided which gives more detail on the procedures involved.

Other courts on the west coast, such as Oban, have dual signage within court buildings. A communication facility called Language Line, available to all courts, enables low volume phone calls and enquiries to be translated into various languages including Gaelic.

There are currently around six publications on the Scottish Court Service website available in Gaelic, although others would be provided on request. Given that the publications are currently accessed through English-language pages, consideration is being given by the Scottish Court Service to compiling a Gaelic 'home' page which would assist users to navigate around the site.

Bòrd na Gàidhlig will in due course require that the Scottish Courts Service develop a Gaelic Language Plan, and would expect the current level of Gaelic provision to be revisited and at least expanded incrementally.

## **Article 10 - Administrative Authorities and public services**

### **Ic to allow the administrative authorities to draft documents in Scottish Gaelic**

**'Please provide information on whether bodies in Scotland answerable to the central UK authorities are allowed to draft documents in Scottish Gaelic. If so, please provide concrete examples.'**

The Gaelic Language (Scotland) Act recognises Gaelic as an official language of Scotland commanding equal respect to the English language. The Act enables Bòrd na Gàidhlig to request local authorities to develop Gaelic language plans which will set out how they will make provision in the Gaelic language.

Although UK bodies operating in Scotland are not covered by the provisions of the 2005 Act, there are no restrictions on bodies in Scotland answerable to the central UK authorities drafting documents in Gaelic. Some UK authorities have made use of Gaelic in connection with the exercise of their core functions. On the cover and inside page of UK passports, for example, English, Welsh and Gaelic are used. The Post Office has also used Gaelic on the livery of its vehicles in specific locations.

During the passage of the Gaelic Language (Scotland) Bill through the Scottish Parliament, the UK Government gave a commitment to act in the spirit of the legislation.

## **2a the use of regional or minority languages within the framework of the regional or local authority**

**‘Please provide more information about the use of Scottish Gaelic in the Scottish Executive and the Councils.’**

**‘Please provide further evidence of the implementation of the Scottish Executive’s plan.’**

The Gaelic Language (Scotland) Act recognises Gaelic as an official language of Scotland commanding equal respect to the English language. The Act enables Bòrd na Gàidhlig to request local authorities to develop Gaelic language plans which will set out how they will make provision in the Gaelic language.

Bòrd na Gàidhlig has to date approved four statutory Gaelic Language Plans. Set out below is a summary of key areas of provision made in those plans:

- Highland Council – aims to establish two new all-Gaelic schools in the Plan’s lifetime; Gaelic to appear on all new and replaced Council signage; increased profile for Gaelic as a functional language in services & workforce; increased profile for Gaelic on Council website and intranet; support for Gaelic in the home, for example through encouragement & language tuition for parents; promoting Gaelic childcare & education; supporting Gaelic in the community & culture, for example through Gaelic-medium recreation & awareness of the region’s Gaelic heritage; commitment to engaging with businesses, communities and organisations whenever Gaelic is their language of preference
- Argyll & Bute – investigating a bilingual corporate identity; putting Gaelic on Council signage on a replacement basis; introducing bilingual signage for all schools; increasing the profile of Gaelic as a functional language in services and workforce; increasing Gaelic content on the council website and moving to a bilingual homepage; making provision for Gaelic civil marriage and partnership services;

promoting Gaelic childcare and education; supporting Gaelic in the community and culture

- Comhairle nan Eilean Siar – moving towards mainstreaming Gaelic-medium primary education; moving towards Gaelic-medium as a significant component of secondary education; increasing the bilingual content of the council website; operating council and committee meetings through the medium of Gaelic; re-Gaelicisation of place-names on a replacement basis for signs; increasing the profile of Gaelic as a functional language in services and workforce; considering employing an assistant Press Officer with Gaelic skills; supporting Gaelic in the home; promoting Gaelic childcare & education; developing new Gaelic courses such as secondary media studies & vocational courses; supporting development of the Gaelic arts & business sectors
- Scottish Parliament Corporate Body – introduction of a bilingual corporate identity; near complete bilingualisation of Parliament signage; introduction of bilingual forms; enhanced public meeting interpretation service; enhanced bilingual publication list; enhanced bilingual website; training and language skill recognition for front of house staff
- The Scottish Government has prepared a draft Gaelic Language Plan which will shortly be considered by senior management and by Ministers, and it is hoped that it will go out to full public consultation later in 2008. The Scottish Government intends to deliver it's Plan to Bòrd na Gàidhlig for their deliberation during the first half of 2009.

There is significant variation outwith the statutory Gaelic Language Plan framework in how local authorities and public bodies approach the use of Gaelic. Some local authorities and public authorities currently make no provision for the use of Gaelic, while others have taken significant steps to build the language's profile. The language planning framework of the 2005 Act provides a mechanism to ensure that, over time, all aspects of Scottish public life will play their role in supporting Gaelic development. In recognition of the time involved in applying statutory Gaelic language plans to a wide range of bodies, Bòrd na Gàidhlig is encouraging all bodies to proactively engage and support Gaelic where they can do so.

Examples of specific provision are as follows:

Argyll & Bute – has plans to produce more official documents in Gaelic, and some documents have already been produced bilingually, for example a Welfare Rights leaflet

- National Galleries of Scotland – the transformed Scottish National Portrait Gallery, which will be redeveloped over the next few years, will make use of Gaelic in the interpretation of some exhibitions and displays; the NGS website contains basic visitor information in Gaelic and the catalogue - 'Ossian: Fragments of Ancient Poetry' was published in Gaelic
- Scottish Qualifications Authority – a customer charter leaflet and a Scottish Qualifications booklet have been produced in Gaelic;

- HIE has undertaken to produce all core corporate publications in the public domain bilingually. In addition to documents such as annual reports, HIE currently produces its customer service charter and complaints procedure bilingually or in English and Gaelic.
- Scottish Fisheries Protection Agency provides a Gaelic translation of its Code of Enforcement Practice
- Glasgow City Council – the Education Services Department produces selected items in Gaelic – information on Sgoil Ghaidhlig Glaschu, pastoral care matters and Additional Special Needs material for young people and teachers. It also offers liaison and information in Gaelic to the media as required through the development of its Draft Gaelic Language Plan.. The council seeks to produce an increasing range of material in Gaelic in the future.
- East Dunbartonshire – Gaelic has been brought into the Translation and Interpretation Pool which ensures that all publications include the option to be translated into Gaelic. This means that documents will not be translated as a matter of course, but on request
- Scottish Enterprise – has an equal opportunities link on their website which allows readers, along with their other priority languages, to request any Scottish Enterprise publication in Gaelic
- Stirling Council does not publish official documents in Gaelic, but in accordance with its commitments to equality will respond positively to any requests for this service in respect of specific documents
- Argyll & Bute – the council has not yet used Gaelic in council debates and committees , but interpretation equipment has been purchased to help enable this provision
- HIE has recently purchased simultaneous translation equipment in order to facilitate Gaelic as the medium of debate at HIE meetings where Gaelic has been agreed as the language of the meeting

***2b the possibility for users of Scottish Gaelic to submit oral or written applications in these languages***

Please see answer to 2a.

**2d the publication by local authorities of their official documents also in Scottish Gaelic**

**‘Do local authorities publish their official documents in Scottish Gaelic? If so, please provide concrete examples.’**



Please see answer to 2a.

**2e the use by regional authorities of Scottish Gaelic in debates in their assemblies, without excluding, however, the use of the official language(s) of the State**

The Scottish Parliament enables its members to use Gaelic in Chamber debates and in committees without excluding the use of the predominant language of the state. Most notably a number of members of the Scottish Parliament used the Gaelic language in debates on the Gaelic Language (Scotland) Bill. Members of the Scottish Parliament may also submit written questions in Gaelic. Members are supported in engaging with constituents in a language other than English through the Members' Allowances scheme.

The SPCB was one of the first six public bodies in Scotland to be asked to prepare a plan by Bòrd na Gàidhlig under the 2005 Act. In February 2008, the Scottish Parliamentary Corporate Body approved its Gaelic Language Plans and it was approved by the Bòrd in June 2008. The plan details the SPCB's core commitments to providing services for members and for the people of Scotland in Gaelic, and it describes the developments that the SPCB intends to action between 2008 and 2013. Recent projects have included:

- the introduction of a bilingual logo as the standard corporate identity for use on all applications
- Gaelic awareness training for front of house staff (5 courses delivered for 70 delegates prior to end March 2008)
- purchase of simultaneous translation equipment to use at public meetings
- publication of additional leaflets and education resources in Gaelic
- production of additional signage in the Parliament building in Gaelic

The Parliament also employs a Gaelic Development Officer, with two Gaelic-speaking Education Assistants being recruited to deliver sessions for schools at the Parliament and in venues across Scotland.

The Parliament maintains an extensive range of Gaelic pages on its website at [www.parlaimaid-alba.org](http://www.parlaimaid-alba.org). The public may write to the Parliament in Gaelic and receive responses in Gaelic, and a full range of public information and education resources are provided in Gaelic.

**2f the use by local authorities of Scottish Gaelic in debates in their assemblies, without excluding, however, the use of the official language(s) of the State**

**‘Please provide information on the use of Scottish Gaelic in debates of assemblies of local authorities apart from the Western Isles Council and the Highland Council.’**

Please see answer to 2a.

**2g the use or adoption, if necessary in conjunction with the name in the official language(s) of traditional and correct forms of place-names in Scottish Gaelic**

**‘Please clarify the issue of erecting bilingual road signs within the Highlands.’**

Implementation of the Scottish Government’s current trunk road bilingual sign policy is ongoing, involving removing existing English language advanced direction signs, direction signs and route confirmatory signs and installing bilingual replacements. The policy applies to those trunk roads that both pass through communities where Gaelic is spoken and directly link with ferry services to the Western Isles. This involves the A835 Tore to Ullapool trunk route, the A82 between Tarbet and Inverness, and all those trunk roads leading westwards from the A82 to the ferry ports serving the Western Isles. A commission to undertake the evaluation of the current trunk road policy has just been awarded to TRL (the former Transport Research Laboratory) as part of Transport Scotland’s research programme.

Comhairle nan Eilean Siar has stated its policy on signage in the following terms:- all Council signs, directional signs and street names will be bilingual with the Gaelic name first. Place names will mostly appear in Gaelic only.

Highland Council has stated its policy on signage in the following terms:- Gaelic will be included on road signs at the point of replacement. The Council has agreed that all appropriate signs and corporate identity should be bilingual and that any public documents, the Council website and agendas would have a visible element of the Gaelic language.

The Ordnance Survey has a Gaelic names policy that sets out how it will show Gaelic names and bilingual English/Gaelic names on its paper maps and digital products. The Gaelic Names Liaison Committee also advises Ordnance Survey, and its members are drawn from a range of backgrounds and different institutions, including Comunn na Gàidhlig, The Highland Council, Argyll and Bute Council, Comhairle nan Eilean Siar, Scottish Place-Name Society, University of St Andrews, Clì Gàidhlig and the Scottish Parliament.

**5 The Parties undertake to allow the use or adoption of family names in the Scottish Gaelic , at the request of those concerned**

There is no restriction on the use or adoption of family names in Scottish Gaelic at the request of those concerned.

## **Article 11 - Media**

### **1a(ii) to encourage and/or facilitate the creation of at least one radio station and one television channel in Scottish Gaelic**

**‘Please provide updated information on the establishment of the Gaelic digital television channel.’**

The establishment of the forthcoming Gaelic Digital TV Service, a joint-venture between the BBC and the Gaelic Media Service, will mark a significant step forward in increasing the presence and use of Gaelic on television by providing a dedicated Gaelic-language service aimed at speakers and learners

The proposal to establish the channel has been the subject of a full public value test (PVT) by the BBC Trust as part of their decision making. This included public consultation as well as a Market Impact Assessment by OfCom of the new service. It was only on the 28 January 2008 that the BBC Trust gave their approval for the BBC in partnership with GMS to launch the service. The Trust has approved the service to launch on cable, satellite and broadband but not yet on freeview. In order to ensure value for money for license payers fees and that the new service meets the needs of the target audience, the Trust decided that the service will be subject to a further review before digital switchover commences in central and northern Scotland in 2010. The review will consider the actual performance of the service in achieving public value, including reaching a wider audience and will consider launch on Freeview at that time. The new channel is expected to be launched later this year.

### **1b(ii) to encourage and/or facilitate the broadcasting of radio programmes in Scottish Gaelic**

**‘Please provide more information on the regularity and time of broadcasting for private radio broadcasts in Scottish Gaelic.’**

BBC Scotland operates a Gaelic radio station, Radio nan Gaidheal.

The Scottish Government provides annual funding to the MG Alba which is tasked with securing the delivery of a wide range of high quality television and radio programmes in Gaelic.

GMS continues to provide funding for Gaelic radio productions.

In a review of Gaelic content on Scottish Community Radio 8 of 11 stations contacted were involved in producing and broadcasting Gaelic programmes. These programmes varied from station to station in terms of number of hours, regularity and amount of Gaelic speech used in presentation. The majority of community radio is music-based, and this is also true of their Gaelic programming, although some stations do produce some speech-based strands and others increase their speech content by co-presentation and linking up with other stations during their broadcasts.

**1c(ii) to encourage and/or facilitate the broadcasting of television programmes in the Scottish Gaelic on a regular basis**

See answer to 1(a)(ii)

**1d to encourage and/or facilitate the production and distribution of audio and audiovisual works in Scottish Gaelic**

**'Is the annual funding provided to the Gaelic Media Service also available for other audio and audiovisual works in Scottish Gaelic?'**

Separate funding streams to that provided to MG Alba are available to encourage and/or facilitate the production and distribution of audio and audiovisual works in Gaelic.

Pròiseact nan Ealan is a Gaelic arts development agency which promotes Gaelic music, dance, theatre and visual arts through initiatives such as exhibitions, publications, festivals, CDs, training courses and audience development initiatives.

Pròiseact nan Ealan produced the St Kilda Opera in 2007, with funding from Bòrd na Gàidhlig and other funders. This was a theatre and multi-media event performed simultaneously in five countries and on the Internet. A DVD of the event is now available. Podcasts and video clips are also available on the Internet.

Scottish Screen invested in the development of Seachd, the first Gaelic feature film to receive a cinema release. This included investing in the distribution of the film. In 2008, Scottish Screen invested £105k and £10k through Skillset Scotland in the growth of Scotland's leading independent production company operating in Gaelic television programming, MnE Media.

Audio and audiovisual facilities are also available on a range of websites. BBC Alba's website supplements feature programmes to provide additional audiovisual material and an archive of educational resources. For example, the Aig Cridhe ar Ciùil section allows users to view song words featured in the programme and create their own music, and the Colin and Cumberland section has interactive games, soundfiles and clips of the series for Gaelic learners. The children's section has interactive games and materials tying in with the broadcasts and encouraging children to take part. Radio nan Gàidheal programmes are available online and can be listened to up to a week after the original broadcast.

MG Alba funds the Sgleog website for the young teen age group, with interactive games, quizzes, user articles and competitions.

Bòrd na Gàidhlig was a key funder of the Air Splaoid online course which aimed to raise awareness of Gaelic and provide bite-sized Gaelic learning during the Highland Year of Cultrè in 2007, through sound files supported by animation, games and blogging. These resources continue to be available online.

Educational resources produced by Stòrlann Nàiseanta na Gàidhlig and funded by Bòrd na Gàidhlig include audio materials for school pupils and online audiovisual assistance for parents.

Bòrd na Gàidhlig is funding the Guthan nan Eilean project run by Sabhal Mòr Ostaig which aims to build on an award winning pilot project to create a portfolio of online/DVD language materials and create a contemporary oral archive.

Clì Gàidhlig has produced an audio DVD to accompany the Litir do Luchd-ionnsachaidh learners' resource.

Additional projects encouraging the creation and distribution of Gaelic audiovisual works are funded by Bòrd na Gàidhlig. Highland Council recently received funding for workshops for school pupils to make short Gaelic films which they then exhibited at the Celtic Film Festival in Galway. DVDs of the films will be distributed to schools.

Media nan Eilean were funded by Bòrd na Gàidhlig to hold workshops for new young Gaelic script writers and also to hold workshops to train new Gaelic actors. Building on this, they are currently developing a television series for young people.

Comhairle nan Leabhraichean's Ùr-sgeul series of new Gaelic fiction, funded by Bòrd na Gàidhlig, also produces 'talking books' in DVD and CD format, to increase access and encourage participation.

Some Gaelic videos, DVDs and CD-ROMs are also available for sale through Comhairle nan

Leabhraichean and other outlets. Audiovisual works include translations of Bob the Builder, Fifi and the Flowertots, and original Gaelic material such as Reoiteag air Reothan.

**1e(ii) to encourage and/or facilitate the publication of newspaper articles in Scottish Gaelic on a regular basis.**

**‘Have the authorities encouraged and/ or facilitated the publication of newspaper articles in Scottish Gaelic on a regular basis?’**

The Scottish Government does not make specific interventions to encourage and/or facilitate the publication of newspaper articles, but there are regular Gaelic columns in The Scotsman, The Press and Journal, the Inverness Courier, The West Highland Free Press, the Oban Times and the Stornoway Gazette. These articles are also made available online on the the newspapers’ websites.

The Gaelic newspaper (published on a monthly basis) An Gàidheal Ùr receives central funding from Bòrd na Gàidhlig. Bòrd na Gàidhlig also funded a survey of An Gàidheal Ùr readers, to inform development of the publication.

The BBC carries news in Gaelic on its website, and with the establishment of the Gaelic digital service we would expect the level of online news provision to increase.

Central funding is provided for the magazine Cothrom, a bilingual magazine for Gaelic speakers and learners funded by Bòrd na Gàidhlig and published quarterly.

There are regular Gaelic features in Free Church of Scotland and Church of Scotland monthly magazines.

Gaelic press releases are circulated between Bòrd na Gàidhlig and other Gaelic organisations for publications on the organisations’ websites.

The Atlantic Gaelic Academy publishes a quarterly newsletter, Naidheachd, which contains Gaelic learning materials and information on Gaelic activities in North America. Am Braighe is a quarterly journal which focuses on the oral traditions and history of the North American Gaels. Published in Cape Breton Island, Nova Scotia, it contains articles and interviews in Gaelic.

**1f(ii) to apply existing measures for financial assistance also to audiovisual productions in Scottish Gaelic**

Bòrd na Gàidhlig does not have a specific fund for audiovisual productions but these are included amongst applications to the Bòrd's education and development funds and small grants schemes. Public bodies have received funding from the GLAIF fund for audiovisual productions. (see 1d above for examples).

Audiovisual productions mentioned in 1(d) have drawn in funding from the Gaelic Media Service, the Scottish Arts Council, local authorities, HIE and Lottery funding, amongst others.

### **1g) support the training of journalists and other staff for media using Scottish Gaelic**

Sabhal Mor Ostaig (Gaelic College), which receives central funding, provides media courses in Gaelic. The BA Gaelic and Media Studies is taught through the medium of Gaelic and includes a wide range of module topics including language skills, enquiry skills, Media Regulation, Radio Production, Audience Research, Language Policy and Language Planning. The Diploma in Gaelic Media is also taught through the medium of Gaelic and is designed to train students for direct employment in the broadcast industry. The first period is College-based with students receiving training from media practitioners. Following this, students complete a 24-week work placement with an established broadcaster or independent production company. Trainees are eligible for financial assistance during the course and graduates have seen a high rate of subsequent employment. Depending on their course path, students taking Sabhal Mòr Ostaig's other full-time courses also have the option to choose media related modules during their learning eg. Gaelic & Communication in the Media.

An online Gaelic writers' course has been developed in conjunction with the NUJ, with funding from Bòrd na Gàidhlig and is available as a self-study programme or alternatively with the support of a course mentor through Sabhal Mòr Ostaig.

**2 The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to Scottish Gaelic .**

There are no restrictions throughout the UK.

## **Article 12 - cultural activities and facilities**

### **1a to encourage types of expression and initiatives specific to Scottish Gaelic and foster the different means of access to works produced in these languages**

A number of organisations have been set up with responsibility to promote and develop cultural activities and facilities in Gaelic. Set out below is a selection of key bodies.

Pròiseact nan Ealan, (PnE) the Gaelic Arts Agency, works to develop and promote Gaelic music, dance, theatre and visual arts through such initiatives as exhibitions, publications, festivals, installations. PnE receives funding from Bòrd na Gàidhlig, the Scottish Arts Council and Highlands and Islands Enterprise, among others.

Fèisean nan Gàidheal's aim is to make Gaelic Arts, Language and Culture more accessible and more widely appreciated through the support and development of 45 community-based tuition Fèisean, primarily for young people, which take place throughout Scotland. It is an independent organisation offering tuition in Gaelic song, Gaelic drama, Gaelic language, traditional music and dance to around 5,200 young people annually through the work of individual Fèisean. Fèisean nan Gàidheal is also involved in providing traditional music tuition in schools through the Scottish Government's Youth Music Initiative, and in 2007-08 over 6,200 pupils in primary schools within the Highland Council and East Lothian Council areas benefit from this. Fèisean nan Gàidheal operates Meanbh-Chuileag, the only Gaelic theatre-in-education service that offers a drama experience to around 2,300 schools pupils annually. Fèisean nan Gàidheal also runs the Blas Festival in partnership with the Highland Council and the Promoter's Arts Network which, in 2007, attracted an audience of over 5,600 people to over 50 events across the Highlands and was a major and lasting part of the Highland 2007 celebrations. It aims to celebrate the culture of traditional music and Gaelic in the Highlands of Scotland by creating opportunities for young musicians to play and learn with leading musicians, by widening opportunities for communities to access Gaelic music and live performances and showcasing Gaelic music and culture to a wider audience.

An Comunn Gàidhealach organises the annual Royal National Mòd, an internationally renowned competitive festival of Gaelic music, song, sport, drama and literature. Performances include folk groups, recitation of poetry, storytelling, choral singing, traditional singing, and by all age groups including Gaelic learners as well as fluent speakers. In addition to performing to large audiences, competitions and concerts are also broadcast on television and radio. Provincial junior Mòds allow local communities and competitors to access and experience performances at local level and then feed in to the annual National Mòd. The Comunn Gàidhealach Bàrd is sponsored to promote and encourage enjoyment of poetry and composition of new Gaelic poetry, through writing workshops for different age



groups, readings at literary events and working with schools and teachers. In 2008-09 Bòrd na Gàidhlig is providing funding assistance to An Comunn Gàidhealach for their Gaelic language activities.

Comhairle nan Leabhraichean, the Gaelic Books Council, funded by the Scottish Arts Council and Bòrd na Gàidhlig, encourages the publication and distribution of works in Gaelic. They have the 'Úr-Sgeul' imprint, to encourage the writing of novel-length prose in Gaelic. Access to these works is increase through publication of 'talking books' in DVD and CD format. Comhairle nan Leabhraichean also arrange readings, literary events and book launches to promote literature awareness and encourage readership. Book sales are held at festivals and at a variety of venues throughout Scotland. Comhairle nan Leabhraichean's bookshop and their online store advertise and sell Gaelic literature of all kinds such as fiction, non-fiction, poetry, music, drama, religion, magazines, prose & studies for all age groups, and audio resources. The online store allows worldwide distribution.

Acair publish and sell a wide range of Gaelic and bilingual books for all age groups. In 2008-09 they will receive funding from Bòrd na Gàidhlig to continuing with their publishing program and training. There are also a number of small publishing companies producing books in Gaelic.

An Lòchran are funded by Bòrd na Gàidhlig, Glasgow City Council and the Scottish Arts Council to promote access to, and participation in, Gaelic Arts and culture in the Glasgow area. An Lòchran promote and run a programme of Gaelic cultural activities for fluent and non-fluent speakers, including an all-Gaelic fèis, and running Gaelic events at other festivals in the city which might not otherwise have a Gaelic element, thereby bringing Gaelic culture to a wider audience. Their 'Ceòl is Craic' programme of events allows fluent and non-fluent speakers to come together to enjoy the Gaelic arts in an informal social setting. They work to increase awareness of Gaelic, increase the range of Gaelic arts events available and develop audiences for these activities. An Lòchran have a Myspace website to advertise events taking palce in Glasgow and also use eflyers and newsletter to promote Gaelic Arts activities. An Lòchran are also working towards the establishment of a space for the Gaelic Arts in Glasgow.

Tobar an Dualchais aims to digitise, catalogue and disseminate Gaelic and Scots sound recordings online. This will preserve and provide a record of the stories, poetry, music and factual information from Scotland's cultural and linguistic heritage. Archives include recordings made by the School of Scottish Studies, BBC Gaelic Department and the Campbell of Canna Collection. Online access to the recordings will also ensure that they are widely available for educational and personal use.

Fèisean nan Gàidheal increase access and participation in Gaelic drama through tours of schools and through the fèisean network. In 2008-09 Bòrd na Gàidhlig, HIE, Comunn na Gàidhlig and the Scottish Arts Council are funding Fèisean nan Gàidheal to hold a Gaelic Drama Summer school for people aged 14-18 where they will learn professional theatre skills. Bòrd na Gàidhlig have provided funding to Eden Court Theatre over the last 3 years for a drama worker in the Skye, Lochalsh and Lochaber areas, delivering outreach drama workshops for Gaelic medium school pupils. This contract is currently under discussion, awaiting the finalisation of the National Gaelic Arts Strategy.

Comunn na Drama provide support for Gaelic Community Amateur Drama groups. Comunn na Drama work in collaboration with An Comunn Gàidhealach to run the National Mòd Drama Competitions. The Theatre Hebrides theatre company has toured productions, most recently *Callanish Stoned*.

Tha GASD forum funded 'Mach ann an 10' a 2-day non-competitive festival of Gaelic drama in 2007. This aimed to get more people involved in Gaelic drama, including writers, actors and audiences, culminating in a performance of the drama pieces. One of the playwrights kept a video and diary blog on Myspace, describing the casting, directing and rehearsing process.

MG Alba (formerly Seirbheis nam Meadhanan Gàidhlig) support Gaelic language programming, much of which is culturally based, promoting Gaelic singing and music as well as programmes dealing with issues of Gaelic history and culture.

On Radio nan Gàidheal's monthly book programme Leugh an Leabhair, guests discuss the month's book and other Gaelic literary news.

Through organisations such as Pròiseact nan Ealan, Bòrd na Gàidhlig and Highlands and Islands Enterprise have recently funded new and innovative projects fostering new links and forms of expression. These projects have included the Leabhar Mòr na Gàidhlig publication and exhibition and the Hiort Opera, a multi-media music theatre production staged at a number of European locations and broadcast live via the BBC Scotland website.

Pròiseact nan Ealan's Sgeulachdan project aims to increase access to, and participation in, Gaelic storytelling activities, develop a network of Gaelic storytelling groups throughout the Western Isles and generate new Gaelic storytelling resources through CDs, audio cassettes, radio and television programmes, print publications and new media. In 2008-09 Bòrd na Gàidhlig are providing funding towards the Sgeulachdan development plan.

In connection with the Sgeulachdan project, Pròiseact nan Ealan developed handheld ipaqs. Users can choose their own walking routes around Uig beach in Lewis while using the ipaq to listen to tales and songs specific to their location around the bay which is tracked through

global-satellite-positioning. The stories are available in Gaelic and English and feature stories dating from the Iron Age to more modern times.

The first Nòs Ùr (translation: “new style”) competition was recently held in Eden Court Theatre. This is a new song competition in the Celtic and Scots languages with finalists going forward to the pan-European minority languages competition held in Sweden. The competition encourages new Gaelic songs to be composed and gives musicians the opportunity to perform them onstage, along with other minority language musicians.

Bòrd na Gàidhlig is giving local authorities and public bodies opportunity to apply for financial assistance through the GLAIF fund to encourage Gaelic initiatives and access to Gaelic works. With GLAIF assistance, Highland Council recently published the ‘Leabhar nan Gàidheal Òga’ book which was the result of writing workshops for Gaelic pupils in Highland primary and secondary schools. Pupils wrote poetry and prose which was published in the book, with their accompanying artwork. The book will be available to schools and can be bought through Comhairle nan Leabhraichean.

Research to help promote access to and participation in Gaelic arts and culture - Pròiseact nan Ealan, through GASD, and An Lòchran are working on audience development for the Gaelic Arts. GASD carry out audience questionnaire surveys at events for market research. Research has been carried out to inform future development. Pròiseact nan Ealan commissioned a report on the demand for Gaelic Arts in the Western Isles, Skye and Lochalsh which was published in 2006. This followed on from similar research carried out 10 years previously, allowing comparison on changes in attitudes and behaviours. In 2006 Pròiseact nan Ealan held the Iùil Ciùil Gaelic music conference which was used to inform development of the National Gaelic Arts Strategy. In 2007 the Dealbh Ealain conference was held. The programme for the 2-day event included best practise case studies, practical workshops, debate and showcases.

A key project of the National Plan for Gaelic is to develop a Gaelic youth strategy to outline possible opportunities for young Gaelic speakers to use Gaelic in an increasing number of social and recreational contexts and this will in turn encourage types of expression and access to works.

**1d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of Scottish Gaelic and cultures in the undertakings which they initiate or for which they provide backing**

The Scottish Arts Council is the lead body for the funding, development and advocacy of the arts in Scotland, distributing around £60m of Scottish Government and National Lottery

funds to the arts in Scotland. The Scottish Arts Council believes that the arts play a fundamental role in helping Gaelic survive and grow. SAC published its first Gaelic arts policy in 2003, and maintains strong and regular dialogue with the Gaelic arts sector. It funds a wide range of Gaelic arts activities across the art forms. SAC is also reviewing its Gaelic arts policy with a view to informing the development of a statutory Gaelic Language Plan. Its 2003 policy states that 'The Scottish Arts Council believes that the Gaelic arts play an essential role in developing the Gaelic language and culture as part of the arts mainstream and cultural diversity of Scotland, and have an important international dimension.'

Ionad Chaluim Chille Ìle receive funding from Bòrd na Gàidhlig to expand the training opportunities being offered to tourism workers, to include Gaelic in their training.

Colaisde a' Chaisteil have been awarded funding from Bòrd na Gàidhlig to deliver training on Gaelic history and heritage for tour guides in the Western Isles.

Fèisean nan Gàidheal's Sgioba-G (Gaelic team) are funded by Bòrd na Gàidhlig to support fèis tutors in learning and using Gaelic and the overall development of the language in fèisean. This includes providing materials and courses for tutors and committee members of each fèis. A database of useful phrases is being developed and translation support is provided for the fèisean. The Blas festival also incorporates promoting knowledge and usage of Gaelic, through its promotional materials, use of Gaelic at events, useful phrases cards for members of the audience etc

Comunn na Gàidhlig are funded by Bòrd na Gàidhlig to assist organisations in incorporating Gaelic into workplaces, by distributing material, providing advice and encouragement and supporting bilingual signage for workplaces.

Projects receiving funding from Highland 2007 were encouraged to incorporate Gaelic into their events, for example through Gaelic announcements, venue signage and promotional materials.

The Camanachd Association received funding from Bòrd na Gàidhlig for bilingual promotional materials on shinty and its connections with Gaelic culture. Gaelic teaching resources were also developed for tutors to teach shinty through the medium of Gaelic.

Destination Loch Ness is a private sector led organisations which aims to promote tourism in the area. It is campaigning to achieve World Heritage Status for Loch Ness and Gaelic will feature in the presentation of their bid.

**1e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of Scottish Gaelic concerned, as well as of the language(s) of the rest of the population**

**‘Please provide more information on whether the Scottish Arts Council and other bodies have at their disposal staff who have a full command of Scottish Gaelic.’**

The Chief Executives/Directors of the Gaelic organisations listed in Article 12(1a) are all fluent Gaelic speakers. As a matter of course the organisations employ staff who are Gaelic speakers, although in cases when this is not possible, consideration is taken as to an individual's willingness to learn Gaelic.

Public bodies such as HIE have received funding from Bòrd na Gàidhlig's GLAIF fund to carry out an audit of their staff's Gaelic skills – to help identify staff which could assist in implementing their Gaelic development initiatives and to assess training and human resource needs.

HIE received Bòrd na Gàidhlig funding to commission research entitled “Measuring the Gaelic Labour Market: Current and Future Potential”. This piece of research will identify the potential labour market requirements in Gaelic for the future. An interim report will be presented to Bòrd na Gàidhlig on 4<sup>th</sup> July 2008.

Scottish Screen, the national government-backed agency responsible for developing all aspects of screen industry and culture across Scotland, has a full-time equivalent staffing complement of 37 members of staff, 2 of whom have a full command of Gaelic.

**1f to encourage direct participation by representatives of the users of a given Scottish Gaelic in providing facilities and planning cultural activities**

The Gaelic Arts Strategic Development group (GASD), which is a collaboration between Pròiseact nan Ealan, An Comunn Gàidhealach, TOSG, Seirbheis nam Meadhanan Gàidhlig, Fèisean nan Gàidheal and Comhairle nan Leabhraichean have contributed to the development of a National Gaelic Arts Strategy.

Fèisean nan Gàidheal regard meaningful collaboration as the most effective way of maximising Gaelic development, and regard their collaboration with other groups as essential. The Gaelic Drama Summer School is an example of this and they also work closely with Eden Court Theatre to co-ordinate drama provision.

Comunn na Gàidhlig run Sradagan groups for Gaelic speaking school children, these are

often run with support from Comann nam Pàrant (the Parents association) and local fèisean, mainly due to a commonality of parents and participants.

An Comunn Gàidhealach employ 3 local development officers to assist local branches across Scotland in their activities and to liaise with other groups in the field of Gaelic music and culture.

Comunn na Drama is the support network for the various Gaelic amateur dramatic community groups. Bòrd na Gàidhlig are currently conducting research on the needs and demands of Gaelic Drama Groups. A working group was set up with representation from community drama groups, drama practitioners and funders.

Comhairle nan Leabhraichean co-ordinate distribution of Gaelic literature. Bòrd na Gàidhlig's publishing working group includes representatives of Comhairle nan Leabhraichean, Acair, Stòrlann Nàiseanta na Gàidhlig and smaller publishing companies. The Scottish Arts Council have also been represented.

An Lòchran co-ordinate and host Gaelic Arts and cultural activities in Glasgow. These include activities organised by an Lòchran themselves, and also supporting voluntary groups with their events. An Lòchran are also working towards provision of a creative space in the city for these activities.

Bòrd na Gàidhlig are providing funding to Comunn na Gàidhlig in 2008-09, to investigate and establish local initiatives, in partnership with others, to increase the use of Gaelic in communities and communities of interest. This will include identifying and engaging with appropriate host communities for initial scoping studies, engaging with partner organisations to develop a structure to support Gaelic community development initiatives and overseeing the programme of implementation.

**1g to encourage and/or facilitate the creation of a body or bodies responsible for collecting keeping a copy of and presenting or publishing works produced in Scottish Gaelic**

Comhairle nan Leabhraichean, the Gaelic Books Council, have in stock every Gaelic or Gaelic-related book in print, and make these available for sale to the general public. Further development of the publishing sector will commence in 2008-09 onwards. An improved distribution network for Gaelic is a key objective for the publishing sector advisory group.

Sabhal Mòr Ostaig, the Gaelic College, has three special book collections. The Celtica Collection and the MacCormick Collection bring together over 3000 rare and unique publications, whilst the Record Collection is an archive of rare vinyl recordings of Gaelic song

and music, which will eventually be preserved digitally.

The National Library of Scotland is one of the libraries of deposit, entitled in terms of the Legal Deposit Libraries Act 2003 to request a copy of all printed items published in the United Kingdom.

Local authority libraries and further education institutions also hold stocks of Gaelic publications.

The University of Edinburgh received funding from Bòrd na Gàidhlig to create an index of all works written between 1980-2007 on socio-linguistics and language policy with regard to Gaelic.

Comhairle nan Eilean Siar's online Gaelic resources database is an expanding database of information on the availability of Gaelic related education resources, including for example details of curriculum resources, song words, articles and resources published in historical society newsletters, the Scottish Gaelic Studies publications, Gaelic publications held by Stornoway Library and Lews Castle College.

The 'Gairm' periodical was published from 1952-2002 as a Gaelic literary and topical magazine. Archives exist of all editions of the publication. Highland Council received Bòrd na Gàidhlig GLAIF funding in 2007-08 to rebind their Gairm archive, create an index of subjects and contributors. Details of all Gairm articles are also held on Comhairle nan Eilean Siar's online Gaelic resources database.

Tobar an Dualchais aims to digitise, catalogue and disseminate Gaelic and Scots sound recordings online. This will preserve and provide a record of the stories, poetry, music and factual information from Scotland's cultural and linguistic heritage. Archives include recordings made by the School of Scottish Studies, BBC Gaelic Department and the Campbell of Canna Collection. Online access to the recordings will also ensure that they are widely available for educational and personal use.

Highland Council's bilingual website 'Am Baile' is an online archive including excerpts of rare books, documents, short films and audio clips relating to the history and culture of the area. Many of these are in Gaelic.

Lews Castle College will receive funding assistance from Bòrd na Gàidhlig in 2008-09 to evaluate the amount of Gaelic materials held in local and regional archives in Scotland.

**1h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate**

**administrative, commercial, economic, social, technical or legal terminology in each Scottish Gaelic**

**'Have any measures been taken to improve the creation and/ or promotion and financing of translation and terminological research services?'**

There are several projects in place to maintain Gaelic's terminology:

Faclair na Pàrlamaid, a dictionary of parliamentary and administrative terms in Gaelic, was developed in 2000. There is also an on-line site available, which allows for new words to be developed by a committee of experts

Fosglan, the translation and terminology unit based in Lews Castle College is widely used for the purposes described. There are also several freelance translators available. Highland Council is considering developing its own translations unit for in-house and external services.

The Celtic departments of the Universities assist with research and the An Seotal committee under Storlann develops terminology. A more strategic approach is planned through the development of a Gaelic Language Academy by Bòrd na Gàidhlig.

The Gaelic Orthographic Conventions (GOC) are produced by the Scottish Qualifications Authority to regulate written Gaelic, especially within the context of academic examinations.

The Gaelic Place-Names of Scotland (AÀA) partnership, in conjunction with, amongst others, the Ordnance Survey, work towards ensuring that Gaelic place-names and street names are researched, agreed and correctly spelt.

Learning and Teaching Scotland has developed and made available a version of Gaelic Open Office (with a Gaelic Dictionary for checking spelling which can also be used with Microsoft Word) and are currently working to upgrade this to the latest version of Open Office.

Bòrd na Gàidhlig are funding translation of Microsoft office platforms, specifically Microsoft Vista. A Gaelic spellchecker is already available and a thesaurus is being developed.

Sabhal Mòr Ostaig run an online course with supported study for fluent Gaelic speakers wishing to improve their literacy skills, including new standards of spelling, grammar and basic principles of translation.

Bòrd na Gàidhlig is funding the development of Faclair na Gàidhlig which will be an electronic historical dictionary of Scottish Gaelic.



**2 In respect of territories other than those in which Scottish Gaelic are traditionally used, the Parties undertake, if the number of users of Scottish Gaelic justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph**

Gaelic cultural activities and facilities can be found taking place throughout most of Scotland:

An Comunn Gàidhealach run local mods throughout Scotland and frequently takes the Royal National Mod to less traditionally Gaelic areas. An Comunn receives funding from Bòrd na Gàidhlig and also receives sponsorship from the Royal Mail.

Fèisean nan Gaidheal support fèisean across Scotland and there are now fèisean in Edinburgh, Glasgow, Ayrshire and the Forth Valley.

Clì Gàidhlig, the learners organisation, support Gaelic learners throughout Scotland and beyond, via language courses and the Cothrom periodical.

Scottish Borders Council organises Gaelic language classes, "Gaelic in the Borders", in association with Clì Gàidhlig, run monthly cultural events, throughout the area. In May 2005, Aberdeen University played host to the literary Word Festival, which had a special day for Gaelic for the very first time. This saw the launch of Leabhar Beag na Gàidhlig, (the Wee Book of Gaelic), with poetry from children at the Gaelic Medium Education units in the city.

Promotion of Gaelic via the internet provides worldwide access to information on cultural activities and other resources as detailed in 1d above. Sabhal Mòr Ostaig's distance learning course An Cùrsa Inntigidh allows individuals to learn Gaelic in any location.

Pròiseact nan Ealan are receiving funding from Bòrd na Gàidhlig in 2008-09 to support Gaelic arts and language projects in communities outwith Scotland, raising awareness and the status of the language.

Pròiseact nan Ealan's theatrical event, the St Kilda opera, was performed in several countries and broadcast on the internet.

Comhairle nan Leabhraichean arrange an annual Gaelic poetry & music tour in Ireland, and host an exchange visit from Irish poets and musicians.

Scottish Gaelic is represented at the annual Pan-Celtic festival held in Ireland.

Gaelic musicians participated in the recent Nòs Ùr minority language competition.

### **3 The parties undertake to make appropriate provision, in pursuing their cultural policy abroad for Scottish Gaelic and the cultures they reflect**

Cultural links have been established through Colmcille - the Columba Initiative - with the Irish Gaelic speaking communities in the Republic of Ireland and Northern Ireland. As part of the initiative, Gaelic courses for Irish speakers are provided by Sabhal Mòr Ostaig on Skye.

The Highland Council have a memorandum of understanding with the Nova Scotia provincial government which encourages Gaelic cultural links between the two regions.

The Royal National Mòd continually attracts competitors and visitors from many countries. An Comunn Gàidhealach promote the Mòd at international events in Europe and further afield.

Pròiseact nan Ealan, the Gaelic Arts Agency, have forged links with other minority language communities as well as with other Gaelic communities in Ireland and North America. The An Leabhar Mòr exhibition was taken on a tour of Ireland and North America.

As a part of the British-Irish Council, the Scottish Government participates in the sectoral group that has a focus on minority languages.

Bòrd na Gàidhlig is a member of the Network of European Language Planning Boards which was established to promote co-operation between minority planning boards and develop a co-ordinated voice for minority languages on a European level.

Bòrd na Gàidhlig has recently become a member of the European Network to Promote Linguistic Diversity (NPLD) which was established in 2007 following a series of meetings between various governmental language boards and NGOs specialising in the development and revitalisation of Europe's less widely used languages or Regional, Minority & Indigenous Languages. The Network's aim is to facilitate the sharing of existing best practice and the development of new and innovative ideas across the field of language planning in education, the home, the workplace, legislation and the media in the contexts of regional, minority, indigenous, smaller national languages and lesser-used languages.

In 2005 the General Affairs and External Relations Council of the EU agreed conclusions allowing the use of languages recognised by Member States other than the official working languages listed in the Treaty of Rome. The Welsh Assembly Government has worked with the UK Permanent Representation (UKRep) to negotiate an administrative agreement on the use of languages recognised by UK or devolved legislation. Scottish Government officials have been involved in those discussions with a view to ensuring that the scope of the agreement would include the use of Gaelic on similar terms. In order to put the agreement

into practice, a memorandum of understanding between UKRep and the Welsh Assembly Government is being agreed to set out how Welsh language correspondence and the costs of providing translation and interpretation into and from Welsh will be handled. Scottish Government officials will follow closely the development of the memorandum of understanding with a view to agreeing a similar arrangement with UKRep.

### **Article 13 - Economic and social life**

**1a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of Scottish Gaelic in documents relating to economic or social life,**

**particularly contracts of employment, and in technical documents such as instructions for the use of products or installations**

There are no provisions prohibiting or limiting without justifiable reasons the use of Scottish Gaelic in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations. However, the fact that English is usually either de facto or de jure the language of law and administration in Scotland does inevitably mean that Gaelic remains excluded from many areas of public life in Scotland. Implementation of the Gaelic Language (Scotland) Act 2005, and in particular the development of Gaelic Language Plans by public bodies, will help address this issue.

**1c to oppose practises designed to discourage the use of Scottish Gaelic in connection with economic or social activities**

**‘Please indicate what measures the authorities have taken to oppose practices designed to discourage the use of Scottish Gaelic in connection with economic or social activities.’**

One of the most significant measures taken by the Scottish Government in this respect is the establishment of Bòrd na Gàidhlig as a statutory public body, with a specific remit to promote and facilitate the promotion of Gaelic in Scotland. The core function of the Bòrd is to increase, by its own actions and by influencing the actions of others, the use of Gaelic in all areas of life.

In respect of the Highlands and Islands region of Scotland, Highlands and Islands Enterprise is a multi-functional regional development agency serving the population of the Highlands and Islands of Scotland and is set the task of improving the area’s economy and social well-being. HIE currently invests approximately £2m per year in projects with a connection to the Gaelic language, culture, heritage and identity of the Highlands and Islands. HIE has also

recently invested £250k in the development of studio facilities for the new Gaelic Digital Television Service, and over £3.6m in the development of the new Fàs centre for the creative and cultural industries located on campus at SMO on the Isle of Skye.

HIE has prepared a statutory Gaelic Language Plan based on the following principles:

- respect – applying the principle of equal respect for the Gaelic and English languages and their speakers
- normalisation – mainstreaming knowledge and awareness of the region’s Gaelic identity, and embedding Gaelic audibly and visually in the day to day operation of HIE
- opportunity – seizing new opportunities for the language’s growth and renewal, capitalising fully on opportunities in the spheres of economic and community development

#### **Article 14 - Transfrontier exchanges**

**a) to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information vocational training and permanent education.**

Colmcille, the Columba Initiative which was established in 1997 has been a successful trans-frontier initiative involving the governments of Scotland, Northern Ireland and the Republic of Ireland. Its remit is ‘to create a vibrant interactive community spanning Ireland and Scotland’, to promote the use of the Gaelic languages – Scottish Gaelic and Irish – in and between the two countries and to raise awareness of the shared heritage.

Highland Council has established a Memorandum of Understanding with Nova Scotia which has already seen cultural exchanges at many different levels of contact. As a part of the British-Irish Council, the Scottish Government participates in the sectoral group that has a focus on minority languages.

Board members and officers of Bòrd na Gàidhlig have been involved in exchange visits to Wales and a consultant from Wales specialising in language planning has been periodically contracted by the Bòrd to assist with the development of public authority language plans and schemes to promote the use of Gaelic on a community level.

**b) for the benefit of regional or minority languages to facilitate and/or promote co-operation across borders, in particular between Scottish Gaelic in whose territory the same language is used in identical or similar form.**

See answer to 14a.

## **Welsh**

### **Article 8 - Education**

#### **1a (i) to make available pre-school education in Welsh;**

Pre-school education is available to all parents/guardians who so desire it for their children through the medium of Welsh: there is a statutory entitlement to at least half-time provision from the child's 3rd birthday. In July 2007, voluntary sector provision (by Mudiad Ysgolion Meithrin (MYM) – [www.mym.co.uk](http://www.mym.co.uk)) for under-threes was available in 503 Tî a Fi (parent and toddler groups) throughout Wales and for 2 ½ + age group in 551 nursery groups. Local Education Authorities co-ordinate pre-school provision on a County Basis via Early Years' Education and Childcare Partnerships.

Welsh Language Board funding to MYM in 2008-09 will be £1.1 million. MYM will also receive £375,057 of core funding in 2008-09 through the Assembly Government's Children and Families Organisations Grant scheme.

Funding also continues to be made available to MYM to employ a development officer to work in the early years' sector. MYM are playing a crucial role in the rollout of the Foundation Phase (a new curriculum for 3 to 7-year-olds) and will continue to play a major part in developing high quality Welsh-medium early years' provision for young children.

Welsh language development will now be taught within the new Foundation Phase curriculum for pre-school children. In settings where English is the main medium of communication, children's Welsh language skills should be progressively developed. They should learn to use the language and communicate their needs through participating in a range of practical, planned, enjoyable activities. Welsh-medium settings will continue with their immersion strategy. Both will be supported by the education programme of the Language, Literacy and Communication Skills Area of Learning.

'Cam wrth Gam' (Step by Step) is the training for Early Years Welsh-medium practitioners. We have already trained an additional 740 support assistants to work in Welsh-medium settings through the Iaith Pawb programme.

A new three-year contract has been awarded to Mudiad Ysgolion Meithrin in partnership with Trinity College Carmarthen to increase the number of Welsh-medium practitioners available to work within the early years' education sector. There will be 330 practitioners trained each year through this programme.

The contract is setting the infrastructure for an innovative long term solution which will ensure a career path for Welsh-medium practitioners, ensuring access to qualifications from NVQ level 2 to graduate and post-graduate qualifications through partnership working.

**1b (i) to make available primary education in Welsh;**

Primary Welsh medium and bilingual models of provision are available to all parents or guardians who so desire it for their children in all 22 Local Authority Areas. Welsh medium provision is available in 466 schools where Welsh is the sole/main medium of instruction, and bilingual provision in 28 schools where Welsh medium provision is used for part of the curriculum. Welsh as a second language is taught in the remainder of schools, i.e. 1,033.

Under the Children Act 2004 there was a requirement for LEAs to produce single education plans. The guidance on the new single education plan included a recommendation that authorities in areas where there is the greatest potential for an increase in Welsh speakers should survey parents of pre-school children to establish what their language medium preferences would be when they come to choose schools. The intention was to help LEAs plan more effectively to meet needs in their areas. The plans were published with effect from April 2006 and many of the target authorities undertook surveys. The Single Education Plans will be superseded by Children and Young People's Plans in September 2008. Definitions of Welsh-medium schools have now been provided – see document given under 1c(i).

All LEAs are required under the Welsh Language Act 1993 to produce Welsh Education Schemes. The purpose of these schemes is to forward plan strategically over a five year period in order to provide Welsh-medium or bilingual education to all children whose parents or guardians desire it for them, and this within a reasonable travelling distance from their homes. Second Welsh Education Schemes are now operational in 11 LEA's. The remaining 11 are preparing their second Welsh Education Schemes. The Welsh Language Board published guidelines to LEAs on the preparation of new Schemes in January 2005. These are available on the Board's internet site:

[www.byig-wlb.org.uk](http://www.byig-wlb.org.uk)

In areas where demand is growing, new Welsh-medium schools have been opened. Between 1998 and September 2005 a total of 8 new Welsh medium primary schools have opened in Monmouthshire, Cardiff (2), Swansea, Powys, the Vale of Glamorgan, Caerphilly

and Denbighshire. Since then 2 new nursery units have opened in Cardiff together with 4 new primary schools, although 3 of these are in temporary locations. A further 2 new primary schools are to open in September 2008, in Newport and Caerphilly, and a school in Monmouthshire is to be transferred to more suitable premises enabling it to expand to 210 places.

In addition to Welsh medium schools, intensive exposure to learning Welsh pilot projects for Year 6 pupils centred on 3 English medium secondary schools were implemented during the summer term of 2004. These immersion pilot schemes have been extended and expanded to include 11 schools, two of which are Primary, five are designated Welsh-medium schools and three are traditional bilingual schools. These are showing that it is possible to provide 'late entry' to Welsh-medium education. The funding for this pilot is used by the Welsh Language Board to employ staff dedicated to the project, to fund specialist input and to provide support for schools in the form of grants for additional teachers, supply cover, training and resources. An interim report is available and shows that the project has been able to identify the most effective examples of late immersion education in secondary schools and in two models in primary schools, and to offer continuing support to those models which can fulfil the objective set out in Iaith Pawb.

Further information on Welsh in Schools and Schools in Wales is available at:  
<http://www.wales.gov.uk/keypubstatisticsforwalesheadline/content/schools-teach/2004/hdw200402194-e.htm>

and

<http://www.wales.gov.uk/keypubstatisticsforwales/content/publication/schools-teach/2005/siwgs2004/siwgs2004-ch7/siwgs2004-ch7.htm>

### **1c (i) to make available secondary education in Welsh;**

Bilingual/Welsh medium secondary education is available throughout Wales to varying degrees. There are 54 "Welsh speaking Schools" in the secondary sector in Wales, but the 5 Local Authorities who do not provide such a school (Bridgend, Blaenau Gwent, Merthyr Tydfil, Monmouthshire and Newport) ensure provision via cross-county agreements and by paying transportation costs for pupils who desire Welsh medium/bilingual provision. Planning is underway between all the authorities using the school in Torfaen to fund a substantial permanent expansion of the school. Defining categories of bilingual provision has been complex and considerable local variation exists in percentages of subjects delivered through the medium of Welsh. Following exhaustive consultation the Welsh Assembly Government has published an information document covering the definitions of schools according to the amount of Welsh used in teaching and learning. This was published

in October 2007 and statistical information will be collected on the basis of revised categories, together with statutory definitions, for a period of 2 years.

Link to document:-

<http://new.wales.gov.uk/topics/educationandskills/publications/guidance/definingschools?lang=en>

Welsh as a subject has been compulsory for all pupils up to the age of 16 since 1999.

The requirements under the Children Act 2004 for LEAs to produce single education plans, as described under 1b (i) above, also applies to secondary education. Similarly, the Welsh Education Schemes of LEAs also covers secondary education.

In areas where demand is growing, new Welsh-medium schools have been opened. New secondary schools have opened in the Vale of Glamorgan, Cardiff and Swansea since 1998. A new secondary school is due to open in Bridgend in September 2008.

Ensuring that pupils progress from primary to secondary schooling through the medium of Welsh – linguistic continuity – is an important action in *Iaith Pawb*, the National Action Plan for a Bilingual Wales. Research into the varied and complex reasons why this drift from first to second language and from Welsh-medium to English-medium study occurs during the transition from primary to secondary school was remitted to ACCAC in 2004-05. The reasons for the lack of continuity, according to the report by *Llais y Lli* for ACCAC in summer 2005 were, in summary:

- the overall drift between KS2 and KS3 is around 22% but it is localised rather than national;
- there is a significant drift in the teaching of maths and science which, as core subjects, would account for a significant amount of curriculum time. This is particularly noticeable in the counties of the former Dyfed;
- the increased likelihood of excellent GCSE Welsh second language results is a significant lure for schools and pupils alike;
- parental attitudes towards Welsh-medium study at Key Stage 3 vary – with the least confidence being shown in the traditionally Welsh-speaking areas (Gwynedd excepted);
- advice and guidance to schools by LEAs and to parents by schools is uneven with insufficient attention given in many cases to language progression and the development of bilingual skills.
- opinion is divided on the issue of assessing along a language continuum.

ACCAC (now the Qualification and Curriculum Group in DCELLS) made recommendations about the formulation of clear policies by LEAs and schools on language progression, and that the Welsh Assembly Government should ensure language continuity should be a core feature in the Assembly Government's guidance on statutory transition schemes. These issues are now being taken forward in the Linguistic Continuity project and in consideration of statutory transition planning. For the Linguistic Continuity Project, the Assembly Government has made funding available to the Welsh Language Board to develop and



implement a programme of work with a small number of secondary schools and their feeder primary schools in those areas where linguistic drift is most prevalent. In 2007/08, the project worked with headteachers, governing bodies, parents, pupils and local authorities in 4 schools in Carmarthenshire and Ceredigion. This will be expanded to Neath-Port Talbot, Conwy and Anglesey in 2008/09.

The General Qualifications and Modernisation Branch provides grants to encourage awarding bodies to provide general qualifications for 14-19 year olds through the medium of Welsh. The Welsh Assembly Government website has a list of all such qualifications. Every summer the Branch carries out a survey to find out if there are any qualifications not currently available that schools or colleges would like to offer. Discussions are held with awarding bodies every autumn.

#### **1d (iv) Technical and vocational education:**

To apply one of the measures provided for under (i) to (iii) above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

Technical and vocational qualifications are delivered and assessed by schools, Further Education colleges and through work-based learning. The amount of provision provided through the medium of Welsh or bilingually is increasing, albeit slowly. Responsibility for the development of provision for post-16 vocational provision was held by ELWa (Education and Learning Wales), which developed a vocational strategy to increase the opportunities for Welsh-medium vocational training. Key areas of this strategy in partnership with other bodies such as AACAC, the Sector Skills Council, and, through ACCAC, the examining bodies, were:

- Identifying needs and research
- Prioritising and targeting sectors and strategic planning
- Developing provision through the medium of Welsh
- Developing Welsh-medium qualifications, work-based learning frameworks and their assessment
- Developing student and teaching resource materials to support delivery.

The former ELWa Bilingual Vocational Strategy for post-14 development was transferred in 2007 into the Welsh Assembly Government, and development has continued. That strategy is now subject to the development of an all-age Welsh-medium education strategy which is in preparation during 2008-09 under the lead of the new Welsh Language Development Unit in the Department of Children, Education, Lifelong Learning and Skills.

The prioritisation of 6 important sectors for Welsh-medium development has been continued with regard to funding provision, new resources for teaching and learning and qualifications. These key sectors are Business Administration and IT, Leisure and Tourism,

Media, Early Years /Care and Agriculture. The strategy continues to fund developments in three main ways – training of practitioners, funding of provision development and funding of new vocational resources for teaching and learning. Coordination is maintained with the development of new Welsh-medium vocational qualifications.

**Training:** The Welsh-language Sabbaticals Scheme to provide Welsh language training to practitioners from schools, further education and work-based learning is in its extended pilot phase until August 2009. A further evaluation of impact will be made before consideration of future options. To date 99 practitioners have undertaken the course with 100% completion rate, including primary and secondary schoolteachers, further education lecturers and work-based learning trainers/assessors and also some supply teachers. The main aim of the training is to improve the linguistic skills of practitioners to enable them to work professionally through the medium of Welsh or bilingually. Other training includes courses on bilingual methodology for FE lecturers, and specific training on Videoconferencing and Virtual Learning Environments through the medium of Welsh.

**Funding of provision development:** Considerable progress has been made in building effective 14-19 bilingual partnerships between schools and FE colleges under 14-19 funding. For 2008-09, £1.2 million was dedicated to the development of Welsh-medium vocational courses based in schools or FE colleges in collaboration.

In addition, the Bilingual Champions pilot is trialling the use of champions in FE colleges to increase provision. The Sgiliaith/CYDAG partnership provides a central all-Wales support service for the post-16 sector for the development of Welsh-medium and bilingual provision, in terms of training, identifying resource needs, developing a qualification to acknowledge learners' Welsh-medium and bilingual skills and disseminating good practice. E-learning and videoconferencing is also being explored with regard to expansion of Welsh-medium and bilingual provision, and to date, a total of 33 Welsh-medium and bilingual secondary schools are by now in receipt of state-of-the-art videoconferencing equipment, with technical support and training, to assist the development of partnership working and delivery of vocational and other courses.

**Teaching and learning resources:** High-quality teaching and learning Welsh-medium resources for post-14 vocational subjects are being commissioned to support provision, either as original material or in translation. The commissioning cycle includes resource panels, for the six priority subject areas. The commissioning programme produces materials in a wide range of media, including online and interactive materials, DVDs, CDs, and printed books.

**Qualifications:** Since 2004-5, the Welsh Assembly Government has provided grant support to awarding bodies to enhance the provision of vocational qualifications through the medium of Welsh in the 6 key sector areas prioritised. Following a successful two year pilot programme which provided approximately 35 additional qualifications through the medium

of Welsh, the programme was rolled out as a longer term programme. To date, 81 vocational qualifications have become available through the medium of Welsh as a result of the DCELLS support programme for awarding bodies. A minority of awarding bodies report a significant increase in take-up in some of the priority areas identified earlier. They are also making provision in sectors outside of the priority areas, such as automotive, customer service, waste management. Mechanisms are in place to monitor the promotion of the expanded Welsh-medium provision and the take-up and achievement by learners in schools and colleges. It is anticipated that take-up of the qualifications will increase as the vocational provision in 14-19 agenda is embedded.

£120,000 is being allocated to support the Welsh-medium Vocational Qualifications programme in 2008-09. DCELLS set up an Awarding body forum (for Welsh medium VQs) to facilitate discussion of issues relating to development and provision of VQs through the medium of Welsh, including the VQ support programme detailed above. . This forum meets twice per year and is attended by representatives from 20+ awarding bodies.

DCELLS is currently holding stakeholder meetings to communicate information about VQ developments through the medium of Welsh and to gather feedback on the provision offered by awarding bodies and to gauge demand/need for new/additional provision in the future.

Estyn's annual report for 2006-07 notes that some providers are making good progress in developing Welsh or bilingual opportunities for learners as a result of working together, but that learners in most parts of Wales still do not have enough opportunities when they leave school to continue their learning in Welsh or bilingually. It further notes that some colleges are making good progress in developing bilingual or Welsh-medium provision. A more detailed report on 14-19 Welsh-medium provision gives detailed comments and recommendations which will be further considered in the Welsh-medium Education Strategy. See document:

[http://www.estyn.gov.uk/publications/welsh\\_medium\\_and\\_bilingual\\_provision\\_for\\_14\\_19\\_learners.pdf](http://www.estyn.gov.uk/publications/welsh_medium_and_bilingual_provision_for_14_19_learners.pdf)

Awarding bodies report that there is still a shortage of external assessors and verifiers through the medium of Welsh in a range of vocational sectors. They continue to find it difficult to recruit despite best efforts.

A number of Sector Skills Councils have taken steps to provide Welsh translations for particular suites of national occupational standards for their sector, eg Skillset (TV& Broadcast), Skills for Care, Skills for Justice, SkillsSmart Retail, SkillsActive (Sport), Institute of Customer Service HABIA (Hairdressing and beauty); Public Services. These Standards are the basis of national vocational qualifications (NVQs) and they are also used for wider purposes by employers for performance appraisal and in-house training. A Welsh-medium Vocational Panel with Sector Skills Councils has been established to encourage the

understanding of Welsh-medium and Welsh-language issues in Sector Skills Councils in Wales and to promote joint working on improving provision. Indeed, some SSC's have already formally agreed Welsh Language Schemes with the Welsh Language Board. It is also proposed to specify 25 SSC's under the Order currently going through under Section 6(1)(o) of the 1993 Welsh Language Act.

Despite interventions with development funding, such as the Bilingual Champions pilot, there remains a reluctance among Further Education colleges and work-based learning providers to increase Welsh-medium or bilingual provision. This is evident in the data:

- in Further Education, Work-based learning and LEA Community learning providers, only 3.0 per cent of learning activities were undertaken either entirely through Welsh (0.3 per cent) or through bilingual provision (2.7 per cent). When the analysis is performed by individual sector, the Welsh/bilingual proportion of learning is seen to be slightly higher for FE but much lower for work-based learning provision.

The most popular subjects for learning activities in these sectors (whose subject was specified) were Care (including Basic Skills) (25 per cent), Information Technology (15 per cent), Media (9 per cent) and Health (8 per cent), which correlates with the 6 priority areas of DCELLS.

**1e (iii) if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs (i) and (ii) cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in Welsh or of facilities for the study of Welsh as university or higher education subjects;**

Welsh medium provision is allowed in Higher Education. It accounts for around 3.1% of the total provision. The Welsh Assembly Government is committed to making bilingualism a reality and has a target of 7% of Welsh domiciled students undertaking at least part of their degree studies through the medium of Welsh by 2010. Recent actions to support this have been the announcement of a £2.9 million investment over 7 years to provide more lecturers who can teach through the medium of Welsh. The latest HESA data indicates that in 2006/07 5.1% of Welsh domiciled student enrolments at Welsh HEIs had some teaching through the medium of Welsh. The Welsh Assembly Government approved a further £1.352k to fund the continuation of Welsh medium post-graduate scholarship and teaching fellowship schemes over the next 3 financial years. In 2007-08 an additional £1.3m was committed over 4 years to enable the Centre for Welsh Medium Higher Education (previously know as the WM Development Unit) to fulfil its new role in supporting the Welsh Medium Higher Education Sector Group, the implementation of the national development plan promoting a proactive campaign to attract more students to study through the medium of Welsh. All aspects of developing Welsh medium activity are being taken forward in a coherent, integrated way.

This new scheme began in the 2005-06 academic year, and included 2 elements – a Welsh medium Post Graduate Research Scholarship scheme and Post-Doctoral Teaching Fellowships. A further £900,000 has been earmarked for the following 3 years to support a combination of measures to boost Welsh medium provision.

The following are examples of work already undertaken:

- the University of Wales' Welsh Medium Teaching Development Unit has been strengthened with a new post of Marketing and Progression Officer;
- we are working with the sector to develop a further proposal for HEFCW to fund an options appraisal of future models for the delivery of Welsh medium provision;
- we have included a Welsh medium target for the Reaching Wider Partnerships which aims to contribute to the target of 7% of Welsh domiciled HE students who received some teaching in Welsh set in Reaching Higher; and
- the North Wales Reaching Wider Partnership have made Welsh materials available in Braille, and is due to launch a Welsh version of the prestigious Ladders project.

Further information is available in the following press release on the Welsh Assembly Government's internet site:

[www.wales.gov.uk/servlet/PressReleaseBySubject?area\\_code=37D4D35C000B6B0C000005D400000000&document\\_code=N000000000000000000000000034008&p\\_arch=null&module=dynamicpages&month\\_year=null](http://www.wales.gov.uk/servlet/PressReleaseBySubject?area_code=37D4D35C000B6B0C000005D400000000&document_code=N000000000000000000000000034008&p_arch=null&module=dynamicpages&month_year=null)

Information about the opportunities to study through the medium of Welsh at higher education institutions is available on the University of Wales' internet site:

[www.cymru.ac.uk/newpages/external/e8301.asp](http://www.cymru.ac.uk/newpages/external/e8301.asp)

**1f (ii) to offer Welsh as a subject of adult and continuing education;**

ELWa (Education and Learning Wales) was formerly responsible for funding the Welsh for Adults programme, which is a national programme for the teaching of Welsh to adult learners. The programme is offered by HEIs, FEIs, LEAs and other educational organisations, and courses are available throughout Wales at all levels. These include bespoke courses for workplace staff, parents and non-Welsh speakers who relocate to Welsh-speaking areas. Nearly 20,000 course registrations for Welsh for Adults were made in 2004-05.

Following the merger of ELWa with the Welsh Assembly Government in 2007, responsibility for national organisation and funding of this programme rests with DCELLS in the Welsh Assembly Government.

Since the publication of the 2<sup>nd</sup> report of the Committee of Experts in 2006, six dedicated Welsh for Adults centres have been established under the guidance of the Welsh Assembly Government. The Welsh Assembly Government invested £4.6m in the centres over a period of 28 months from April 2006 – July 2008, and the Minister for Children, Education, Lifelong Learning and Skills has recently committed to provide grant funding to the centres until July 2011.

The centres are responsible for planning and funding the provision within their regions or sub-regions to enable capacity-building, better quality assurance and better progression from one level to the next. The overall aim is to achieve higher levels of learners achieving fluency.

The Welsh for Adults centres are also in receipt of grant funding from the Welsh Language Board for the planning and delivery of informal learning opportunities for adult learners of Welsh. Informal learning is integral to the learning process as it provides learners with the opportunity to practise their oral skills in an informal setting and will facilitate the path to fluency. The centres can help ensure that informal learning opportunities are dovetailed into their formal provision.

The Welsh Assembly Government worked in partnership with the centres and other external stakeholders to implement the first national marketing campaign in 2007. Due to the success of the campaign and the on-going need to target new learners, a second campaign is planned for 2008.

A 'One Wales' commitment is to develop a long term strategy for Welsh-medium Education, to include Welsh for Adults. This strategy will be developed during 2008-09 for consultation in spring 2009. This strategy will form the basis of all future development.

A series of five Welsh for Adults examinations at the WJEC will continue to be funded, and credit pathways are currently being developed to run parallel with the examinations. Courses appropriate to the five language levels form the basis of provision.

A wide variety of courses are available: weekly evening classes; intensive courses; bespoke courses for the workplace and the family. There are also on-line and distance learning courses, summer schools, and Saturday schools.

The Welsh for Adults centres have been tasked with developing bespoke courses to the three priority sectors: Welsh for the Workplace, Welsh for the Family and Welsh for incomers to Wales. The provision of these courses has increased over the past two years, and the centres now have targets to develop further provision for the next three years until 2011.

A range of resources for Welsh learners and tutors have been funded for development by the Welsh Assembly Government. These include: a series of Welsh language course books and audio resources for learners in the non-intensive sector; online interactive materials for learners; online teaching materials for Welsh for Adults tutors, including an online magazine; DVD and audio-CD teaching pack.

**1g to make arrangements to ensure the teaching of the history and the culture which is reflected by Welsh;**

Welsh history and culture is reflected in the Curriculum for Wales at all levels via the "Cwricwlwm Cymreig", which ensures a Welsh dimension and ethos for the National Programmes of Study. This includes other subject areas such as Music, Art and Design, Geography, History and Anglo-Welsh text in English as a taught subject.

In higher education, Welsh History is taught at the Aberystwyth University, Bangor University and Cardiff University.

**1h to provide the basic and further training of the teachers required to implement paragraphs a to g;**

Iaith Pawb committed the Welsh Assembly Government to introducing a pilot programme of intensive Welsh language and methodology training for qualified teachers and post 16 practitioners to maximise the numbers of professionals teaching through the medium of Welsh. To deliver this dual commitment, the Assembly Government worked in partnership with ELWa to develop a joint Welsh Sabbaticals Scheme for school teachers and post-16 practitioners.

The Pilot Sabbaticals Scheme was launched in January 2006. The scheme offers immersion training in Welsh language skills and training in Welsh-medium and bilingual methodology, thus enabling practitioners subsequently to teach their specialist subjects through the medium of Welsh. The course is open to teachers, lecturers and training providers who are fairly fluent Welsh speakers, but lack confidence and wish to improve their language skills to move towards becoming fully bilingual practitioners.

Canolfan Bedwyr, at Bangor University, took the lead in delivering the Pilot Scheme in partnership with the School of Welsh at Cardiff University. The Welsh-language Sabbaticals Scheme is now in its extended pilot phase until August 2009. A further evaluation of impact will be made before consideration of future options. To date 99 practitioners have undertaken the course with 100% completion rate, including primary and secondary schoolteachers, further education lecturers and work-based learning trainers/assessors and also some supply teachers. The main aim of the training is to improve the linguistic skills of practitioners to enable them to work professionally through the medium of Welsh or bilingually.

Other training includes courses on bilingual methodology for FE lecturers, and specific training on Videoconferencing and Virtual Learning Environments through the medium of Welsh.

As detailed in paragraph 1(a) (i) above, 300 candidates are receiving the training for Early Years Welsh medium practitioners run by Trinity College, Carmarthen.

Improved tutor training is a key commitment in *Iaith Pawb* and *One Wales* and will be a core element of the Welsh for Adults strategy.

Tutor training is key to ensuring that the quality of provision is of the highest possible standard to ensure that more learners reach fluency. Tutor training is one of the functions of the Welsh for Adults centres. In addition to the training delivered by the centres, the Welsh Assembly Government has committed to develop and to fund the delivery of a national qualification to 60 Welsh for Adults tutors per annum, to ensure that the standard of teaching is raised, and to ensure that all tutors teaching in the field have achieved qualified teaching status.

The Welsh Assembly Government has also committed to deliver an annual conference for a minimum of 140 Welsh for Adults tutors to share information about the latest developments in the field of Welsh for Adults, and to provide training on the use of new resources available to tutors, and on various teaching methodologies.

The Welsh Assembly Government has worked in partnership with LLUK on the development of occupational standards and applications with special regard to Welsh-medium, bilingual and Welsh for Adults practitioners. Further work will be undertaken in due course to develop additional guidance.

As detailed in paragraph 1(e) (iii) above, the Welsh Assembly Government has recently announced an investment of £2.9 million to increase the number of lecturers able to teach in Welsh.

The Welsh Assembly Government has also introduced a Welsh Medium Incentive Supplement for students undertaking secondary initial teacher training through the medium of Welsh who need additional support in the language.

- 1i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Welsh and for drawing up periodic reports of their findings, which will be made public.**

The Welsh Language Board oversees the development of Welsh Language Education Schemes under the Welsh Language Act 1993. These strategy documents are produced by public bodies and outline steps to be taken to develop Welsh medium and bilingual provision. Local Education Authorities and the further and higher education system produce Schemes for approval by the Welsh Language Board. Scheme targets operate within three year implementation timescales. Other bodies have statutory roles in this context, including



GTCW (General Teaching Council for Wales), WJEC (Welsh Joint Education Committee) and the Welsh Assembly Government.

In discharging its responsibilities for inspecting education and training providers, including initial teacher training institutions, Estyn, Her Majesty's Inspectorate for Education and Training in Wales, has regard for the need to report on the quality and standards of work in:

- institutions which provide bilingual and Welsh-medium education;
- the teaching and learning of Welsh and Welsh as a second language; and
- the training of teachers for bilingual, Welsh language work and Welsh-medium education provided in schools and colleges.

This is a commitment contained in Estyn's Welsh Language Scheme ([www.estyn.gov.uk/about\\_estyn/WLS\\_E.pdf](http://www.estyn.gov.uk/about_estyn/WLS_E.pdf)). The publications section of Estyn's website ([www.estyn.gov.uk/dynpages/publications\\_a\\_to\\_z.asp](http://www.estyn.gov.uk/dynpages/publications_a_to_z.asp)) includes inspection guidance documents for all sectors which incorporate the above commitment. There is also a supplementary advice note dealing specifically with inspecting bilingualism ([www.estyn.gov.uk/publications/Remit36.pdf](http://www.estyn.gov.uk/publications/Remit36.pdf)).

From 1 April 2008, a Welsh Language Development Unit has been operational within the Department for Children, Education, Lifelong Learning and Skills in the Welsh Assembly Government. The overall aim of the Unit is to improve capacity in the education system through developing provision, training and resources for teaching and learning through the medium of Welsh, and to provide strategic direction for the development of Welsh-medium provision.

In particular it will coordinate and drive the Department's contribution to the Iaith Pawb agenda and, during the course of 2008-09, will lead on the One Wales commitment to develop a national strategy for Welsh-medium education and training, supported by an implementation programme, which will then be published for public consultation.

The Welsh Language Development Unit manages and funds development projects such as the language immersion pilots and linguistic continuity projects, the national Welsh-language Sabbaticals Scheme for practitioners and Bilingual Champions pilot, and commissions Welsh-language materials for teaching and learning, including coordination of needs assessment to determine priorities, and will monitor progress in all sectors.

The Welsh for Adults centres are monitored by the quality team within DCELLS. They submit annual self-assessment reports and quality development plans, and the quality team undertakes an annual provider performance review. The centres submit data to the LLWR and HESA on an annual basis, and the data is monitored by the Welsh Assembly Government. Welsh for Adults provision is also inspected as part of the Estyn Adult Community-Based Learning cycle.

The Welsh Assembly Government is committed to meeting its duty under the Government of Wales Act 2006 by reporting annually on progress with both Iaith Pawb, the National Action Plan for a Bilingual Wales, and its own Welsh Language Scheme. These reports are published on the Assembly Government's internet site:

[www.wales.gov.uk/welshlangscheme](http://www.wales.gov.uk/welshlangscheme)

and cover a wide range of Welsh Assembly Government policy areas, including Welsh medium education.

There is no single dedicated mechanism for monitoring all the measures taken and progress achieved with regard to Welsh-medium education at present.

- The Welsh Language Board oversees the development and monitoring of Welsh Language Education Schemes under the Welsh Language Act 1993. These strategy documents are produced by public bodies and outline steps to be taken to develop Welsh medium and bilingual provision. Local Education Authorities and the further and higher education system produce Schemes for approval by the Welsh Language Board. Scheme targets operate within three year implementation timescales. Other bodies have statutory roles in this context, including GTCW (General Teaching Council for Wales), WJEC (Welsh Joint Education Committee) and the Welsh Assembly Government.
- Estyn, Her Majesty's Inspectorate for Education and Training in Wales, has regard for the need to report on the quality and standards of work in:
  - institutions which provide bilingual and Welsh-medium education;
  - the teaching and learning of Welsh and Welsh as a second language; and
  - the training of teachers for bilingual, Welsh language work and Welsh-medium education provided in schools and colleges.

Estyn's reports are published.

The Welsh Language Development Unit in the Department for Children, Education, Lifelong Learning and Skills in the Welsh Assembly Government has now been formed, and during the course of 2008-09 is preparing a national Welsh-medium education strategy and implementation programme in line with the Welsh Assembly Government's commitment. The strategy will consider options for monitoring of Welsh-medium and Welsh-language education in a more detailed and consistent manner, and the Welsh Assembly Government will decide how to produce published reports for the public on the benchmarked targets.

## **Article 9 - Judicial authorities**

### **1a in criminal proceedings**

#### **ii. to guarantee the accused the right to use Welsh**

This is provided by virtue of Section 22(i) of the Welsh Language Act 1993.

The cost of Welsh language interpreters in criminal cases is paid for from Central Funds. HMCS' policy is to use only those interpreters who have successfully sat the Association of Welsh Language Interpreters' Simultaneous translation examinations.

- iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in Welsh**

The Crown, Appeals Court and Magistrates Courts are covered by Her Majesty's Courts Service's Welsh Language Scheme which provides that in the administration of justice in Wales, the English and Welsh languages should be treated on the basis of equality.

**1b in civil proceedings**

- ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use Welsh without thereby incurring additional expense**

The right to speak Welsh in any civil proceedings in Wales is given by Section 22(i) of the Welsh Language Act 1993.

- iii. to allow documents and evidence to be produced in Welsh, if necessary by the use of interpreters and translations**

Documents in Welsh are permitted by rules of court. HMCS will bear the cost of translating documents to or from Welsh. If its possible that the Welsh language may be used by any party or witness, the parties or their legal representatives must inform the court of the fact so that appropriate arrangements can be made for the management and listing of the case. The cost of arranging Welsh language interpreters in civil cases is paid for from the budget of HMCS' Welsh Language Unit. If costs are incurred as a result of a party failing to comply with this direction, a costs order may be made against him or his legal representative. Hearings may be conducted entirely in Welsh on an ad hoc basis and without notice when all parties and witnesses directly involved at the time consent.

**1c in proceedings before courts concerning administrative matters**

- ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use Welsh without thereby incurring additional expense**

The cost of translating documents and evidence for Court and Tribunal proceedings that come within the Ministry of Justice's responsibility is met through HMCS' Welsh Language

Unit. A litigant may use Welsh at a hearing in Wales, but if costs are incurred as a result of insufficient notice, a costs order may be made.

**iii. to allow documents and evidence to be produced in Welsh, if necessary by the use of interpreters and translations**

The cost will be met by HMCS' Welsh Language Unit if it comes under HMCS' responsibility.

The cost of arranging Welsh language interpreters will be paid for by HMCS.

**1d to take steps to ensure that the application of sub-paragraphs (i) and (iii) of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned**

As explained above, by virtue of HMCS' Welsh Language Scheme, translation of oral evidence is provided at no extra expense to those giving evidence. Documents are also translated free of charge. The Welsh Language Schemes of Tribunals and other legal proceedings require the provision of translation facilities at no extra cost to the persons concerned.

**2b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in Welsh, and to provide that they can be invoked against interested third parties who are not users of Welsh on condition that the contents of the document are made known to them by the persons) who invokes) it**

Invoking a legal document against a third party would be covered by HMCS' Welsh Language Scheme as referred to in relation to civil proceedings.

**Article 10 - Administrative authorities and public services**

**1a (i) to ensure that the administrative authorities use Welsh**

The Welsh Language Act 1993 includes provisions requiring public bodies [but not voluntary and private bodies] to prepare and implement Welsh Language Schemes. These Schemes need to set out what services and activities are to be provided in Welsh, how they are to be provided, and by when. They also need to set out how the body concerned will ensure the Scheme is being implemented.

The process of preparing and implementing Schemes is overseen by the Welsh Language Board, a statutory body. The Board ensures Schemes comply with the Act. Where disputes occur between the Board and individual bodies, they may be referred to the Welsh Ministers, who can give directions - empowered by court order if necessary.

The Welsh Assembly Government's revised Welsh Language Scheme was approved by the Welsh Language Board in December 2006. The revised Scheme was described by the Welsh Language Board as "far-reaching with the potential to make a difference". The Scheme is subject to an Annual Report on performance and progress against the commitments made in the Scheme.

The Scheme and the annual reports are available on the internet by visiting the following link :-

<http://www.wales.gov.uk/welshlanguage>

Some of the bodies are also regulators or supervisors of services which are provided by others, for example the Audit Commission, The Commission for Health Improvement, and ESTYN (Her Majesty's Inspectorate of Education and Training in Wales), who monitor the quality of services in particular areas of public service. In their Schemes, these regulatory bodies need to set out how they will monitor the quality of service in Welsh as part of their function. In this manner, the provision of public services in Welsh, and the regulation of those services, is being normalised and integrated into orthodox administrative processes.

Although central government departments are not defined as public bodies for the purpose of the Welsh Language Act, the UK government gave an undertaking that departments who provide services to the public in Wales will prepare schemes and comply with the provisions of the Act. If a Crown body decides to develop a Welsh Language Scheme, the Welsh Language Board will approve it in the same way as for public bodies. Many central government departments and agencies do have an approved scheme.

To date, 478 Schemes have been approved, and more are in the course of preparation (see <http://www.byig-wlb.org.uk>).

The Welsh Ministers have powers to name further public bodies, thus ensuring the Act applies to new or in certain circumstances, reorganised administrative authorities. The Welsh Language Board's Welsh Language Scheme Team was restructured in 2007 and new targets were set for 2008-09, with the aim of better reflecting the number of Schemes prepared, revised and monitored during that year. Targets also give more detail with regard to complaints and investigations held under sections 17 and 18 of the Welsh Language Act 1993.

**1b to make available widely used administrative texts and forms for the population in Welsh or in bilingual versions**

This is a requirement of individual Welsh Language Schemes - see 1 a(i) above. Items such as forms are of high priority within language schemes.

**1c to allow the administrative authorities to draft documents in ' Welsh**

This is a requirement of individual Welsh Language Schemes - see a(i) above. Where previous legislation or regulation creates a barrier to the issuing of documents in Welsh, new legislation or regulation can correct this. The Regulatory Reform Act 2001 provides a mechanism to deal with areas which are otherwise unlikely to be given Parliamentary time. The areas where barriers remain are now very limited, and of those, some stem from European law, not UK law.

**2a the use of Welsh within the framework of the regional or local authority**

This is a requirement of individual Welsh Language Schemes.

**2b the possibility for users of Welsh to submit oral or written applications in Welsh**

This is a requirement of individual Welsh Language Schemes.

**2c the publication by regional authorities of their official documents also in Welsh**

This is a requirement of individual Welsh Language Schemes.

**2d the publication by local authorities of their official documents also in Welsh**

This is a requirement of individual Welsh Language Schemes.

**2e the use by regional authorities of Welsh in debates in their assemblies, without excluding, however, the use of the official language(s) of the State**

This is a requirement of individual Welsh Language Schemes.

**2f the use by local authorities of Welsh in debates in their assemblies, without excluding, however, the use of the official language(s) of the State**

This is a requirement of individual Welsh Language Schemes.

**2g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Welsh**

This is a requirement of those Welsh Language Schemes where the body concerned is responsible for or uses place names in its work. The Place Names Advisory Service, transferred from the Assembly Government to the Welsh Language Board in 2001 and run in partnership with the University of Bangor's Place Names Research Centre, provides advice to organisations and individuals on the standard forms of place names in Wales.

**3a to ensure that Welsh is used in the provision of the service**

This is a requirement of individual Welsh Language Schemes. The requirement to provide services in Welsh needs to be passed on to any contractor or agent or partner who delivers the service on the administrative bodies' behalf. Those bodies which have been implementing their Schemes for over a year or more provide an annual compliance report to the Welsh Language Board. The Board then evaluates the performance and this may include making recommendations on how to improve the report and/or performance, which will need to be remedied by the next report. After a period of implementing the Scheme (approximately 3 years), the Board will conduct a fuller evaluation of attainment against the Scheme with a view of agreeing the steps forward for the next stage.

The Welsh Assembly Government also ensures that its annual remit letters sent to AGSBs include a requirement to mainstream the language.

**4a translation or interpretation as may be required**

This is a requirement of individual Welsh Language Schemes.

**4b recruitment and, where necessary, training of the officials and other public service employees required**

This is a requirement of individual Welsh Language Schemes. This is a sensitive area, which needs to be taken forward gradually and strategically, avoiding discrimination.

The Welsh Language Board are currently working on 2 projects in this area. They are working to develop methodologies and good practice for working bilingually. They are also conducting a tendering exercise to find a suitable contractor to undertake a study in the field of bilingual skills. The purpose of the study is "to identify what administrative arrangements have been put into effect in the human resources arena in order to develop the bilingual capacity within the public sector workforce and to identify the most effective practices in force" The Board intend to produce a paper which will contain recommendations on the use of Welsh in workforces.

The Welsh Assembly Government has a corporate Bilingual Skills Strategy for its own workforce, and strategies have also been produced at departmental level.

The Strategy's purpose is to:

- assess the linguistic skills needed to deliver Scheme requirements;
- designate which posts require Welsh language skills;
- identify our current Welsh language skills; and
- use a combination of recruitment, training and creative working practices to close the gap between current capacity and the required linguistic skills.

#### **Article 10: Indicate measures taken to establish a standard, officially recognised accreditation basis**

The Welsh Language Board (WLB) works with, and provides guidance & support to bodies performing services of a public nature, and follows guidelines that were published in accordance with the 1993 Welsh Language Act (Part II). As such, the WLB formally approves language schemes from such bodies (again, in Part II of the current Act – sections 9-19).

The Welsh Language Board contributes grant aid to fund the Association of Welsh Translators and Interpreters (Cymdeithas Cyfieithwyr Cymru, CCC). CCC is the professional body representing English/Welsh translators and interpreters.

The Association's aim is to ensure Professional Translation Standards in the field of Welsh/English translation and interpreting

- examines and assesses translators
- publishes a directory of its members
- organizes workshops and conferences
- provides advice on translation matters



It also advises the Welsh Language Board on translation issues and acts as a medium for sharing best practice. The association has developed a rigorous assessment and examination procedure and has currently 3 levels of assessment based membership, namely

- Basic Membership for those starting out as text translators
- Full Membership for text translators who have been working as full-time translators for at least 3 years
- Interpreting Membership for interpreters who have been successful in CCC's interpreting tests.

Membership of the CCC through assessment is not obligatory for translators and interpreters working in Wales. However, the Welsh Language Board encourages its partners to use translators and interpreters accredited by the Association as a means of ensuring standards.

In 2006 the Welsh Language Board and CCC published a 'National Strategy for the Development of English/Welsh Translation as a Profession'. It sets out the objective of developing a framework for developing accredited professional translation qualifications. This is one of the objectives that CCC undertakes with grant aid from the Welsh Language Board and in cooperation with the Board and other partners including universities and other accreditation bodies. The Board has set up a Translation Forum, made up of relevant partners to oversee the development and implementation of the objectives set out in the Strategy.

## **5 to allow the use or adoption of family names in Welsh, at the request of those concerned**

This has long been the practice. The Registration of Births and Deaths Regulations 1987 enabled parents to specify a surname which was not necessarily the same as their own, in line with the customs of their own culture.

### **Article 11- Media**

#### **1a to the extent that radio and television carry out a public service mission**

##### **i. to ensure the creation of at least one radio station and one television channel in the regional or minority languages**

BBC Radio Cymru started broadcasting as an entirely Welsh language Radio station on 1 January 1977. Other regional and commercial stations also broadcast certain amounts of Welsh language programming, notably Radio Ceredigion, based in Aberystwyth and

Champion FM which serves North West Wales. Radio Cymru broadcasts around 140 hours of Welsh language programming per week.

S4C (Sianel Pedwar Cymru), the Welsh language fourth television channel in Wales first broadcast on 1 November 1982. S4C has created 2 digital television channels, the first of which broadcasts around 80 hours of Welsh language programming per week, and the second, which provides coverage of the deliberations of the National Assembly for Wales, and certain Welsh cultural festivals. Viewers possessing correct digital reception apparatus may choose the language of soundtrack whilst viewing this second S4C channel.

'Cyw', S4C's pre-school service, was launched in June 2008 and extends broadcasting for nursery-age children to six and a half hours per day. Additional services for 6-11 year olds, and teenagers, will be launched during 2008/09.

**Id to encourage and/or facilitate the production and distribution of audio and audiovisual works in Welsh**

Sgrîn, the Media Agency for Wales, was the primary organisation for film, television and new media in Wales, but its operations were ceased in March 2006 to avoid overlap with the Creative Industry Strategy, which the Welsh Assembly Government launched in 2004.

As part of the Strategy, an Intellectual Properties (IP) Fund has been established to provide gap funding for individual creative IP projects, such as a TV series or film, based in Wales. Welsh language projects are represented in all parts of the Strategy.

Following the launch of the Strategy, support for the creative industries was restructured and unified to create Creative Business Wales (CBW).

CBW provides support for the TV production sector (production for broadcast), Film (excluding short film which is classified as at least 8 minutes long and for general viewing and not for commercial purposes), New Media, and Music businesses in Wales. CBW has a core budget which funds organisations such as Film Agency Wales and Welsh Music Foundation for them to deliver projects to promote a growing and sustainable creative industries sector in Wales. CBW does not have specific funding to distribute to individual companies but works closely with the Wales IP Fund, administered by Finance Wales, for Film, TV, new media and music projects. Applicants must already have 60 per cent of the funding in place.

Also within the organisation is the Wales Screen Commission who provide bespoke support for film production with regard to locations, crew, facilities and local support services, they can also liaise with local authorities and police for filming support, and their services are free of charge.

**1e (i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Welsh**

There are a large number of news publications available in Welsh. 'Y Cymro' and 'Golwg' appear weekly, 'Barn' a current affairs magazine, monthly, and 55 local [mostly monthly] regional papers, or *Papurau Bro*.

Following the commitment in *One Wales*, the Welsh Assembly Government Minister for Heritage announced on 5 February 2008 that the Welsh Assembly Government would provide £600,000 over the next three years to fulfil the commitment in *One Wales*, that is, £200,000 a year until 2011. That is in addition to the £173,000 currently being spent by the Welsh Assembly Government, through the Welsh Books Council, on Welsh-medium news and current affairs publications.

On 29 May 2008, it was announced that Golwg Ltd. had won the tender to provide a daily Welsh language news service. The new development will create daily news service through the medium of Welsh in addition to strengthening the printed version of Golwg. This will also see the development of a sustainable news company in west Wales, as well as providing a significant boost to Welsh language journalism. This development strengthens the industry as well as taking Welsh to multiple platforms and generating greater pluralism in the Welsh language news sector.

**1f (ii) to apply existing measures for financial assistance also to audiovisual productions in Welsh**

Creative Business Wales and the Film Agency for Wales currently administers funding for audio-visual productions in Welsh and English. This includes the core funding from its funding bodies, and, in co-operation with Media Antenna Cymru Wales and the European Commission, the MEDIA programme, which has been used to support the development and distribution of audio-visual works in Welsh.

**2. to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to Welsh, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language; and to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to Welsh**

All these criteria are current practice. No legal obstructions exist to prevent reception of Welsh language media programming from neighbouring countries. In practice, in many areas, Welsh language programming can be heard and viewed in England and abroad. Radio Cymru is now streamed live on the internet and digital satellite, and S4C Digidol & S4C2 are available in Wales and outside on digital satellite. Some of S4C's programmes are available on line on demand, where copyright allows. BBC Wales provides an extensive interactive Welsh Language service on the internet, which contains many streaming audio and video broadcasts in Welsh.

**3 to ensure that the interests of the users of Welsh are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media**

Many bodies undertake pertinent activities in this field. Amongst them, the Press Complaints Commission and Ofcom (Office of Communications).has established an office in Wales and there is a Welsh representative on Ofcom's Content Board. An Ofcom advisory committee for Wales has also been created, so that Wales will have a say in the field of broadcasting, telecommunications and wireless communications. Ofcom published its first Welsh Language Scheme in 2006. Both Ofcom and the UK Government have stated their commitment to a sustainable future for Welsh language broadcasting.

<http://www.ofcom.org.uk/about/cad/wls>

<http://www.ofcom.org.uk/consult/condocs/psb3/#>

[http://www.bbccharterreview.org.uk/publications/cr\\_pubs/pub\\_bbcgreenpaper.html](http://www.bbccharterreview.org.uk/publications/cr_pubs/pub_bbcgreenpaper.html)

**Article 12 - Cultural activities and facilities**

**1a to encourage types of expression and initiative specific to Welsh and foster the different means of access to works produced in Welsh**

The Arts Council of Wales provides direct grant aid to many Welsh language cultural activities. The Welsh Books Council funds much of the Welsh language publishing industry, and independent publishing houses frequently publish works in Welsh on paper, and CD Rom. Both are sponsored by the Welsh Assembly Government and would therefore be expected to apply linguistic provisions and mainstream considerations of the Welsh language in their policies.

The Arts Council for Wales provides funding for the Arts through the medium of Welsh as well as English. The Welsh Assembly Government's support for Welsh language publishing is channelled through the Welsh Books Council. The Welsh Books Council received

additional funding of £250,000 in 2002/03 for Welsh language publishing, rising to £300,000 in 2003/04 and £500,000 in 2004/05.

During the 2005-06 financial year, the Welsh Assembly Government gave £1.123 million to the Welsh Books Council for Welsh Language publishing, with the figure rising to £1.358 in 2007/08. A further £200,000 has been made available to support the Welsh-language press. During the 2008-09 financial year, the Welsh Assembly Government will give £1.556 million to the Welsh Books Council for Welsh language publishing. A further £200,000 has been made available to support the Welsh-language press.

Additional funding from the Welsh Assembly Government over a period of three years has shown results with an overall increase in sales of 132% for Welsh language books in the years 2003 - 2006 compared with 2000-2003. In 2007-08, there was an overall increase of 12.1% in the sales of Welsh language books compared with the previous year.

The Welsh Books Council promotes Welsh books overseas through its collaborations with the British Council, and individuals from anywhere in the world are able to purchase Welsh language and Welsh interest books from its *Gwales* website.

[www.gwales.com](http://www.gwales.com)

Another Assembly project, *Cymru'n Creu*, provides a bilingual portal site for all cultural activities in Wales.

The Welsh Assembly Government's Welsh Public Library Standards include a requirement that Welsh public library authorities should ensure that they expend either a minimum of £1,100 per 1,000 Welsh-speaking population within their areas, or a minimum of 4% of the total library purchasing fund on the purchase, marketing and promotion of Welsh-language materials.

**1b to foster the different means of access in other languages to works produced in Welsh by aiding and developing translation, dubbing, post-synchronisation and subtitling activities**

The EU-funded Mercator Minority Language Network based in Aberystwyth, hosts the Welsh Literature Abroad project, which promotes literature produced in Welsh into other languages. Several publishing houses have also translated works composed in Welsh into English, for example *Pestilence* (William Owen Roberts, translation of *Y Pla*).

S4C subtitles a large proportion of its Welsh language programming in English, and in simplified Welsh (for those learning Welsh) as a matter of course. S4C International exists to promote the Welsh language produce of S4C abroad.

**1c to foster access in Welsh to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities**

The Mercator Project in Aberystwyth mentioned above carries out translation work. Many classic works of French Literature have been translated into Welsh. S4C airs programmes dubbed from other languages into Welsh.

**1d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of Welsh and cultures in the undertakings which they initiate or for which they provide backing**

When organising or supporting cultural activities, public and crown bodies should comply with their statutory Welsh Language Schemes. When public bodies such as the Arts Council of Wales provide financial backing or a grant for cultural activities, the applicants are asked how they will reflect the bilingual nature of the community in the event they wish to hold, thus forming part of the selection criteria. Mainstreaming responsibilities as stipulated by AGSB remit letters are also relevant to this.

**1e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of Welsh, as well as of the languages) of the rest of the population**

Public bodies and third party contractors are bound by the staffing sections of the organisations' Welsh Language Schemes and therefore, must have an overview of their linguistic skills capacity to ensure that the service can be delivered in the service users preferred language. Linguistic capacity would also be a consideration within the grants allocation criteria of public bodies such as Arts Council Wales. The Wales Millennium Centre (WMC), which opened in November 2004, has a Welsh Language Scheme which has been approved by the Welsh Language Board.

**1f to encourage direct participation by representatives of the users of Welsh in providing facilities and planning cultural activities**

When organising public activities (including public meetings, conferences and cultural activities), Public bodies with language schemes are required to offer, establish and act upon the service user's language choice. Direct participation by representatives of minority language users can be encouraged by ensuring a bilingual culture to the event in terms of the visual displays and by providing simultaneous translation facilities.

**1g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in Welsh**

The National Library of Wales in Aberystwyth, one of 6 Copyright libraries in the UK, holds a copy of every book published in the UK. It also houses copies of all University Theses (of Research Masters and Doctorate Level), and copies of taught Masters' theses relating to Wales in any way. The National Library also has an extensive collection of works in other Celtic languages, notably Breton. A high proportion of the Library's staff speaks English and Welsh, and it is a bilingual institution.

The Welsh Books Council exists to help the publishing industry in Wales with grants and other services, such as editing, design and distribution, in order to improve standards of production and publication of both Welsh and English language books, Welsh language magazines and related works. In the same way as the National Library, most of the Council's staff speak English and Welsh and operate in both languages.

[www.gwales.com](http://www.gwales.com)

**1h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in Welsh**

The Welsh Language Board has been at the forefront of Corpus planning activities and terminological standardisation since its inception. It has co-ordinated the production of a number of Welsh - English terminology dictionaries and has set up a National Database of Standardized Terms [www.byig-wlb.org.uk/terms](http://www.byig-wlb.org.uk/terms) which includes Information Technology terms.

It also convenes a panel of academic experts and practitioners for the standardization of terms and place names. A data base of standardized place-names is funded by grant by the Welsh Language Board.

At the time of writing, discussions were taking place between the Welsh Language Board, the Welsh Assembly Government and other partners in the field of terminology standardization on plans to establish a National Terminology Centre. The Group is due to submit recommendations on the role of the Centre to the Minister for Heritage in the summer of 2008.

The above Information Technology terms contributed to the work of localising both OpenOffice, Agored and to the free Language Interface Packs for Microsoft Windows XP and

Office 2003. These packs were launched in December 2004 following collaboration between the Board and Microsoft. Subsequently, the terminology was also used in the free language interface packs for Office 2007 and Windows Vista, launched in December 2007. The Board also developed a free Language Control Centre (LCC) to enable easy switching between Welsh and English language interfaces in Windows XP and Vista. The Board is also implementing its Strategy Document for IT and the Welsh Language, launched in 2006. Copies of all the Board's documents are available on its website. The Board has also published Bilingual Software Guidelines and Standards, and circulated them to all organisations with a statutory language scheme under a circular under the Welsh Language Act 1993. The Board also requires all its grant recipients and contractors, where relevant, to implement these standards. Its advice on awarding grants and loans also includes the need to implement these Guidelines and Standards.

The Assembly Government's Translation Service maintains its own terminology database – TermCymru. It is a bank of terms used by Assembly translators in their everyday work. It is continually updated with a view to providing an increasingly comprehensive database of terminology which is standardised and which reflects current usage by Assembly Government translators. It also includes the names of many Assembly Government schemes and programmes, and the titles of a number of documents published by the Assembly Government and other bodies. It is published on the internet ([www.termcymru.wales.gov.uk](http://www.termcymru.wales.gov.uk)) as a useful tool for bilingual working beyond the translation profession. The Welsh Language Board and the Translation Service are currently cooperating to harmonise the terms published in their separate databases with a view to federalising these databases of terms and others.

Bangor University, also has a pioneering terminological standardisation unit, within the Canolfan Bedwyr Centre. The Board has given substantial grant and project aid to the Centre to produce spellchecking and grammar checking software for Welsh, and a computerised dictionary, CySill, which serves as a plug-in to Word processing programs. The Board recently funded the grammar checking, spellchecking and electronic dictionary *Cysgliad* to be used for free on AppleMac. All future investments in ICT from the Board, in line with its IT Strategy for the Welsh Language, will also be required to be free of charge at the point of use. Another similar CD Rom dictionary, the *Termiadur* Ysgol, was commissioned by ACCAC, the Curriculum and Qualifications Authority for Wales which is now part of the Welsh Assembly Government.

The Board is also active in the field of translation, and gives substantial funding to Cymdeithas Cyfieithwyr Cymru/The Association of Welsh Translators, who assess translators and interpreters and publish a list of accredited translators on their website. A National Strategy for the Development of English/Welsh Translation as a Profession was published by the Board in 2006 and the Board has since convened a Translation Forum to oversee the development of the strategy.



**2 In respect of territories other than those in which Welsh is traditionally used, if the number of users of Welsh justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph**

The Welsh Language Board will provide £33,660 in grant aid to the London Welsh Medium primary school during the 2008-09 financial year. The Welsh Assembly Government continues to fund the Welsh language teaching project in the Chubut province of Argentina. This project is managed for the Assembly Government by the British Council in collaboration with Cymdeithas Cymru-Ariannin (the Wales-Argentina Society) and the **Welsh for Adults Centre - Cardiff and the Vale of Glamorgan, Cardiff University**. The project will receive £47,000 from the Welsh Assembly Government during the 2008-09 financial year.

The project involves the secondment of three teachers from Wales to key target communities, the development of native teachers, the establishment of structured courses and the promotion of Welsh language activities. The activities supported by the Assembly Government benefits both the communities of the Chubut Valley (including Gaiman and Trelew) and those in the Andes (such as Esquel and Trevelin).

The Welsh Assembly Government, through CyMAL: Museums, Archives and Libraries Wales division, is promoting co-operation between museums, archives and libraries in Wales and Welsh museums, archives and libraries in Patagonia.

In April 2005, the Welsh Books Council and British Council Wales agreed to establish a scheme to send books to Patagonia. Cymdeithas Cymru-Ariannin were also involved with the scheme. Over one thousand books and educational material worth nearly £7,000 were delivered to Patagonia. The financial support of Cymdeithas Cymru-Ariannin and the British Council was matched by the Welsh Books Council and independent publishers.

There are several active Welsh language societies and networks in cities in the UK outside Wales, and the National Eisteddfod of Wales network 'Cymru a'r Byd' (Wales and the World) is also relevant in this respect.

**3 to make appropriate provision, in pursuing their cultural policy abroad, for Welsh and the cultures it reflects**

The Welsh language is acknowledged as a marketing tool as well as a medium within the tourism industry in Wales. The Welsh language is recognised as a distinctive 'raw material' within the Welsh Assembly Government's Cultural Tourism Strategy and its 'Sense of Place Toolkit'. The aim of the toolkit is to help businesses make the most of their Welsh distinctiveness and culture, and these have been widely distributed in recent years. Sense

of Place workshops are also held at the annual VisitWales regional roadshows and these were attended by over 70 delegates at the events held in early 2007. The intention is to strengthen the current Cultural Tourism Strategy going forward, which will raise the profile of the language and increase its use.

The Welsh Assembly Government continues to support the teaching of Welsh in Patagonia. The project which involves the secondment of Welsh teachers to Patagonia and the training of local Welsh tutors, will receive funding of £47,000 during the 2008-09 financial year.

‘Provide information on developments for establishing a daily newspaper. (I've seen reference to money given to support Welsh-language press, but no specific reference to establishing a daily newspaper).’

During the 2005-06 financial year, the Welsh Assembly Government gave £1.123 million to the Welsh Books Council for Welsh Language publishing, with the figure rising to £1.358 in 2007/08. A further £200,000 has been made available to support the Welsh-language press. During the 2008-09 financial year, the Welsh Assembly Government will give £1.556 million to the Welsh Books Council for Welsh language publishing. A further £200,000 has been made available to support the Welsh-language press.

See also 1e (i) about the daily news service that will be provided by Golwg.

### **Article 13 - Economic and social life**

#### **1a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of Welsh in documents relating to economic or social life, particularly contracts of employment, and technical documents such as instructions for the use of products or installations**

There are no legislative provisions preventing the use of Welsh in economic or social life other than a few outstanding areas where steps have yet to be taken to remove barriers stemming from historical legislation. [See 10 Lc above]. Barriers still remain in practice, however, because for instance, contracts of employment are provided in Welsh at the discretion of employers. Instructions for the use of products or installations, or information about them, also are rarely provided in Welsh - while there are no legislative barriers, there is no obligation on companies to do so.

#### **1c to oppose practices designed to discourage the use of Welsh in connection with economic or social activities**

The main economic agencies in Wales, such as the Welsh Assembly Government operate under a Welsh Language Scheme.

The Welsh Assembly Government is fully committed to tackling inequality of treatment wherever it manifests itself in Wales. The Race Relations (Amendment) Act place a duty on public authorities, including the Assembly, to promote race equality, thus promoting the need to tackle racism, discrimination and inequality.

The development and implementation of the Race Equality Scheme is also integrated with Assembly policies on the Welsh language. In particular, the scheme is linked to the Assembly's Welsh Language Scheme and Iaith Pawb

The Welsh Assembly Government actively encourages the use of Welsh in the economic and social sectors. WEFO (the Welsh European Funding Office) encourages applicants for European Structural Funding grants to explain how their proposals would benefit the Welsh language and encourages projects to provide services and publicity activities in Welsh where possible appropriate. Guidance on bilingualism is available in the WEFO Equal Opportunities Guidance KEY Document on WEFO's website:

[www.wefo.wales.gov.uk](http://www.wefo.wales.gov.uk)

The following are examples of 2000-2006 Programme projects receiving European funding for Welsh language-related initiatives:

- Menter Iaith Dinbych/Denbighshire - project to encourage use of Welsh in the private business sector;
- Menter Fachwen - a project for people with disabilities;
- Monability - opportunities for young people to start up business in Anglesey as well as economic literacy courses and work experience in Welsh; and
- Welsh for Adults opportunities through NIACE Cymru for learners.

**Developing the language in the economic sector is a significant facet of Iaith Pawb, the Assembly Government's National Action Plan for a Bilingual Wales. Details of some of the economic development projects within Iaith Pawb are highlighted in the next section.**

**2b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of Welsh**

Examples of such activities include the Welsh Assembly Government's Cultural Tourism Strategy, and the True Marketing project aimed at food processing companies, where the use of Welsh is encouraged as part of a broader economic objective. The Welsh Language Board's Bilingual Design awards are a further example, as are the annual Gwobrau Menter Awards, organised by Menter a Busnes.

Indirectly, the provision of services in Welsh by bodies in the economic and social sectors is a form of passive promotion of the language.

The language initiatives in Gwynedd and Conwy have joined together to launch a Holidays in Welsh Scheme. The Scheme contains a database of accommodation, eateries and recreational activities which can be enjoyed through the Welsh language.

It is intended that the Scheme will be extended to other parts of Wales.

The Welsh Language – Economy Discussion Group established by the Welsh Assembly Government also aims to generate economic and linguistic benefits by linking together the economy and the language. Valuable research work has already been carried out by the group and is available on the Menter a Busnes website ([www.menetrabusnes.co.uk](http://www.menetrabusnes.co.uk)).

Menter a Busnes has been responsible for delivering a number of projects that contribute to the Iaith Pawb vision of a bilingual Wales, such as:

- Potentia, a project aimed at getting several under-represented groups, including Welsh speakers, into business attracted almost 3,200 registrations from Welsh speakers and the 430 businesses started by those registering within this group created 492 jobs. Menter a Busnes were also responsible for arranging 66 half day Language Awareness training sessions to a total of 465 individuals involved in the field of business advice, as well as producing additional supporting resources and information to promote enterprise amongst Welsh speakers and the language amongst entrepreneurs. At the end of the six year project's lifetime in 2007, Menter a Busnes spent a further year ensuring that this provision is available through mainstream business advice providers.
- Ffatri Fenter (Enterprise Factory) was set up to provide opportunities for young people to taste enterprise at first hand. As a pan-Wales project, Ffatri Fenter helped 399 Welsh speakers test trade their businesses. The project is now being delivered in the Môn-Menai area by Menter Môn, the local enterprise agency.
- Cwlwm Busnes was set up as a networking facility for Welsh speakers in the business sector with the aim of encouraging networking between Welsh businesses and promoting the use of Welsh between and by them. Following the success of several speed networking events across Wales, and attracting over 2,000 members whose details form a database of Welsh speaking businesses in Wales, the potential of continuing the network on a commercial footing is now being explored.
- The Gwobrau Menter Awards, organised annually by Menter a Busnes, reward Welsh speakers who succeed in business and successful businesses that use and promote the Welsh language whilst also making an important contribution to the local or national economy.
- A number of other projects delivered by Menter a Busnes, whilst not having the promotion of the language or Welsh speakers as their main aim, also contribute to

increasing and facilitating the use of Welsh. An example of this would be Agriscôp, which works with groups of farmers to help create and develop business ideas and opportunities, 80% of whom are Welsh speaking.

- Llwybro-Routes ([www.llwybro-routes.co.uk](http://www.llwybro-routes.co.uk)) is a project managed by the Welsh Assembly Government that monitors the movements of individuals educated in rural Wales and informs them of opportunities in their locale. The initiative is now operational in a total of 14 local authorities including Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire, Wrexham, Ceredigion, Powys, Carmarthenshire, Pembrokeshire, Swansea, Neath-Port Talbot, Vale of Glamorgan and Monmouthshire. Over 60,000 individuals have registered with Llwybro-Routes, including 13,500 in 2007-08. This is projected to increase to around 75,000 during 2008. Presentations and data collection take place in 170 secondary schools in 14 Local Authorities each year.

**2c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using Welsh who are in need of care on grounds of ill-health, old age or for other reasons**

The Welsh Assembly Government recognises the importance of ensuring that Welsh medium services are available in health and social service. Many positive steps have been taken and significant progress has been made, but we recognise that further work needs to be done to strengthen the provision. Since the last monitoring cycle, the Welsh Assembly Government has undertaken a number of actions to strengthen provision, including the following:-

**Welsh Language in Health and Social Services Taskforce**

In 2006 the Taskforce was re-established by the Minister for Health and Social Services in order to provide strategic leadership and strengthen the implementation of Welsh language provision within health and social services. It is worth noting that the new terms of reference was broadened to include social services to reflect the close relationship between the two sectors in providing care services. The Taskforce also brings an external view onto the work of the Assembly Government's NHS Welsh Language Unit. The Taskforce's work programme is currently being finalised.

There will be four dimensions to the work, namely:

- Strengthening the Welsh Language service for users (Service)
- Strengthening the influencing contribution of lead organisations (Leading)
- Strengthening the bilingual ability and practice of the workforce (Workforce) and

- Strengthening organisational and support arrangement (Facilitating)

It is recognised that the *impersonal* aspects of Welsh language service (signs, materials, etc.) are by now relatively well in place by public providers, but that is not as true of the *personal* aspects of the service. The barriers to developing the personal aspects of the service include a shortage of Welsh speakers in the workforce, an English language norm within the service, and a lack of leadership towards bilingualism. The work plans will therefore include a focus on tackling these shortcomings.

The taskforce is chaired by the Deputy Minister for Health and Social Services and her presence has helped to raise the status and profile of the group.

### **Welsh Assembly Government's Health Circular**

Most development has been seen in Trusts which had appointed Welsh Language Officers, as noted by the Welsh Language Board's review of the Welsh Language in NHS Trusts in 2004 and 2006. Likewise, progress has also been seen in North Wales where the Local Health Boards had pooled their resources to develop a regional Welsh Language Unit. In January 2008, the Welsh Assembly Government issued a Welsh Health Circular [WHC(2008) No 002] requiring that:

- Every NHS Trust should appoint a full time Welsh Language Officer to promote the development of bilingual health care within their organisations.
- Local Health Boards in the Mid and West and South East Regions should pool funds in order to develop regional Welsh Language Units, based on the model operating in the North Wales region.

### **The NHS Wales Annual Operating Framework 2008/09**

The framework sets out what the Welsh Assembly Government requires to be delivered, and includes commitments in relation to promoting the Welsh language within the NHS:

- By March 2009, all Trusts must provide evidence to the NHS Welsh Language Unit that the establishment of language choice and appropriate provision to respond to such choice is an integral part of the patient's care pathway.
- In 2008/09, all Trusts and LHBs must provide evidence of the achievement of the actions set out in the Welsh Language Scheme Implementation Plan, focusing on the priority groups (older people, children, mental health and learning disabilities) and action taken to develop a bilingual culture within the organisation.

### **Welsh Language in Healthcare Conference and Awards**

The Welsh Assembly Government continues to hold the annual Welsh Language in Healthcare Conference and Awards. Now in their fifth year, the awards raise awareness of the importance of providing bilingual care, encourage innovation and are a means to share good practice across Wales.

A review of the Welsh Language in Healthcare Awards was commissioned and published in May 2008. The review concluded that the Awards have made a considerable contribution towards raising awareness of the language in the health service and enhancing its profile and recommended that the initiative should continue.

The awards are held in conjunction with the Assembly Government's annual Welsh Language in Healthcare Conference. The theme of the 2008 conference was 'Learning from Others'. The delegates had an opportunity to learn from representatives of the Council of Europe's Committee of Experts about the European Charter for Regional or Minority Languages, and how health and social services can be improved in order to fulfil the clause in the Charter. Delegates also had the opportunity to hear international speakers outlining language provision within health systems operating in Belgium, Catalonia and Canada, countries which face similar challenges to Wales in providing bilingual health and social services.

### **2e to arrange for information provided by the competent public authorities concerning the right of consumers to be made available in Welsh**

This is a requirement of individual Welsh Language Schemes (such as that of the Welsh Consumer's Council).

A new consumer helpline set up by the UK Government's Department for Trade and Industry – Consumer Direct – has a Welsh language helpline (08454 04 05 05), and a bilingual website ([www.consumerdirect.gov.uk](http://www.consumerdirect.gov.uk)).

## ANNEX A

### Statistical Information on Scottish Gaelic Medium Education and Scottish Gaelic Teachers

#### 1.1 Scottish Gaelic Medium Pre-school Education – Local Authority figures

<b>Local Authority</b>	<b>Pupils</b>
Argyll & Bute Council	35
Comhairle nan Eilean Siar	194
City of Aberdeen Council	10
The Highland Council	263
North Lanarkshire Council	40
East Dunbartonshire Council	10
South Lanarkshire Council	17
Edinburgh City Council	30
Angus Council	3
Glasgow City Council	91
East Ayrshire Council	7
Stirling Council	18
<b>Total</b>	<b>718</b>

#### 1.2 Scottish Gaelic Medium Primary Provision – Local Authority Figures

<b>Local Authority</b>	<b>Pupils</b>
Argyll & Bute Council	148
Comhairle nan Eilean Siar	504
City of Aberdeen Council	37
The Highland Council	715



North Lanarkshire Council	115
East Dunbartonshire Council	56
South Lanarkshire Council	85
Edinburgh City Council	103
Angus Council	3
Glasgow City Council	251
East Ayrshire Council	27
Stirling Council	72
Inverclyde Council	29
Angus Council	14
Perth & Kinross Council	5
<b>Total</b>	<b>2,164</b>

### 1.3 Gàidhlig (as a subject) Secondary Provision – Local Authority Figures

<b>Local Authority</b>	<b>Pupils</b>
Argyll & Bute Council	57
Comhairle nan Eilean Siar	342
City of Aberdeen Council	15
The Highland Council	367
North Lanarkshire Council	28
East Dunbartonshire Council	12
South Lanarkshire Council	23
Edinburgh City Council	24
Glasgow City Council	84
East Ayrshire Council	15
Perth & Kinross Council	1
<b>Total</b>	<b>968</b>

#### 1.4 Scottish Gaelic Medium Secondary Provision – Local Authority Figures

Local Authority	Pupils
Argyll & Bute Council	1
Comhairle nan Eilean Siar	43
City of Aberdeen Council	13
The Highland Council	165
North Lanarkshire Council	17
Edinburgh City Council	8
Glasgow City Council	68
East Ayrshire Council	7
<b>Total</b>	<b>322</b>

#### 1.5 Scottish Gaelic Learners Education Secondary Provision – Local Authority Figures

Local Authority	Pupils
Argyll & Bute Council	339
Comhairle nan Eilean Siar	845
The Highland Council	1,376
North Lanarkshire Council	3
East Dunbartonshire Council	3
South Lanarkshire Council	2
Angus Council	10
Perth & Kinross Council	155
<b>Total</b>	<b>2,733</b>

## 1.6 Scottish Gaelic Teachers in Scotland – Local Authority Figures

Local Authority	Primary teachers with Gaelic	Primary teachers currently in GME	Secondary teachers with Gaelic	Sec. teachers currently teaching Gaelic/ through Gaelic
Aberdeen City	3	3	2	
Aberdeenshire	2		1	
Angus	1	1	4	1
Argyll & Bute	26	16	7	4
Clackmannanshire	2		1	1
East Ayrshire	6	5	1	1
East Dunbartonshire	4	3	2	1
East Lothian	1			
City of Edinburgh	9	7	5	3
Comhairle nan Eilean Siar	88	46	43	20
Falkirk	2			
Fife	1			
Glasgow City	23	15	14	12
Highland	66	55	38	27
Inverclyde	4	4	1	
Moray			1	
North Ayrshire			2	
North Lanarkshire	17	6	3	3
Perth & Kinross	2	1	1	1
Renfrewshire	2			
Scottish Borders			3	
South Lanarkshire	4	4	3	
Stirling	6	5	1	1
West Dunbartonshire	1			
West Lothian	1			
<b>Totals</b>	<b>269</b>	<b>169</b>	<b>133</b>	<b>75</b>

## **ANNEX B**

### **BING YMSKEAYLLEY GAELGAGH GAELIC BROADCASTING COMMITTEE**

Report to the Council of Ministers for the year ended 31<sup>st</sup> March 2007.

#### **1. COMMITTEE MEMBERSHIP & MEETINGS**

The Committee membership was Dr Brian Stowell (Chairman), Mrs Audrey Ainsworth, Mr Adrian Cain, Mrs Joan Caine (Secretary), Mr Robert Carswell and Dr Breesha Maddrell.

Meetings of the Committee were held at the Centre for Manx Studies on 19<sup>th</sup> June 2006, 11<sup>th</sup> September 2006, 11<sup>th</sup> December 2006 and 19<sup>th</sup> March 2007. Mrs Ainsworth has been unable to attend meetings because of illness.

#### **2. COMMISSIONING OF RADIO PROGRAMMES, ETC.**

The Committee continued to commission and record programmes in or about Manx Gaelic, along with appropriate advertising, on Manx Radio and Energy FM in 2006 – 07.

#### **Moghrey Jedoonee**

As in previous years, Brian Stowell presented this programme with Bob Harrison on Sunday mornings on Manx Radio between 10 am and midday. Moghrey Jedoonee is mainly in English, but the weather forecast and information on pharmacists' opening times is given in Manx several times, along with the Manx translation of a serialised story. The main aim is to show the relevance of Manx language, history and culture to life in the present day Isle of Man. The Gaelic Broadcasting Committee sponsors this programme – it represents the Committee's main ongoing financial commitment.

#### **Shiaght Laa**

This 25 minute, bilingual programme continued to be broadcast on Manx Radio on Wednesday evenings, produced by Catherine Nicoll. In the financial year 2006-7, the

programme was presented by Fiona McArdle, Maralyn Brown and Adrian Cain. The aim of the programme is to present current topics associated with Manx in a lively manner.

### Claare ny Gael

This bilingual programme broadcast on Tuesday evenings on Manx Radio is produced and presented by Bob Carswell. Claare ny Gael deals with Manx language and history, contemporary events and many other aspects of Manx culture.

### News in Manx on the world-wide web

Brian Stowell continued to translate five or six current news items on Manx Radio's website into Manx each Wednesday and record them to be incorporated as sound and text files on the website, with the collaboration of Bernie Quayle. Apart from its immediate interest, this is building up a useful archive of spoken and printed Manx relevant to contemporary society. It is intended to publish the printed news items in book form. The Gaelic Broadcasting Committee sponsors news in Manx on the web. A query about the appropriateness of this sponsorship came from the Communications Commission. Apparently, this query arose because it was not understood that sound files of the news items in Manx are made available as well as text files. The matter was easily resolved and the sponsorship confirmed as appropriate.

### Advertising

The Committee sponsored radio advertisements on Manx Radio and Energy FM for cultural festivals with Manx Gaelic content (Shennaghys Jiu at Easter, Yn Chruinnaght in July and the Manx Gaelic festival, Cooish, in November).

### Other Manx Gaelic content on radio

Manx Radio continues to use 'Shoh Radio Vannin' ('This is Manx Radio') as station identification. In addition, presenters on Manx Radio regularly use a few words of greeting in Manx. Energy FM presenters occasionally use some Manx, and there are Manx lessons on that station's website.

### 3. FUNDING OF GAELIC BROADCASTING COMMITTEE

A business case was made for increasing the Committee's annual funding to £15,539, but this bid was not successful.

### 4. FUTURE DEVELOPMENTS

The use of the internet is increasing, particularly among young people, and the internet is an ideal vehicle for the promotion of minority languages like Manx. For this reason the Gaelic Broadcasting Committee has purchased a camcorder which will be employed in the making of podcasts in Manx (vision and sound) to be made accessible on the internet.

## **ANNEX C**

Government of Wales Act 2006

2006 CHAPTER 32

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An Act to make provision about the government of Wales.

[25th July 2006]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **PART 1 NATIONAL ASSEMBLY FOR WALES**

### *The Assembly*

#### **1 The Assembly**

(1) There is to be an Assembly for Wales to be known as the National Assembly for Wales or Cynulliad Cenedlaethol Cymru (referred to in this Act as “the Assembly”).

(2) The Assembly is to consist of—

(a) one member for each Assembly constituency (referred to in this Act as “Assembly constituency members”), and

(b) members for each Assembly electoral region (referred to in this Act as “Assembly regional members”).

(3) Members of the Assembly (referred to in this Act as “Assembly members”) are to be returned in accordance with the provision made by and under this Act for—

(a) the holding of general elections of Assembly members (for the return of the entire Assembly), and

(b) the filling of vacancies in Assembly seats.

(4) The validity of any Assembly proceedings is not affected by any vacancy in its membership.

(5) In this Act “Assembly proceedings” means any proceedings of—

(a) the Assembly,

(b) committees of the Assembly, or

(c) sub-committees of such committees.

#### **2 Assembly constituencies and electoral regions**

(1) The Assembly constituencies are the parliamentary constituencies in Wales (as specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (S.I. 2006/1041)).

(2) There are five Assembly electoral regions.

(3) The Assembly electoral regions are as specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006.

(4) There are four seats for each Assembly electoral region.

(5) For provision about alterations in the Assembly electoral regions and in the allocation of seats to those regions see Schedule 1.

(6) Subsections (1), (3) and (4) are subject to any Order in Council under the Parliamentary Constituencies Act 1986 (c. 56), as that Act has effect as extended by that Schedule.

## *General elections*

### **3 Ordinary general elections**

(1) The poll at an ordinary general election is to be held on the first Thursday in May in the fourth calendar year following that in which the previous ordinary general election was held, unless provision is made for the day of the poll by an order under section 4.

(2) If the poll is to be held on the first Thursday in May, the Assembly—

(a) is dissolved by virtue of this section at the beginning of the minimum period which ends with that day, and

(b) must meet within the period of seven days beginning immediately after the day of the poll.

(3) In subsection (2) “the minimum period” means the period determined in accordance with an order under section 13.

(4) In calculating any period of days for the purposes of subsection (2)(b), the following days are to be disregarded—

(a) Saturday and Sunday,

(b) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and

(c) any day appointed for public thanksgiving or mourning.

### **4 Power to vary date of ordinary general election**

(1) The Secretary of State may by order provide for the poll at an ordinary general election to be held on a day which is neither—

(a) more than one month earlier, nor

(b) more than one month later,

than the first Thursday in May.

(2) An order under this section must make provision for the Assembly—

(a) to be dissolved on a day specified in the order, and

(b) to meet within the period of seven days beginning immediately after the day of the poll.

(3) In calculating any period of days for the purposes of provision made by virtue of subsection (2)(b), the following days are to be disregarded—

(a) Saturday and Sunday,

(b) Good Friday,

(c) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and

(d) any day appointed for public thanksgiving or mourning.

(4) An order under this section may make provision for—

(a) any provision of, or made under, the Representation of the People Acts, or

(b) any other enactment relating to the election of Assembly members,

to have effect with such modifications or exceptions as the Secretary of State considers appropriate in connection with the alteration of the day of the poll.

(5) No order is to be made under this section unless the Secretary of State has consulted the Welsh Ministers about it.

(6) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

### **5 Extraordinary general elections**

(1) The Secretary of State must propose a day for the holding of a poll at an extraordinary general election if subsection (2) or (3) applies.

(2) This subsection applies if—

- (a) the Assembly resolves that it should be dissolved, and
  - (b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.
- (3) This subsection applies if any period during which the Assembly is required under section 47 to nominate an Assembly member for appointment as the First Minister ends without such a nomination being made.
- (4) If the Secretary of State proposes a day under subsection (1), Her Majesty may by Order in Council—
- (a) dissolve the Assembly and require an extraordinary general election to be held,
  - (b) require the poll at the election to be held on the day proposed, and
  - (c) require the Assembly to meet within the period of seven days beginning immediately after the day of the poll.
- (5) If a poll is held under this section within the period of six months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4), that ordinary general election is not to be held.
- (6) But subsection (5) does not affect the year in which the subsequent ordinary general election is to be held.
- (7) In calculating any period of days for the purposes of subsection (4)(c), the following days are to be disregarded—
- (a) Saturday and Sunday,
  - (b) Christmas Eve, Christmas Day and Good Friday,
  - (c) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and
  - (d) any day appointed for public thanksgiving or mourning.

## 6 Voting at general elections

- (1) Each person entitled to vote at a general election in an Assembly constituency has two votes.
- (2) One (referred to in this Act as a “constituency vote”) is a vote which may be given for a candidate to be the Assembly constituency member for the Assembly constituency.
- (3) The other (referred to in this Act as an “electoral region vote”) is a vote which may be given for—
  - (a) a registered political party which has submitted a list of candidates to be Assembly regional members for the Assembly electoral region in which the Assembly constituency is included, or
  - (b) an individual who is a candidate to be an Assembly regional member for that Assembly electoral region.
- (4) The Assembly constituency member for the Assembly constituency is to be returned under the simple majority system.
- (5) The Assembly regional members for the Assembly electoral region are to be returned under the additional member system of proportional representation provided for in this Part.
- (6) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

## 7 Candidates at general elections

- (1) At a general election a person may not be a candidate to be the Assembly constituency member for more than one Assembly constituency.
- (2) Any registered political party may submit a list of candidates for return as Assembly regional members for a particular Assembly electoral region at a general election.
- (3) The list must be submitted to the regional returning officer.
- (4) The list must not include more than twelve persons (but may include only one).
- (5) The list must not include a person—
  - (a) who is included on any other list submitted for the Assembly electoral region or any list submitted for another Assembly electoral region,

(b) who is an individual candidate to be an Assembly regional member for the Assembly electoral region or another Assembly electoral region, or

(c) who is a candidate to be the Assembly constituency member for an Assembly constituency.

(6) A person may not be an individual candidate to be an Assembly regional member for the Assembly electoral region if that person is—

(a) included on a list submitted by a registered political party for the Assembly electoral region or another Assembly electoral region,

(b) an individual candidate to be an Assembly regional member for another Assembly electoral region, or

(c) a candidate to be the Assembly constituency member for an Assembly constituency.

(7) In this Act “regional returning officer”, in relation to an Assembly electoral region, means the person designated as the regional returning officer for the Assembly electoral region in accordance with an order under section 13.

## 8 Calculation of electoral region figures

(1) This section and section 9 are about the return of Assembly regional members for an electoral region at a general election.

(2) The person who is to be returned as the Assembly constituency member for each Assembly constituency in the Assembly electoral region is to be determined before it is determined who are to be returned as the Assembly regional members for the Assembly electoral region.

(3) For each registered political party by which a list of candidates has been submitted for the Assembly electoral region—

(a) there is to be added together the number of electoral region votes given for the party in the Assembly constituencies included in the Assembly electoral region, and

(b) the number arrived at under paragraph (a) is then to be divided by the aggregate of one and the number of candidates of the party returned as Assembly constituency members for any of those Assembly constituencies.

(4) For each individual candidate to be an Assembly regional member for the Assembly electoral region there is to be added together the number of electoral region votes given for the candidate in the Assembly constituencies included in the Assembly electoral region.

(5) The number arrived at—

(a) in the case of a registered political party, under subsection (3)(b), or

(b) in the case of an individual candidate, under subsection (4),

is referred to in this Act as the electoral region figure for that party or individual candidate.

## 9 Allocation of seats to electoral region members

(1) The first seat for the Assembly electoral region is to be allocated to the party or individual candidate with the highest electoral region figure.

(2) The second and subsequent seats for the Assembly electoral region are to be allocated to the party or individual candidate with the highest electoral region figure after any recalculation required by subsection (3) has been carried out.

(3) This subsection requires a recalculation under paragraph (b) of section 8(3) in relation to a party—

(a) for the first application of subsection (2), if the application of subsection (1) resulted in the allocation of an Assembly seat to the party, or

(b) for any subsequent application of subsection (2), if the previous application of that subsection did so, and a recalculation is to be carried out after adding one to the aggregate mentioned in that paragraph.

(4) An individual candidate already returned as an Assembly regional member is to be disregarded.

(5) Seats for the Assembly electoral region which are allocated to a party are to be filled by the persons on the party's list in the order in which they appear on the list.

(6) Once a party's list has been exhausted by the return of persons included on it as Assembly regional members by the previous application of subsection (1) or (2), the party is to be disregarded.

(7) If (on the application of subsection (1) or any application of subsection (2)) the highest electoral region figure is the electoral region figure of two or more parties or individual candidates, the subsection applies to each of them.

(8) However, if subsection (7) would mean that more than the full number of seats for the Assembly electoral region were allocated, subsection (1) or (2) does not apply until—

(a) a recalculation has been carried out under section 8(3)(b) after adding one to the number of votes given for each party with that electoral region figure, and

(b) one has been added to the number of votes given for each individual candidate with that electoral region figure.

(9) If, after that, the highest electoral region figure is still the electoral region figure of two or more parties or individual candidates, the regional returning officer must decide between them by lots.

### *Vacancies*

## **10 Constituency vacancies**

(1) This section applies if the seat of an Assembly constituency member returned for an Assembly constituency is vacant.

(2) Subject to subsection (7), an election must be held in the Assembly constituency to fill the vacancy.

(3) At the election, each person entitled to vote only has a constituency vote; and the Assembly constituency member for the Assembly constituency is to be returned under the simple majority system.

(4) The date of the poll at the election must be fixed by the Presiding Officer.

(5) The date must fall within the period of three months beginning with the occurrence of the vacancy.

(6) But if the vacancy does not come to the Presiding Officer's notice within the period of one month beginning with its occurrence, the date must fall within the period of three months beginning when it does come to the Presiding Officer's notice.

(7) The election must not be held if it appears to the Presiding Officer that the latest date which may be fixed for the poll would fall within the period of three months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4).

(8) The standing orders must make provision for determining the date on which a vacancy occurs for the purposes of this section.

(9) A person may not be a candidate in an election to fill a vacancy if the person is—

(a) an Assembly member, or

(b) a candidate in another such election.

## **11 Electoral region vacancies**

(1) This section applies if the seat of an Assembly regional member returned for an Assembly electoral region is vacant.

(2) If the Assembly regional member was returned (under section 9 or this section) from the list of a registered political party, the regional returning officer must notify to the Presiding Officer the name of the person who is to fill the vacancy.

(3) A person's name may only be so notified if the person—

(a) is included on the list submitted by the registered political party for the last general election,

(b) is willing to serve as an Assembly regional member for the Assembly electoral region, and

(c) is not a person to whom subsection (4) applies.

(4) This subsection applies to a person if—

(a) the person is not a member of the registered political party, and

(b) the registered political party gives notice to the regional returning officer that the person's name is not to be notified to the Presiding Officer as the name of the person who is to fill the vacancy.

(5) But if there is more than one person who satisfies the conditions in subsection (3), the regional returning officer may only notify the name of whichever of them was the higher, or the highest, on that list.

(6) A person whose name is notified under subsection (2) is to be treated as having been declared to be returned as an Assembly regional member for the Assembly electoral region on the day on which notification of the person's name is received by the Presiding Officer.

(7) The seat remains vacant until the next general election—

(a) if the Assembly regional member was returned as an individual candidate, or

(b) if that Assembly regional member was returned from the list of a registered political party but there is no-one who satisfies the conditions in subsection (3).

(8) For the purposes of this section, a person included on the list submitted by a registered political party for the last general election who—

(a) was returned as an Assembly regional member under section 9 at that election (even if the return was void),

(b) has subsequently been a candidate in an election held under section 10 (whether or not returned), or

(c) has subsequently been returned under this section (even if the return was void),

is treated on and after the return of the person, or of the successful candidate at the election, as not having been included on the list.

### *Franchise and conduct of elections*

## 12 Entitlement to vote

(1) The persons entitled to vote at an election of Assembly members (or of an Assembly member) in an Assembly constituency are those who on the day of the poll—

(a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the Assembly constituency, and

(b) are registered in the register of local government electors at an address within the Assembly constituency.

(2) But a person is not entitled as an elector—

(a) to cast more than one constituency vote, or more than one electoral region vote, in the same Assembly constituency at any general election,

(b) to vote in more than one Assembly constituency at any general election, or

(c) to cast more than one vote in any election held under section 10.

## 13 Power to make provision about elections etc.

(1) The Secretary of State may by order make provision as to—

(a) the conduct of elections for the return of Assembly members,

(b) the questioning of an election for the return of Assembly members and the consequences of irregularities, and

(c) the return of an Assembly member otherwise than at an election.

(2) The provision which may be made under subsection (1)(a) includes, in particular, provision—

(a) about the registration of electors,

(b) for disregarding alterations in a register of electors,

(c) about the limitation of the election expenses of candidates (and the creation of criminal offences in connection with the limitation of such expenses),

(d) for the combination of polls at elections for the return of Assembly members and other elections, and

(e) for modifying the operation of sections 6 and 8(2) in a case where the poll at an election for the return of the Assembly constituency member for an Assembly constituency is abandoned (or notice of it is countermanded).

(3) The provision that may be made under subsection (1)(c) includes, in particular, provision making modifications to section 11(3) to (5).

(4) An order under this section may—

- (a) apply or incorporate, with or without modifications or exceptions, any provision of or made under the election enactments,
  - (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for the return of Assembly members, and
  - (c) so far as may be necessary in consequence of any provision made by this Act or an order under this section, make modifications of any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors.
- (5) In subsection (4)(a) “the election enactments” means—
- (a) the Representation of the People Acts,
  - (b) the Political Parties, Elections and Referendums Act 2000 (c. 41),
  - (c) the European Parliamentary Elections Act 2002 (c. 24), and
  - (d) any other enactments relating to parliamentary elections, European Parliamentary elections or local government elections.
- (6) No return of an Assembly member at an election may be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 (c. 2) as applied by or incorporated in an order under this section.
- (7) No order is to be made under this section unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

#### *Duration of membership*

### **14 Term of office of Assembly members**

The term of office of an Assembly member—

- (a) begins when the Assembly member is declared to be returned, and
- (b) ends with the dissolution of the Assembly.

### **15 Resignation of members**

An Assembly member may at any time resign by giving notice in writing to the Presiding Officer.

#### *Disqualification*

### **16 Disqualification from being Assembly member**

(1) A person is disqualified from being an Assembly member if that person—

- (a) is disqualified from being a member of the House of Commons under paragraphs (a) to (e) of section 1(1) of the House of Commons Disqualification Act 1975 (c. 24) (judges, civil servants, members of the armed forces, members of police forces and members of foreign legislatures),
- (b) holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being Assembly members,
- (c) holds the office of Auditor General,
- (d) holds the office of Public Services Ombudsman for Wales, or
- (e) is employed as a member of the staff of the Assembly.

(2) Subject to section 17(1) and (2), a person is also disqualified from being an Assembly member if that person is disqualified otherwise than under the House of Commons Disqualification Act 1975 (c. 24) (either generally or in relation to a particular constituency) from being a member of the House of Commons or from sitting and voting in it.

(3) For the purposes of subsection (2) the references to the Republic of Ireland in section 1 of the Representation of the People Act 1981 (c. 34) (disqualification of offenders detained in, or unlawfully at large from detention in, the British Islands or the Republic of Ireland) are to be treated as references to any member State (other than the United Kingdom).

(4) A person who holds office as lord-lieutenant, lieutenant or high sheriff of any area in Wales is disqualified from being an Assembly member for any Assembly constituency or Assembly electoral region wholly or partly included in that area.

(5) An Order in Council under paragraph (b) of subsection (1)—

(a) may designate particular offices or offices of any description, and

(b) may designate an office by reference to any characteristic of a person holding it, and in that paragraph and this subsection “office” includes any post or employment.

(6) No recommendation is to be made to Her Majesty in Council to make an Order in Council under subsection (1)(b) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, the Assembly.

## 17 Exceptions and relief from disqualification

(1) A person is not disqualified from being an Assembly member merely because that person is—

(a) a peer (whether of the United Kingdom, Great Britain, England or Scotland), or

(b) a Lord Spiritual.

(2) A citizen of the European Union who is resident in the United Kingdom is not disqualified from being an Assembly member merely because of section 3 of the Act of Settlement (1700 c. 2) (disqualification of certain persons born outside United Kingdom).

(3) The Assembly may resolve that the disqualification of any person who was, or is alleged to have been, disqualified from being an Assembly member on a ground within section 16(1) or (4) is to be disregarded if it appears to the Assembly—

(a) that the ground has been removed, and

(b) that it is proper so to resolve.

(4) A resolution under subsection (3) does not—

(a) affect any proceedings under Part 3 of the Representation of the People Act 1983 (c. 2) as applied by or incorporated in an order under section 13, or

(b) enable the Assembly to disregard any disqualification which has been established in such proceedings or in proceedings under section 19.

## 18 Effect of disqualification

(1) If a person who is disqualified from being an Assembly member is returned as an Assembly member, the person’s return is void and the person’s seat is vacant.

(2) If a person who is disqualified from being an Assembly member for a particular Assembly constituency or Assembly electoral region is returned as an Assembly member for that Assembly constituency or Assembly electoral region, the person’s return is void and the person’s seat is vacant.

(3) If a person who is an Assembly member becomes disqualified—

(a) from being an Assembly member, or

(b) from being an Assembly member for the Assembly constituency or Assembly electoral region for which the person is sitting,

the person ceases to be an Assembly member (so that the person’s seat is vacant).

(4) Subsections (1) to (3) have effect subject to any resolution of the Assembly under section 17(3).

(5) In addition, subsection (3) has effect subject to—

(a) section 141 of the Mental Health Act 1983 (c. 20) (mental illness), and

(b) section 427 of the Insolvency Act 1986 (c. 45) (bankruptcy etc.).

(6) If, in consequence of a provision mentioned in subsection (5), the seat of a person who is disqualified from being an Assembly member is not vacant, the person does not cease to be an Assembly member until the person’s seat becomes vacant.

(7) But for any period for which the person is disqualified but the person’s seat is not vacant—

(a) the person must not participate in any Assembly proceedings, and

(b) any of the person’s other rights and privileges as an Assembly member may be withdrawn by the Assembly.

(8) The validity of any Assembly proceedings is not affected by the disqualification of any person—



- (a) from being an Assembly member, or
- (b) from being an Assembly member for the Assembly constituency or Assembly electoral region for which the person purports to sit.

### 19 Judicial proceedings as to disqualification

(1) Any person who claims that a person purporting to be an Assembly member is, or at any time since being returned as an Assembly member has been, disqualified from being—

- (a) an Assembly member, or
- (b) an Assembly member for the Assembly constituency or Assembly electoral region for which the person purports to sit,

may apply to the High Court for a declaration to that effect.

(2) An application under subsection (1) in respect of any person may be made whether the grounds on which it is made are alleged to have subsisted at the time when the person was returned or to have arisen subsequently.

(3) No declaration may be made under this section in respect of any person—

(a) on grounds which subsisted when the person was returned, if an election petition is pending or has been tried in which the person's disqualification on those grounds is or was in issue, or

(b) on any ground, if a resolution of the Assembly under section 17(3) requires that any disqualification incurred by the person on that ground is to be disregarded.

(4) On an application under this section—

(a) the person in respect of whom the application is made is to be the respondent, and

(b) the applicant must give such security for the costs of the proceedings as the court may direct.

(5) The amount of the security may not exceed £5,000 or such other sum as the Welsh Ministers may specify by order.

(6) The decision of the court on an application under this section is final.

(7) A statutory instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of the Assembly.

### *Remuneration, oaths etc.*

### 20 Remuneration of Assembly members

(1) The Assembly must make provision for the payment of salaries to Assembly members.

(2) The Assembly may make provision for the payment of allowances to Assembly members.

(3) The Assembly may make provision for the payment of pensions, gratuities or allowances to, or in respect of, any person who—

(a) has ceased to be an Assembly member, or

(b) has ceased to hold office as the Presiding Officer or Deputy Presiding Officer, or such other office in connection with the Assembly as the Assembly may determine, but continues to be an Assembly member.

(4) Such provision may, in particular, include provision for—

(a) contributions or payments towards provision for such pensions, gratuities or allowances, and

(b) the establishment and administration (whether by the Assembly Commission or otherwise) of one or more pension schemes.

(5) Sums required for the making of payments by virtue of provision under subsection (1) or (3) to or in respect of a person who holds or has held the office of Presiding Officer or Deputy Presiding Officer are to be charged on the Welsh Consolidated Fund.

(6) Provision under this section may be made by—

(a) the standing orders, or

(b) resolutions of the Assembly,

and may include provision conferring functions on the Assembly Commission.

### **21 Limit on salaries of Assembly members**

(1) The Assembly must make provision to ensure that the amount of the salary payable to an Assembly member in accordance with section 20 is reduced if a salary is payable to the Assembly member—

(a) pursuant to a resolution (or combination of resolutions) of either House of Parliament relating to the remuneration of members of that House, or

(b) under section 1 of the European Parliament (Pay and Pensions) Act 1979 (c. 50) (remuneration of United Kingdom MEPs).

(2) The provision made must ensure that the amount of salary is reduced—

(a) to a particular proportion of what it otherwise would be or to a particular amount, or

(b) by the amount of any salary payable to the Assembly member as mentioned in subsection (1)(a) or (b), by a particular proportion of that amount or by some other particular amount.

(3) Provision may be made under this section by—

(a) the standing orders, or

(b) resolutions of the Assembly,

and may include provision conferring functions on the Assembly Commission.

### **22 Remuneration: supplementary**

(1) Different provision may be made under section 20 or 21 for different cases.

(2) The Assembly must ensure that information concerning—

(a) the amounts paid to each Assembly member as salary and allowances, and

(b) the total amount paid to Assembly members as salaries and allowances,

is published for each financial year (and may, in particular, do so by requiring it to be published by the Assembly Commission).

(3) If the Assembly has exercised the power under section 20 to confer on the Assembly Commission the function of determining any salaries, allowances, pensions or gratuities of the kind mentioned in that section, the Assembly Commission must publish every such determination as soon as is reasonably practicable after it is made.

(4) For the purposes of sections 20 and 21 a person who—

(a) ceases to be an Assembly member when the Assembly is dissolved, but

(b) is nominated as a candidate at the subsequent general election,

is to be treated as an Assembly member until the end of the day on which the poll at the election is held.

(5) Where a person—

(a) ceases to be an Assembly member when the Assembly is dissolved, but

(b) continues to hold office as Presiding Officer or as a member of the Assembly Commission by virtue of paragraph 1(1) or (2) of Schedule 2,

the fact that the person is no longer an Assembly member does not affect any entitlement under sections 20 and 21 in respect of the holding of office as Presiding Officer or as a member of the Assembly Commission (or both) until the end of the day on which the person ceases to hold it.

(6) Provision made under section 20(3) does not affect pensions or allowances in payment before the provision was made.

### **23 Oath or affirmation of allegiance**

(1) An Assembly member must take the oath of allegiance in the form set out in section 2 of the Promissory Oaths Act 1868 (c. 72) (or make the corresponding affirmation) as soon as is reasonably practicable after being returned as an Assembly member (whether for the first time or subsequently).

(2) The standing orders must specify the person before whom the oath is to be taken (or the affirmation made).

(3) Subsection (1) does not require an Assembly member to take the oath of allegiance (or make the corresponding affirmation) again if it has been taken (or made) by the Assembly member in compliance with section 55(2) since being returned (or last returned).

(4) Until an Assembly member has taken the oath (or made the affirmation) the Assembly member must not do anything as an Assembly member, other than—

(a) take part in proceedings of the Assembly at which Assembly members take the oath or make the affirmation, or

(b) take part in any earlier proceedings for the election of the Presiding Officer or Deputy Presiding Officer.

(5) If an Assembly member has not taken the oath (or made the affirmation) within—

(a) the period of two months beginning with the day on which the Assembly member was declared to be returned, or

(b) such longer period as the Assembly may have allowed before the end of that period of two months,

at the end of that period of two months or longer period the Assembly member ceases to be an Assembly member (so that the Assembly member's seat is vacant).

(6) Until an Assembly member has taken the oath (or made the affirmation), no salary, allowance, gratuity or payment towards the provision of a pension, allowance or gratuity is to be paid under this Act to or in respect of the Assembly member.

(7) But subsection (6) does not affect any entitlement to payments in respect of the period before the Assembly member took the oath (or made the affirmation) once the Assembly member has done so.

## 24 Assistance to groups of Assembly members

(1) The Assembly Commission must make to (or in respect of) political groups to which Assembly members belong such payments as the Assembly from time to time determines for the purpose of assisting Assembly members who belong to those political groups to perform their functions as Assembly members.

(2) A determination under subsection (1) may make provision—

(a) for calculating the amount of any payment to (or in respect of) a political group,

(b) for the conditions subject to which payments to (or in respect of) a political group are to be made, and

(c) for claims for such payments to be made to the Assembly Commission.

(3) A determination under subsection (1) may make different provision for different political groups.

(4) If a motion making a determination under subsection (1) is passed on a vote it has no effect unless at least two-thirds of the Assembly members voting support it.

(5) The standing orders must include provision for determining for the purposes of this Act whether any Assembly member belongs to a political group and, if so, to which; and (in particular)—

(a) may include provision for treating an Assembly member as not belonging to a political group unless a specified number of Assembly members belong to it, and

(b) must include provision requiring the Presiding Officer to decide any questions arising under the provision included by virtue of this subsection.

(6) The standing orders must include provision—

(a) for the publication of every determination under this section, and

(b) for the publication for each financial year of information about the sums paid under this section in the financial year.

### *Presiding Officer and administration*

## 25 Presiding Officer etc.

(1) The Assembly must, at its first meeting following a general election, elect from among the Assembly members—

(a) a presiding officer (referred to in this Act as “the Presiding Officer”), and

(b) a deputy presiding officer (referred to in this Act as “the Deputy Presiding Officer”).

(2) The person elected under paragraph (a) of subsection (1) is to be known as the Presiding Officer or by such other title as the standing orders may provide; and the person elected under paragraph (b) of that subsection is to be known as the Deputy Presiding Officer or by such other title as the standing orders may provide.

(3) The Presiding Officer holds office until the conclusion of the next election of a Presiding Officer under subsection (1).

(4) The Deputy Presiding Officer holds office until the Assembly is dissolved.

(5) But the Presiding Officer or Deputy Presiding Officer—

(a) may at any time resign,

(b) ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution, and

(c) may be removed from office by the Assembly.

(6) If the Presiding Officer or the Deputy Presiding Officer ceases to hold office under subsection (5) (or dies), the Assembly must elect a replacement from among the Assembly members.

(7) Subject to subsection (9), the Presiding Officer and the Deputy Presiding Officer must not belong to—

(a) the same political group, or

(b) different political groups both of which are political groups with an executive role.

(8) For the purposes of this Act a political group is a political group with an executive role if the First Minister or one or more of the Welsh Ministers appointed under section 48 belong to it.

(9) The Assembly may resolve that subsection (7) is not to apply for so long as the resolution so provides; but if the motion for the resolution is passed on a vote it is of no effect unless at least two-thirds of the Assembly members voting support it.

(10) The Presiding Officer's functions may be exercised by the Deputy Presiding Officer if—

(a) the office of Presiding Officer is vacant, or

(b) the Presiding Officer is for any reason unable to act.

(11) The Presiding Officer may (subject to the standing orders) authorise the Deputy Presiding Officer to exercise functions of the Presiding Officer.

(12) The standing orders may include provision for the Presiding Officer's functions to be exercisable by any person specified in, or determined in accordance with, the standing orders if—

(a) the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act, and

(b) the office of Deputy Presiding Officer is vacant or the Deputy Presiding Officer is for any reason unable to act.

(13) The standing orders may include provision as to the participation (including voting) in Assembly proceedings of the Presiding Officer and Deputy Presiding Officer and any person acting by virtue of subsection (12).

(14) The validity of any act of a person as Presiding Officer or Deputy Presiding Officer, or of any person acting by virtue of subsection (12), is not affected by any defect in the person's appointment by the Assembly.

(15) Subsections (10) to (12) are subject to paragraph 11 of Schedule 2.

## 26 Clerk of Assembly

(1) The Assembly Commission must appoint a person to be the Clerk of the Assembly (referred to in this Act as "the Clerk").

(2) The person appointed under subsection (1) is to be known as the Clerk of the Assembly or by such other title as the standing orders may provide.

(3) The Clerk's functions may be exercised by any other member of the staff of the Assembly (or person seconded to work at the Assembly) authorised by the Assembly Commission if—

(a) the office of Clerk is vacant, or

(b) the Clerk is for any reason unable to act.

(4) The Clerk may authorise any other member of the staff of the Assembly (or person seconded to work at the Assembly) to exercise functions on the Clerk's behalf.

## 27 Assembly Commission

(1) There is to be a body corporate to be known as the National Assembly for Wales Commission or Comisiwn Cynulliad Cenedlaethol Cymru (referred to in this Act as "the Assembly Commission").

(2) The members of the Assembly Commission are to be—

(a) the Presiding Officer, and

(b) four other Assembly members.

(3) The standing orders must make provision for the appointment of the four other Assembly members as members of the Assembly Commission.

(4) The provision included in the standing orders in compliance with subsection (3) must (so far as it is reasonably practicable to do so) secure that not more than one of the members of the Assembly Commission (other than the Presiding Officer) belongs to any one political group.

(5) The Assembly Commission must—

(a) provide to the Assembly, or

(b) ensure that the Assembly is provided with,

the property, staff and services required for the Assembly's purposes.

(6) The Assembly may give special or general directions to the Assembly Commission for the purpose of, or in connection with, the exercise of the Assembly Commission's functions.

(7) Any property, rights or liabilities acquired or incurred in relation to matters to which the Assembly would otherwise be entitled or subject are to be treated for all purposes as property, rights or liabilities of the Assembly Commission.

(8) For further provision about the Assembly Commission see Schedule 2.

## *Committees*

## 28 Committees and sub-committees

(1) The standing orders may provide—

(a) for the appointment of committees of the Assembly, and

(b) for such committees to have power to appoint sub-committees.

(2) The members of a committee of the Assembly, or of a sub-committee of such a committee, may not include anyone who is not an Assembly member.

(3) The standing orders must make provision about the membership, chairing and procedure of committees of the Assembly and sub-committees of such committees.

(4) The standing orders may include provision for excluding from the proceedings of a committee of the Assembly, or a sub-committee of such a committee, an Assembly member who is not a member of the committee or sub-committee.

(5) The validity of any proceedings of a committee of the Assembly, or of a sub-committee of such a committee, is not affected by—

(a) any vacancy in its membership,

(b) any defect in the appointment of its members or of the person who chairs it, or

(c) any failure to comply with provisions of the standing orders relating to procedure.

## 29 Composition of committees

(1) The provision included in the standing orders in compliance with section 28(3) must meet the requirements of this section.

(2) The provision must secure that the appointments to the places on each committee are (if possible) determined by a resolution of the Assembly—

(a) which secures that its membership reflects (so far as is reasonably practicable) the balance of the political groups to which Assembly members belong, and

- (b) which (if the motion for it is passed on a vote) has no effect unless at least two-thirds of the Assembly members voting support it.
- (3) The provision must secure that, if the membership of a committee is not so determined—
- (a) the person appointed to the first place on the committee is an Assembly member belonging to the largest political group, and
- (b) the persons eligible to be appointed to the second and subsequent places on the committee are ascertained in accordance with subsection (5).
- (4) “The largest political group” means the political group to which the most Assembly members belong.
- (5) An Assembly member is eligible to be appointed to the second or any subsequent place on the committee if—
- (a) the number produced by subsection (6) in relation to that place for the political group to which the Assembly member belongs, exceeds
- (b) that so produced for each of the other political groups.
- (6) The number produced for a political group in relation to the second or any subsequent place on the committee is—
- (a) if one or more places are already allocated to the political group, the number of Assembly members belonging to the political group divided by the aggregate of one and the number of places already so allocated, or
- (b) otherwise, the number of Assembly members belonging to the political group.
- (7) References to a place already allocated to a political group, in relation to the appointment to the second or any subsequent place on the committee, are to a place on the committee to which an Assembly member belonging to the political group is eligible to be appointed—
- (a) (in relation to the second place) by virtue of subsection (3)(a), or
- (b) (in relation to any subsequent place) by virtue of subsection (3)(a) or the previous application of subsection (5) in relation to a place on the committee.
- (8) The provision must modify the operation of the provision made in compliance with subsections (3) to (7) for cases where—
- (a) the number of Assembly members belonging to two or more political groups is the same and exceeds the number of Assembly members belonging to any other political group, or
- (b) the number produced by subsection (6) in relation to any place on a committee is the same for two or more political groups and is greater than that so produced for any other political group.
- (9) The provision must modify the operation of the provision made in compliance with subsections (2) to (8) with a view to securing that (so far as is reasonably practicable having regard to the total number of places on committees)—
- (a) every Assembly member who does not belong to a political group is entitled to be a member of at least one committee, and
- (b) the total number of places on committees allocated to Assembly members belonging to each political group is at least as great as the number of Assembly members belonging to the political group.
- (10) The provision must secure that the Presiding Officer decides questions arising under the provision made in compliance with this section.

### 30 Audit Committee

- (1) The committees of the Assembly must include one to be known as the Audit Committee or Pwyllgor Archwilio or by such other name as the Assembly may determine; and, if the Assembly makes such a determination, references to the committee in—
- (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
- (b) any other instrument or document,
- have effect accordingly.
- (2) The Audit Committee is to have the number of members specified by the standing orders.

- (3) None of the following may be a member of the Audit Committee—
- (a) the First Minister or any person designated to exercise the functions of the First Minister,
  - (b) a Welsh Minister appointed under section 48,
  - (c) the Counsel General or any person designated to exercise the functions of the Counsel General, or
  - (d) a Deputy Welsh Minister.
- (4) The Audit Committee must not be chaired by an Assembly member who is a member of a political group with an executive role.

*Proceedings etc.*

### 31 Standing orders

- (1) Assembly proceedings are to be regulated by standing orders (referred to in this Act as “the standing orders”).
- (2) The standing orders must include provision for preserving order in Assembly proceedings, including provision for—
- (a) preventing conduct which would constitute a criminal offence or contempt of court, and
  - (b) a sub judice rule.
- (3) The standing orders may include provision for excluding an Assembly member from Assembly proceedings.
- (4) The standing orders may include provision for withdrawing from an Assembly member any or all of the rights and privileges of membership of the Assembly.
- (5) The standing orders—
- (a) must include provision requiring the proceedings of the Assembly to be held in public, and for proceedings of a committee of the Assembly or a sub-committee of such a committee to be held in public except in circumstances provided for in the standing orders, and
  - (b) may include provision as to the conditions to be complied with by members of the public attending the proceedings (including provision for excluding any member of the public who does not comply with the conditions).
- (6) The standing orders must include provision—
- (a) for reporting the proceedings of the Assembly, and for reporting proceedings of committees of the Assembly and sub-committees of such committees which are held in public, and
  - (b) for publishing the reports of proceedings as soon as reasonably practicable after the proceedings take place.
- (7) The Assembly may by resolution remake or revise the standing orders; but if the motion for a resolution to remake or revise the standing orders is passed on a vote, it has no effect unless at least two-thirds of the Assembly members voting support it.
- (8) The Clerk must from time to time publish the standing orders.

### 32 Participation by UK Ministers etc.

- (1) The Secretary of State for Wales is entitled to participate in proceedings of the Assembly but not to vote.
- (2) The standing orders must include provision for any documents which—
- (a) contain material relating to any proceedings of the Assembly which have taken place or are to take place, and
  - (b) are made available to all Assembly members,
- to be made available to the Secretary of State for Wales no later than the time when they are made available to Assembly members.
- (3) The standing orders may make provision for—
- (a) the participation of the Secretary of State for Wales in proceedings of any committee of the Assembly, or any sub-committee of any such committee, and

(b) the participation in any Assembly proceedings of other Ministers of the Crown and of persons serving in the department of the Secretary of State for Wales or of any other Minister of the Crown.

(4) The provision made by virtue of subsection (3) may not include provision conferring any right to vote.

(5) The standing orders may include provision for the making available of documents or information in connection with participation in Assembly proceedings pursuant to, or to standing orders made under, this section.

### **33 Consultation about UK Government's legislative programme**

(1) As soon as is reasonably practicable after the beginning of each session of Parliament, the Secretary of State for Wales must undertake with the Assembly such consultation about the UK Government's legislative programme for the session as appears to the Secretary of State to be appropriate.

(2) The consultation in relation to the UK Government's legislative programme for a session must include participating in proceedings of the Assembly relating to it on at least one occasion.

(3) For this purpose the UK Government's legislative programme for a session of Parliament consists of the bills which, at the beginning of the session, are intended to be introduced into either House of Parliament during the session by a Minister of the Crown.

(4) If, at any time after the beginning of a session of Parliament, it is decided that a bill should be introduced into either House of Parliament during the session by a Minister of the Crown and no consultation about the bill has been undertaken under subsection (1), the Secretary of State for Wales must undertake with the Assembly such consultation about the bill as appears to the Secretary of State to be appropriate.

(5) This section does not require the undertaking of consultation with the Assembly about a bill if it appears to the Secretary of State for Wales that there are considerations relating to the bill that make such consultation inappropriate.

### **34 Participation by Counsel General**

(1) If not an Assembly member the Counsel General may participate in Assembly proceedings to the extent permitted by the standing orders, but may not vote.

(2) And the standing orders may in other respects provide that they are to apply to the Counsel General if not an Assembly member as to an Assembly member.

(3) The Counsel General may, in any Assembly proceedings, decline to answer any question or produce any document concerning the operation of the system of criminal prosecution in any particular case if considering that answering the question or producing the document—

(a) might prejudice criminal proceedings in the case, or

(b) would otherwise be contrary to the public interest.

### **35 Equality of treatment**

(1) The Assembly must, in the conduct of Assembly proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.

(2) The Assembly must make appropriate arrangements with a view to securing that Assembly proceedings are conducted with due regard to the principle that there should be equality of opportunity for all people.

### **36 Integrity**

(1) The standing orders must include provision—

(a) for a register of interests of Assembly members, and

(b) for the register to be published and made available for public inspection.

(2) The standing orders must require Assembly members to register in the register of interests registrable interests, as defined for the purposes of this subsection.

(3) The standing orders must require any Assembly member who has—

(a) a financial interest, as defined for the purposes of this subsection, or

(b) any other interest, or an interest of any other kind, as so defined,

in any matter to declare that interest before taking part in Assembly proceedings relating to that matter.



(4) The standing orders may include provision for preventing or restricting the participation in any Assembly proceedings of an Assembly member who has an interest within subsection (2) or (3) in any matter to which the proceedings relate.

(5) The standing orders must include provision prohibiting an Assembly member from—

(a) advocating or initiating any cause or matter on behalf of any person, by any means specified in the standing orders, in consideration of any payment or benefit in kind of a description so specified, or

(b) urging, in consideration of any such payment or benefit in kind, any other Assembly member to advocate or initiate any cause or matter on behalf of any person by any such means.

(6) The standing orders must include provision about (or for the making of a code or protocol about) the different roles and responsibilities of Assembly constituency members and Assembly regional members; and—

(a) Assembly constituency members must not describe themselves in a manner which suggests that they are Assembly regional members, and

(b) Assembly regional members must not describe themselves in a manner which suggests that they are Assembly constituency members.

(7) An Assembly member who—

(a) takes part in Assembly proceedings without having complied with, or in contravention of, any provision included in the standing orders in pursuance of subsections (2) to (4), or

(b) contravenes any provision included in the standing orders in pursuance of subsection (5), commits an offence.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) A prosecution for an offence under subsection (7) cannot be instituted except by or with the consent of the Director of Public Prosecutions.

(10) The validity of any Assembly proceedings is not affected by any contravention or failure to comply with any provision included in the standing orders in pursuance of this section.

(11) In this section—

(a) references to an Assembly member (apart from those in subsection (6)) include the Counsel General, if not an Assembly member, and

(b) “financial interest” includes a benefit in kind.

#### *Witnesses and documents*

### **37 Power to call**

(1) Subject as follows, the Assembly may require any person—

(a) to attend Assembly proceedings for the purpose of giving evidence, or

(b) to produce for the purposes of the Assembly (or a committee of the Assembly or a sub-committee of such a committee) documents in the possession, or under the control, of the person,

concerning any matter relevant to the exercise by the Welsh Ministers of any of their function

(2) The Assembly may not impose a requirement under subsection (1) on a person who is not involved in the exercise of functions, or the carrying on of activities, in relation to Wales.

(3) The Assembly may not impose a requirement under subsection (1) on a person who—

(a) is or has been a Minister of the Crown, or

(b) serves or has served in the department of a Minister of the Crown, in relation to the exercise of any functions of a Minister of the Crown.

(4) The Assembly—

(a) may not impose a requirement under subsection (1) on a person who is a full-time judge of any court, and

(b) may not impose such a requirement on a person who is not within paragraph (a) but who is or has been a member of any court or tribunal in connection with the exercise of functions as such a member.

(5) Where a requirement under subsection (1) is imposed on a person who is or has been a member of the staff of the Welsh Assembly Government (or a person seconded to work for the Welsh Assembly Government) in relation to the exercise of any functions of the Welsh Ministers, the First Minister or the Counsel General, any of them may issue a direction under subsection (6).

(6) A direction under this subsection is a direction—

(a) that the person on whom the requirement was imposed need not comply with it, and

(b) that the requirement is instead to be complied with by another person specified in the direction.

(7) The powers conferred by subsection (1)—

(a) may be exercised by and for the purposes of the Audit Committee, and

(b) may be exercised by and for the purposes of any other committee of the Assembly, or any sub-committee of any committee of the Assembly, if the committee or sub-committee is expressly authorised to do so by the Assembly (whether by the standing orders or otherwise).

(8) A person is not obliged under this section to answer any question or produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.

(9) A person acting as prosecutor in criminal proceedings is not obliged under this section to answer any question or produce any document concerning the operation of the system of criminal prosecution in any particular case if the appropriate officer—

(a) considers that answering the question or producing the document might prejudice criminal proceedings in the case or would otherwise be contrary to the public interest, and

(b) has authorised the person to decline to answer the question or produce the document on that ground.

(10) In subsection (9) “the appropriate officer” means—

(a) if the proceedings were instituted by or on behalf of the Welsh Ministers, the First Minister or the Counsel General, the Counsel General, and

(b) otherwise, the Attorney General.

### 38 Notice

(1) A requirement under section 37 is to be imposed on a person by the Clerk giving the person notice in writing specifying—

(a) whether the requirement is imposed for the purposes of the Assembly or a specified committee or sub-committee, and

(b) the matters mentioned in either paragraph (a) or paragraph (b) of subsection (2).

(2) Those matters are—

(a) the time and place at which the person is to attend and the particular subject concerning which the person is required to give evidence;

(b) the documents, or types of documents, which the person is to produce, the date by which and person to whom they are to be produced and the particular subject concerning which they are required.

(3) Notice under subsection (1) is to be given—

(a) in the case of an individual, by sending it in accordance with subsection (4) addressed to the person at the person's usual or last known address or, where the person has given an address for service of the notice, at that address, or

(b) in any other case, by so sending it addressed to the person at the person's registered or principal office.

(4) A notice is sent in accordance with this subsection if it is sent—

(a) by a registered post service (within the meaning of the Postal Services Act 2000 (c. 26)), or

(b) by a postal service which provides for its delivery by post to be recorded.

(5) If a direction is issued under subsection (6) of section 37 in relation to a requirement imposed under subsection (1) of that section, the person or persons by whom it is issued must give notice in writing that the direction has been issued—

- (a) if the requirement was imposed for the purposes of the Assembly, to the Presiding Officer, and
- (b) otherwise, to the person who chairs the committee or sub-committee for the purposes of which it was imposed.

### 39 Offences

(1) A person to whom a notice under section 38(1) has been given commits an offence if the person—

- (a) refuses or fails without reasonable excuse to attend proceedings as required by the notice,
- (b) refuses or fails without reasonable excuse, when attending proceedings as required by the notice, to answer any question concerning the subjects specified in the notice,
- (c) refuses or fails without reasonable excuse to produce any document required to be produced by the notice, or
- (d) intentionally alters, suppresses, conceals or destroys any such document.

(2) Subsection (1) is subject to sections 34(3) and 37(5), (6), (8) and (9).

(3) If a person charged with an offence under subsection (1)(a), (b) or (c) adduces evidence of a reasonable excuse for the refusal or failure, it is for the prosecution to prove that the person did not have such an excuse.

(4) A person guilty of an offence under subsection (1) is liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale,
- (b) to imprisonment for a term not exceeding 51 weeks, or
- (c) to both.

(5) Where an offence under subsection (1) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.

(6) In subsection (5) “director”, in the case of a body corporate whose affairs are managed by its members, means a member of the body corporate.

### 40 General

(1) The Presiding Officer or such other person as may be authorised by the standing orders may—

- (a) require any person giving evidence in Assembly proceedings to take an oath (or make an affirmation), and
- (b) administer the oath (or affirmation) to the person.

(2) A person commits an offence if the person—

- (a) is required to attend Assembly proceedings for the purpose of giving evidence by a notice under section 38(1), and
- (b) refuses to take an oath (or make an affirmation) when required to do so for the purposes of the Assembly proceedings.

(3) A person guilty of an offence under subsection (2) is liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale,
- (b) to imprisonment for a term not exceeding 51 weeks, or
- (c) to both.

(4) The standing orders may provide for the payment of allowances and expenses to persons—

(a) attending Assembly proceedings for the purpose of giving evidence, or  
(b) producing for the purposes of the Assembly (or a committee of the Assembly or a sub-committee of such a committee) documents which they have been required or requested to produce,  
whether or not in pursuance of a notice under section 38(1).

(5) The provision made by virtue of subsection (4) may confer functions on the Assembly Commission.

(6) For the purposes of sections 37 to 39 and this section—

(a) a person is to be taken to comply with a requirement to produce a document if the person produces a copy of the document or an extract of the relevant part of the document,

(b) “document” means anything in which information is recorded in any form, and

(c) references to producing a document are to producing the information recorded in it in a visible and legible form.

### *Legal issues*

## **41 Proceedings by or against Assembly etc.**

(1) Proceedings by or against the Assembly are to be instituted by or against the Assembly Commission on behalf of the Assembly.

(2) Proceedings by or against—

(a) the Presiding Officer or Deputy Presiding Officer, or

(b) a member of the staff of the Assembly,

are (unless instituted against or by the Assembly Commission) to be instituted by or against the Assembly Commission on behalf of the Presiding Officer, Deputy Presiding Officer or member of staff.

(3) In any proceedings against the Assembly the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings but may instead make a declaration.

(4) In any proceedings against—

(a) any Assembly member,

(b) the Presiding Officer or Deputy Presiding Officer,

(c) any member of the staff of the Assembly, or

(d) the Assembly Commission,

the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings if the effect of doing so would be to give any relief against the Assembly which could not have been given in proceedings against the Assembly.

(5) References in this section to an order include an order which is not final.

## **42 Defamation**

(1) For the purposes of the law of defamation—

(a) any statement made in Assembly proceedings, and

(b) the publication under the authority of the Assembly of any statement,

is absolutely privileged.

(2) The Welsh Ministers may by regulations make provision for and in connection with establishing in any legal proceedings that any statement or publication is absolutely privileged by virtue of subsection (1).

(3) No regulations are to be made under subsection (2) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the Assembly.

(4) In this section “statement” has the same meaning as in the Defamation Act 1996 (c. 31).

## **43 Contempt of court**

(1) The strict liability rule does not apply in relation to any publication—

(a) made in, for the purposes of, or for purposes incidental to, Assembly proceedings, or

(b) to the extent that it consists of a report of Assembly proceedings which either is made by or under the authority of the Assembly or is fair and accurate and made in good faith.

(2) In subsection (1)—

- “the strict liability rule”, and
- “publication”,

have the same meaning as in the Contempt of Court Act 1981 (c. 49).

#### 44 Corrupt practices

The Assembly and the Assembly Commission are public bodies for the purposes of the Prevention of Corruption Acts 1889 to 1916.

### **PART 2 WELSH ASSEMBLY GOVERNMENT**

#### *Government*

#### 45 Welsh Assembly Government

(1) There is to be a Welsh Assembly Government, or Llywodraeth Cynulliad Cymru, whose members are—

- (a) the First Minister or Prif Weinidog (see sections 46 and 47),
- (b) the Welsh Ministers, or Gweinidogion Cymru, appointed under section 48,
- (c) the Counsel General to the Welsh Assembly Government or Cwnsler Cyffredinol i Lywodraeth Cynulliad Cymru (see section 49) (referred to in this Act as “the Counsel General”), and
- (d) the Deputy Welsh Ministers or Dirprwy Weinidogion Cymru (see section 50).

(2) In this Act and in any other enactment or instrument the First Minister and the Welsh Ministers appointed under section 48 are referred to collectively as the Welsh Ministers.

*Ministers, staff etc.*

#### 46 The First Minister

(1) The First Minister is to be appointed by Her Majesty after nomination in accordance with section 47.

(2) The First Minister holds office at Her Majesty’s pleasure.

(3) The First Minister may at any time tender resignation to Her Majesty and ceases to hold office as First Minister when it is accepted.

(4) A person ceases to hold office as the First Minister if another person is appointed to that office.

(5) The functions of the First Minister are exercisable by a person designated by the Presiding Officer if—

- (a) the office of the First Minister is vacant,
- (b) the First Minister is for any reason unable to act, or
- (c) the First Minister has ceased to be an Assembly member.

(6) A person may not be designated to exercise the functions of the First Minister unless the person is—

- (a) an Assembly member, or
- (b) if the Assembly has been dissolved, a person who ceased to be an Assembly member by reason of the dissolution.

(7) A person may be designated to exercise the functions of the First Minister only on the recommendation of the Welsh Ministers (unless there is no-one holding office as a Welsh Minister appointed under section 48).

(8) If a person is designated to exercise the functions of the First Minister, the designation continues to have effect even if the Assembly is dissolved.

#### 47 Choice of First Minister

(1) If one of the following events occurs, the Assembly must, before the end of the relevant period, nominate an Assembly member for appointment as First Minister.

(2) The events are—

- (a) the holding of a poll at a general election,
  - (b) the Assembly resolving that the Welsh Ministers no longer enjoy the confidence of the Assembly,
  - (c) the First Minister tendering resignation to Her Majesty,
  - (d) the First Minister dying or becoming permanently unable to act and to tender resignation, and
  - (e) the First Minister ceasing to be an Assembly member otherwise than by reason of a dissolution.
- (3) The relevant period is the period of 28 days beginning with the day on which the event occurs; but—
- (a) if another of those events occurs within that period, the relevant period is (subject to paragraph (b)) extended to end with the period of 28 days beginning with the day on which that other event occurs, and
  - (b) the relevant period ends if the Assembly passes a resolution under section 5(2)(a) or when Her Majesty appoints a person as the First Minister.
- (4) The Presiding Officer must recommend to Her Majesty the appointment of the person nominated by the Assembly under subsection (1).

#### **48 Welsh Ministers**

- (1) The First Minister may, with the approval of Her Majesty, appoint Welsh Ministers from among the Assembly members.
- (2) A Welsh Minister appointed under this section holds office at Her Majesty's pleasure.
- (3) A Welsh Minister appointed under this section may be removed from office by the First Minister.
- (4) A Welsh Minister appointed under this section may at any time resign.
- (5) A Welsh Minister appointed under this section must resign if the Assembly resolves that the Welsh Ministers no longer enjoy the confidence of the Assembly.
- (6) A Welsh Minister appointed under this section who resigns ceases to hold office immediately.
- (7) A Welsh Minister appointed under this section ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution.

#### **49 Counsel General**

- (1) The Counsel General is to be appointed by Her Majesty on the recommendation of the First Minister.
- (2) The Counsel General may be removed from office by Her Majesty on the recommendation of the First Minister.
- (3) No recommendation for the appointment or removal of a person as the Counsel General may be made by the First Minister without the agreement of the Assembly.
- (4) The Counsel General may at any time tender resignation to Her Majesty and ceases to hold office as Counsel General when it is accepted.
- (5) The Counsel General ceases to hold office if an Assembly member is nominated under section 47(1) for appointment as First Minister.
- (6) The functions of the Counsel General are exercisable by a person designated by the First Minister if—
- (a) the office of the Counsel General is vacant, or
  - (b) the Counsel General is for any reason unable to act.
- (7) But subsection (6) ceases to have effect at the end of the period of six months beginning with the day on which a person is designated under it and does not have effect again until after the office of the Counsel General has been filled, or the Counsel General has again become able to act.
- (8) The designation of a person under subsection (6) ceases to have effect if an Assembly member is nominated under section 47(1) for appointment as First Minister.
- (9) A person holding office as the First Minister, a Welsh Minister appointed under section 48 or a Deputy Welsh Minister may not be appointed as the Counsel General or designated under subsection (6); and the Counsel General or a person so designated may not be appointed to any of those offices.

#### **50 Deputy Welsh Ministers**

- (1) The First Minister may, with the approval of Her Majesty, appoint Deputy Welsh Ministers from among the Assembly members to assist the First Minister, a Welsh Minister appointed under section 48 or the Counsel General in the exercise of functions.

- (2) A Deputy Welsh Minister holds office at Her Majesty's pleasure.
- (3) A Deputy Welsh Minister may be removed from office by the First Minister.
- (4) A Deputy Welsh Minister may at any time resign.
- (5) A Deputy Welsh Minister must resign if the Assembly resolves that the Welsh Ministers no longer enjoy the confidence of the Assembly.
- (6) A Deputy Welsh Minister who resigns ceases to hold office immediately.
- (7) A Deputy Welsh Minister ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution.

## 51 Limit on number of Ministers

- (1) No more than twelve persons are to hold a relevant Welsh Ministerial office at any time.
- (2) A relevant Welsh Ministerial office means the office of Welsh Minister appointed under section 48 or the office of Deputy Welsh Minister.

## 52 Staff

- (1) The Welsh Ministers may appoint persons to be members of the staff of the Welsh Assembly Government.
- (2) Service as a member of the staff of the Welsh Assembly Government is service in the Home Civil Service.
- (3) Subsection (1) and any other enactment about the appointment of persons as members of the staff of the Welsh Assembly Government are subject to any provision made in relation to the Home Civil Service by or under any Order in Council.
- (4) Any Civil Service management function is exercisable by the Minister for the Civil Service in relation to members of the staff of the Welsh Assembly Government as in relation to other members of the Home Civil Service; and, accordingly, section 1 of the Civil Service (Management Functions) Act 1992 (c. 61) (delegation of functions by Ministers) applies to any such function as extended by this subsection (so as to allow functions to be delegated to the Welsh Ministers, the First Minister or the Counsel General).
- (5) The Welsh Ministers are to pay the salaries and expenses of the members of the staff of the Welsh Assembly Government.
- (6) Section 1(2) and (3) of the Superannuation Act 1972 (c. 11) (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another Minister etc. and consultation by that Minister or another Minister) have effect as if the references to a Minister of the Crown other than the Minister for the Civil Service included the Welsh Ministers.
- (7) The Welsh Ministers must make payments to the Minister for the Civil Service, at such times as the Minister for the Civil Service may determine, of such amounts as may be so determined in respect of—
  - (a) the provision of pensions, allowances or gratuities by virtue of section 1 of the Superannuation Act 1972 to or in respect of persons who are or have been members of the staff of the Welsh Assembly Government, and
  - (b) the expenses incurred in administering those pensions, allowances and gratuities.
- (8) The Welsh Ministers may make payments towards the provision of pensions, allowances or gratuities to or in respect of any person who is or has been a member of the staff of the Welsh Assembly Government.
- (9) Without prejudice to any rule of law with respect to the carrying out of functions by members of the Home Civil Service under authority, the Welsh Ministers, the First Minister or the Counsel General may authorise the staff of the Welsh Assembly Government to carry out any function on their behalf.
- (10) In this section—
  - “Civil Service management function” means any function to which section 1 of the Civil Service (Management Functions) Act 1992 (c. 61) applies and which is vested in the Minister for the Civil Service, and
  - “the Home Civil Service” means Her Majesty's Home Civil Service.

*Remuneration, oaths etc.*

## 53 Remuneration

- (1) The Assembly must make provision for the payment of salaries to persons to whom this section applies.
- (2) The Assembly may make provision for the payment of allowances to persons to whom this section applies.
- (3) The Assembly may make provision for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a person to whom this section applies.
- (4) Such provision may, in particular, include provision for—
  - (a) contributions or payments towards provision for such pensions, gratuities or allowances, and
  - (b) the establishment and administration (whether by the Assembly Commission or otherwise) of one or more pension schemes.
- (5) This section applies to—
  - (a) the First Minister,
  - (b) every Welsh Minister appointed under section 48,
  - (c) the Counsel General, and
  - (d) every Deputy Welsh Minister.
- (6) Sums required for the making of payments by virtue of provision under this section are payable out of the Welsh Consolidated Fund.
- (7) Provision under this section may be made by—
  - (a) the standing orders, or
  - (b) resolutions of the Assembly,and may include provision conferring functions on the Assembly Commission.

#### **54 Remuneration: supplementary**

- (1) Different provision may be made under section 53 for different cases.
- (2) The Assembly must ensure that information concerning—
  - (a) the amounts paid to each person to whom section 53 applies as salary and allowances, and
  - (b) the total amount paid to such persons as salaries and allowances,is published for each financial year (and may, in particular, do so by requiring it to be published by the Assembly Commission).
- (3) If the Assembly has exercised the power under section 53 to confer on the Assembly Commission the function of determining any salaries, allowances, pensions or gratuities of the kind mentioned in that section, the Assembly Commission must publish every such determination as soon as is reasonably practicable after it is made.
- (4) Provision made under section 53(3) does not affect pensions or allowances in payment before the provision was made.

#### **55 Oath or affirmation**

- (1) On appointment as the First Minister, a Welsh Minister appointed under section 48 or the Counsel General a person must take the official oath in the form set out in section 3 of the Promissory Oaths Act 1868 (c. 72) (or make the corresponding affirmation).
- (2) On appointment as the First Minister, a Welsh Minister appointed under section 48, the Counsel General or a Deputy Welsh Minister a person must take the oath of allegiance in the form set out in section 2 of the Promissory Oaths Act 1868 (or make the corresponding affirmation).
- (3) But subsection (2) does not require a person who is an Assembly member to take the oath of allegiance (or make the corresponding affirmation) again if it has been taken (or made) in compliance with the person's duty on the person's return (or, if returned more than once, most recent return) as an Assembly member.
- (4) An oath required by this section is to be taken (or the corresponding affirmation made)—
  - (a) before one of the Presiding Judges for the Wales and Chester Circuit (or for any appropriate area which is specified in a direction under section 72(4) of the Courts and Legal Services Act 1990 (c. 41)), or



(b) (if no such Presiding Judge is available) before another judge nominated by the Senior Presiding Judge for England and Wales.

(5) Until a person who is required to take an oath (or make an affirmation) by this section in respect of any office has done so, no salary, allowance, gratuity or payment towards the provision of a pension, allowance or gratuity is to be paid under this Act to or in respect of the person as a holder of that office.

(6) But subsection (5) does not affect any entitlement to payments in respect of the period before the person took the oath (or made the affirmation) once the person has done so.

### *Functions*

## **56 Introduction**

(1) The persons to whom this section applies have the functions conferred or imposed on them by or by virtue of this Act or any other enactment or prerogative instrument.

(2) This section applies to the Welsh Ministers, the First Minister and the Counsel General.

## **57 Exercise of functions**

(1) Functions may be conferred or imposed on the Welsh Ministers by that name.

(2) Functions of the Welsh Ministers, the First Minister and the Counsel General are exercisable on behalf of Her Majesty.

(3) Functions of the Welsh Ministers are exercisable by the First Minister or any of the Welsh Ministers appointed under section 48.

(4) Any act or omission of, or in relation to, the First Minister or any of the Welsh Ministers appointed under section 48 is to be treated as an act or omission of, or in relation to, each of them.

(5) But subsection (4) does not apply in relation to the exercise of functions conferred or imposed on the First Minister alone.

(6) Where a function conferred or imposed on the Counsel General is (either generally or in particular circumstances) exercisable concurrently by the Welsh Ministers or the First Minister, subsection (4) applies in relation to the exercise of the function (or to its exercise in those circumstances) as if the Counsel General were included among the Welsh Ministers.

## **58 Transfer of Ministerial functions**

(1) Her Majesty may by Order in Council—

(a) provide for the transfer to the Welsh Ministers, the First Minister or the Counsel General of any function so far as exercisable by a Minister of the Crown in relation to Wales,

(b) direct that any function so far as so exercisable is to be exercisable by the Welsh Ministers, the First Minister or the Counsel General concurrently with the Minister of the Crown, or

(c) direct that any function so far as exercisable by a Minister of the Crown in relation to Wales is to be exercisable by the Minister of the Crown only with the agreement of, or after consultation with, the Welsh Ministers, the First Minister or the Counsel General.

(2) An Order in Council under this section may, in particular, provide for any function exercisable by the Welsh Ministers, the First Minister or the Counsel General by virtue of an Order in Council under subsection (1)(a) or (b) to be exercisable either generally or in such circumstances as may be specified in the Order in Council, concurrently with any other of the Welsh Ministers, the First Minister or the Counsel General.

(3) An Order in Council under this section may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as Her Majesty considers appropriate in connection with the provision made by the Order in Council.

(4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council—

(a) has been laid before, and approved by a resolution of, each House of Parliament, and

(b) has been approved by the Welsh Ministers.

(5) For further provision in connection with the transfer etc. of functions by Orders in Council under this section see Schedule 3.

## 59 Implementation of Community law

(1) The power to designate a Minister of the Crown or government department under section 2(2) of the European Communities Act 1972 (c. 68) may be exercised to designate the Welsh Ministers.

(2) Accordingly, the Welsh Ministers may exercise the power conferred by section 2(2) of the European Communities Act 1972 in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose, but subject to such restrictions or conditions (if any) as may be specified by the Order in Council designating them.

(3) A statutory instrument containing provision made by the Welsh Ministers in the exercise of that power, if made without a draft having been approved by resolution of the Assembly, is subject to annulment in pursuance of a resolution of the Assembly.

(4) Paragraph 2(2) of Schedule 2 to the European Communities Act 1972 (Parliamentary procedure) does not apply to the statutory instrument unless it contains provision—

(a) made by a Minister of the Crown or government department (whether or not jointly with the Welsh Ministers),

(b) relating to an English border area, or

(c) relating to a cross-border body (and not relating only to the exercise of functions, or the carrying on of activities, by the body in or with respect to Wales or a part of Wales).

(5) The power conferred by section 56 of the Finance Act 1973 (c. 51) (services provided in pursuance of a Community obligation etc.) on the Minister in charge of a government department to make (with the consent of the Treasury) regulations prescribing, or providing for the determination of, fees and charges in respect of things done by the department may be exercised by the Welsh Ministers (with the consent of the Treasury) for prescribing, or providing for the determination of, fees and charges in respect of corresponding things done by the Welsh Ministers.

(6) A statutory instrument containing regulations made by the Welsh Ministers in the exercise of that power is subject to annulment in pursuance of a resolution of the Assembly.

(7) Section 56(4) of the Finance Act 1973 does not cause the statutory instrument to be subject to annulment in pursuance of a resolution of either House of Parliament unless it contains regulations—

(a) made by a Minister of the Crown or government department (whether or not jointly with the Welsh Ministers),

(b) relating to an English border area, or

(c) relating to a cross-border body (and not relating only to the exercise of functions, or the carrying on of activities, by the body in or with respect to Wales or a part of Wales).

## 60 Promotion etc. of well-being

(1) The Welsh Ministers may do anything which they consider appropriate to achieve any one or more of the following objects—

(a) the promotion or improvement of the economic well-being of Wales,

(b) the promotion or improvement of the social well-being of Wales, and

(c) the promotion or improvement of the environmental well-being of Wales.

(2) The power under subsection (1) may be exercised in relation to or for the benefit of—

(a) the whole or any part of Wales, or

(b) all or any persons resident or present in Wales.

(3) The power under subsection (1) includes power to do anything in relation to or for the benefit of any area outside Wales, or all or any persons resident or present anywhere outside Wales, if the Welsh Ministers consider that it is likely to achieve one or more of the objects in that subsection.

(4) The power under subsection (1) includes power—

(a) to enter into arrangements or agreements with any person,

(b) to co-operate with, or facilitate or co-ordinate the activities of, any person,

- (c) to exercise on behalf of any person any functions of that person, and
- (d) to provide staff, goods, services or accommodation to any person.

### **61 Support of culture etc.**

The Welsh Ministers may do anything which they consider appropriate to support—

- (a) archaeological remains in Wales,
- (b) ancient monuments in Wales,
- (c) buildings and places of historical or architectural interest in Wales,
- (d) historic wrecks in Wales,
- (e) arts and crafts relating to Wales,
- (f) museums and galleries in Wales,
- (g) libraries in Wales,
- (h) archives and historical records relating to Wales,
- (i) cultural activities and projects relating to Wales,
- (j) sport and recreational activities relating to Wales, and
- (k) the Welsh language.

### **62 Representations about matters affecting Wales**

The Welsh Ministers, the First Minister and the Counsel General may make appropriate representations about any matter affecting Wales.

### **63 Consultation about cross-border bodies**

(1) A Minister of the Crown must consult the Welsh Ministers—

- (a) before exercising any function which relates to the appointment or removal of a relevant cross-border body,
- (b) before exercising any function which relates to the appointment or removal of any member or office-holder of a relevant cross-border body, other than one who is not concerned in the functions or activities which the body exercises or carries on in or with respect to Wales, and
- (c) before exercising, in relation to a relevant cross-border body, any function the exercise of which might affect Wales in relation to any matter as respects which functions are exercisable by the Welsh Ministers.

(2) A body is a relevant cross-border body if it is a cross-border body which exercises functions of a public nature and which is not a government department.

(3) Subsection (1) does not apply in relation to the exercise of a function if it is not reasonably practicable to comply with it in relation to the exercise of the function (for reasons of urgency or for any other reasons).

(4) If subsection (1) does not apply in relation to the exercise of a function by a Minister of the Crown by reason of subsection (3), the Minister of the Crown must as soon as is reasonably practicable inform the Welsh Ministers of the exercise of the function and of the reasons for its exercise.

(5) A failure to comply with subsection (1) in relation to the exercise of a function does not affect the validity of its exercise.

### **64 Polls for ascertaining views of the public**

(1) The Welsh Ministers may hold a poll in an area consisting of Wales or any part (or parts) of Wales for the purpose of ascertaining the views of those polled about whether or how any of the functions of the Welsh Ministers (other than that under section 62) should be exercised.

(2) The persons entitled to vote in a poll under this section are those who—

- (a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the area in which the poll is held, and
- (b) are registered in the register of local government electors at an address within the area in which the poll is held.

(3) The Welsh Ministers may by order make provision—

- (a) as to the conduct of polls (or any poll) under this section, or

(b) for the combination of polls (or any poll) under this section with polls at any elections.

(4) An order under subsection (3) may apply or incorporate, with or without modifications or exceptions, any provision of or made under any enactment relating to elections or referendums; and the provision which may be made under paragraph (a) of that subsection includes, in particular, provision for disregarding alterations in a register of electors.

(5) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of the Assembly.

## 65 Private bills

(1) The Welsh Ministers may promote private bills in Parliament and may oppose any private bill in Parliament.

(2) Subsection (1) does not cause the Welsh Ministers to have power to apply for orders under section 1 or 3 of the Transport and Works Act 1992 (c. 42) by virtue of section 20 of that Act (which gives a body with power to promote and oppose private bills power to apply for and object to such orders).

## 66 Provision of information to Treasury

Where it appears to the Treasury that any information in the possession, or under the control, of the Welsh Ministers is required for the exercise of any function by the Treasury, the Treasury may require the Welsh Ministers to provide the information to the Treasury in such form as the Treasury may reasonably specify.

## 67 Legal proceedings

(1) Where the Counsel General considers it appropriate for the promotion or protection of the public interest, the Counsel General may institute in the Counsel General's name, defend or appear in any legal proceedings to which this section applies.

(2) This section applies to legal proceedings relating to matters with respect to which any functions of the Welsh Ministers, the First Minister or the Counsel General are exercisable.

## 68 Contracts

(1) The Secretary of State may by order provide that the Local Government (Contracts) Act 1997 (c. 65) applies in relation to contracts entered into by the Welsh Ministers, the First Minister or the Counsel General but subject to any appropriate modifications.

(2) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

## 69 Charges for documents

(1) The Welsh Ministers may make a charge for supplying copies of (or of any part of) any document which they publish or make available for public inspection.

(2) Subsection (1) has effect subject to any provision contained in, or made under, any enactment which makes provision for—

(a) the making of charges for the inspection of documents,

(b) the making of charges for supplying copies of documents (or parts of documents), or

(c) the supply of copies of documents (or parts of documents) free of charge.

(3) This section applies to the First Minister and the Counsel General as to the Welsh Ministers.

## 70 Financial assistance

(1) The Welsh Ministers may give financial assistance (whether by way of grant, loan or guarantee) to any person engaged in any activity which the Welsh Ministers consider will secure, or help to secure, the attainment of any objective which they aim to attain in the exercise of any of their functions.

(2) The Welsh Ministers may attach conditions to the giving of financial assistance by them; and the conditions which may be attached include, in particular, conditions requiring the repayment of the whole or any part of a grant, or the making of any other payments, in any circumstances.

(3) This section applies in relation to the First Minister and the Counsel General as in relation to the Welsh Ministers

## 71 Supplementary

(1) The persons to whom this section applies may do anything (including the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the exercise of any of their other functions.

(2) This section applies to the Welsh Ministers, the First Minister and the Counsel General.

*“Inclusive” approach to exercise of functions*

## 72 Partnership Council

(1) The Welsh Ministers must establish and maintain a body to be known as the Partnership Council for Wales or Cyngor Partneriaeth Cymru (“the Partnership Council”).

(2) The Partnership Council is to consist of members appointed by the Welsh Ministers from among—

- (a) the Welsh Ministers,
- (b) the Deputy Welsh Ministers, and
- (c) the members of local authorities in Wales.

(3) Before appointing members of the Partnership Council under subsection (2)(c), the Welsh Ministers must consult such associations of local authorities in Wales as they consider appropriate.

(4) The Partnership Council may—

- (a) give advice to the Welsh Ministers about matters affecting the exercise of any of their functions,
- (b) make representations to the Welsh Ministers about any matters affecting, or of concern to, those involved in local government in Wales, and
- (c) give advice to those involved in local government in Wales.

(5) For the purposes of this section the following are local authorities in Wales—

- (a) county councils, county borough councils and community councils in Wales,
- (b) National Park authorities for National Parks in Wales,
- (c) police authorities for police areas in Wales,
- (d) fire and rescue authorities for areas in Wales, and
- (e) authorities of any description specified for the purposes of this paragraph by order made by the Welsh Ministers.

(6) No order may be made under subsection (5)(e) unless the Welsh Ministers have consulted the Partnership Council.

(7) A statutory instrument containing an order under subsection (5)(e) is subject to annulment in pursuance of a resolution of the Assembly.

## 73 Local government scheme

(1) The Welsh Ministers must make a scheme (“the local government scheme”) setting out how they propose, in the exercise of their functions, to sustain and promote local government in Wales.

(2) The Welsh Ministers—

- (a) must keep the local government scheme under review, and
- (b) may from time to time remake or revise it.

(3) In determining the provision to be included in the local government scheme, the Welsh Ministers must have regard to any advice which has been given, and to any representations which have been made, to them by the Partnership Council.

(4) The Welsh Ministers must publish the local government scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).

(5) If the Welsh Ministers publish a scheme or revisions under subsection (4) they must lay a copy of the scheme or revisions before the Assembly.

(6) After each financial year the Welsh Ministers must—

- (a) publish a report of how the proposals set out in the local government scheme were implemented in that financial year, and
- (b) lay a copy of the report before the Assembly.

## 74 Voluntary sector scheme

(1) The Welsh Ministers must make a scheme (“the voluntary sector scheme”) setting out how they propose, in the exercise of their functions, to promote the interests of relevant voluntary organisations.

(2) In this section “relevant voluntary organisations” means bodies (other than local authorities or other public bodies) whose activities—

(a) are carried on otherwise than for profit, and

(b) directly or indirectly benefit the whole or any part of Wales (whether or not they also benefit any other area).

(3) In determining the provision to be included in the voluntary sector scheme, the Welsh Ministers must consider how they intend to exercise such of their functions as relate to matters affecting, or of concern to, relevant voluntary organisations.

(4) The voluntary sector scheme must specify—

(a) how the Welsh Ministers propose to provide assistance to relevant voluntary organisations (whether by grants, loans, guarantees or any other means),

(b) how the Welsh Ministers propose to monitor the use made of any assistance provided by them to relevant voluntary organisations, and

(c) how the Welsh Ministers propose to consult relevant voluntary organisations about the exercise of such of their functions as relate to matters affecting, or of concern to, such organisations.

(5) The Welsh Ministers—

(a) must keep the voluntary sector scheme under review, and

(b) may from time to time remake or revise it.

(6) Before making, remaking or revising the voluntary sector scheme, the Welsh Ministers must consult such relevant voluntary organisations as they consider appropriate.

(7) The Welsh Ministers must publish the voluntary sector scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).

(8) If the Welsh Ministers publish a scheme or revisions under subsection (7) they must lay a copy of the scheme or revisions before the Assembly.

(9) After each financial year the Welsh Ministers must—

(a) publish a report of how the proposals set out in the voluntary sector scheme were implemented in that financial year, and

(b) lay a copy of the report before the Assembly.

## 75 Business scheme

(1) The Welsh Ministers must make a scheme (“the business scheme”) setting out how they propose, in the exercise of their functions, to take account of the interests of business.

(2) The business scheme must specify how the Welsh Ministers propose—

(a) to carry out consultation about the exercise of such of their functions as relate to matters affecting the interests of business, and

(b) to consider the impact of the exercise of their functions on the interests of business.

(3) The Welsh Ministers—

(a) must keep the business scheme under review, and

(b) may from time to time remake or revise it.

(4) Before making, remaking or revising the business scheme, the Welsh Ministers must consult such organisations representative of business (including trade unions) and such other organisations as they consider appropriate.

(5) The Welsh Ministers must publish the business scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).

(6) If the Welsh Ministers publish a scheme or revisions under subsection (5) they must lay a copy of the scheme or revisions before the Assembly.

(7) The Welsh Ministers must—

(a) within the period of two years beginning with the day on which the business scheme is first made, and

(b) subsequently at intervals of no more than two years,

publish a report of how the proposals set out in the business scheme have been implemented.

(8) The Welsh Ministers must lay before the Assembly a copy of each report published under subsection (7).

## 76 Regulatory impact assessments

(1) The Welsh Ministers must make a code of practice setting out their policy on—

(a) the carrying out of regulatory impact assessments in connection with relevant Welsh subordinate legislation, and

(b) the carrying out of consultation in connection with regulatory impact assessments,

(“the regulatory impact assessment code”).

(2) For the purposes of this section—

(a) a regulatory impact assessment is an assessment as to the likely costs and benefits of complying with relevant Welsh subordinate legislation, and

(b) subordinate legislation is relevant Welsh subordinate legislation if it is made by the Welsh Ministers, the First Minister or the Counsel General and the statutory instrument (or a draft of the statutory instrument) containing it is required to be laid before the Assembly.

(3) The Welsh Ministers—

(a) must keep the regulatory impact assessment code under review, and

(b) may from time to time remake or revise it.

(4) Before making, remaking or revising the regulatory impact assessment code, the Welsh Ministers must consult such persons as they consider appropriate.

(5) The Welsh Ministers must publish the regulatory impact assessment code when they make it and whenever they remake it; and, if they revise the code without remaking it, they must publish either the revisions or the code as revised (as they consider appropriate).

(6) If the Welsh Ministers publish a code or revisions under subsection (5) they must lay a copy of the code or revisions before the Assembly.

## 77 Equality of opportunity

(1) The Welsh Ministers must make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people.

(2) After each financial year the Welsh Ministers must publish a report containing—

(a) a statement of the arrangements made in pursuance of subsection (1) which had effect during that financial year, and

(b) an assessment of how effective those arrangements were in promoting equality of opportunity,

and must lay a copy of the report before the Assembly.

## 78 The Welsh language

(1) The Welsh Ministers must adopt a strategy (“the Welsh language strategy”) setting out how they propose to promote and facilitate the use of the Welsh language.

(2) The Welsh Ministers must adopt a scheme (“the Welsh language scheme”) specifying measures which they propose to take, for the purpose mentioned in subsection (3), as to the use of the Welsh language in connection with the provision of services to the public in Wales by them, or by others who—

(a) are acting as servants or agents of the Crown, or

(b) are public bodies (within the meaning of Part 2 of the Welsh Language Act 1993 (c. 38)).

(3) The purpose referred to in subsection (2) is that of giving effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that in the conduct of public business in Wales the English and Welsh languages should be treated on a basis of equality.

(4) The Welsh Ministers—

(a) must keep under review both the Welsh language strategy and the Welsh language scheme, and

(b) may from time to time adopt a new strategy or scheme or revise them.

(5) Before adopting or revising a strategy or scheme, the Welsh Ministers must consult such persons as they consider appropriate.

(6) The Welsh Ministers must publish the Welsh language strategy and the Welsh language scheme when they first adopt it and—

(a) if they adopt a new strategy or scheme they must publish it, and

(b) if they revise the Welsh language strategy or the Welsh language scheme (rather than adopting a new strategy or scheme) they must publish either the revisions or the strategy or scheme as revised (as they consider appropriate).

(7) If the Welsh Ministers publish a strategy or scheme, or revisions, under subsection (6) they must lay a copy of the strategy or scheme, or revisions, before the Assembly.

(8) After each financial year the Welsh Ministers must publish a report of—

(a) how the proposals set out in the Welsh language strategy were implemented in that financial year and how effective their implementation has been in promoting and facilitating the use of the Welsh language, and

(b) how the proposals set out in the Welsh language scheme were implemented in that financial year, and must lay a copy of the report before the Assembly.

## 79 Sustainable development

(1) The Welsh Ministers must make a scheme (“the sustainable development scheme”) setting out how they propose, in the exercise of their functions, to promote sustainable development.

(2) The Welsh Ministers—

(a) must keep the sustainable development scheme under review, and

(b) may from time to time remake or revise it.

(3) Before making, remaking or revising the sustainable development scheme, the Welsh Ministers must consult such persons as they consider appropriate.

(4) The Welsh Ministers must publish the sustainable development scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).

(5) If the Welsh Ministers publish a scheme or revisions under subsection (4) they must lay a copy of the scheme or revisions before the Assembly.

(6) After each financial year the Welsh Ministers must—

(a) publish a report of how the proposals set out in the sustainable development scheme were implemented in that financial year, and

(b) lay a copy of the report before the Assembly.

(7) In the year following that in which an ordinary general election is (or, apart from section 5(5), would be) held, the Welsh Ministers must—

(a) publish a report containing an assessment of how effective their proposals (as set out in the scheme and implemented) have been in promoting sustainable development, and

(b) lay a copy of the report before the Assembly.

*Community law, human rights and international obligations etc.*

## 80 Community law



(1) A community obligation of the United Kingdom is also an obligation of the Welsh Ministers if and to the extent that the obligation could be implemented (or enabled to be implemented) or complied with by the exercise by the Welsh Ministers of any of their functions.

(2) Subsection (1) does not apply in the case of a Community obligation of the United Kingdom if—

(a) it is an obligation to achieve a result defined by reference to a quantity (whether expressed as an amount, proportion or ratio or otherwise), and

(b) the quantity relates to the United Kingdom (or to an area including the United Kingdom or to an area consisting of a part of the United Kingdom which includes the whole or part of Wales).

(3) But if such a Community obligation could (to any extent) be implemented (or enabled to be implemented) or complied with by the exercise by the Welsh Ministers of any of their functions, a Minister of the Crown may by order provide for the achievement by the Welsh Ministers (in the exercise of their functions) of so much of the result to be achieved under the Community obligation as is specified in the order.

(4) The order may specify the time by which any part of the result to be achieved by the Welsh Ministers is to be achieved.

(5) No order is to be made by a Minister of the Crown under subsection (3) unless the Minister of the Crown has consulted the Welsh Ministers.

(6) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Where an order under subsection (3) is in force in relation to a Community obligation, to the extent that the Community obligation involves achieving what is specified in the order it is also an obligation of the Welsh Ministers (enforceable as if it were an obligation of the Welsh Ministers under subsection (1)).

(8) The Welsh Ministers have no power—

(a) to make, confirm or approve any subordinate legislation, or

(b) to do any other act,

so far as the subordinate legislation or act is incompatible with Community law or an obligation under subsection (7).

(9) Subsections (1) and (8) apply to the First Minister and the Counsel General as to the Welsh Ministers.

## 81 Human rights

(1) The Welsh Ministers have no power—

(a) to make, confirm or approve any subordinate legislation, or

(b) to do any other act,

so far as the subordinate legislation or act is incompatible with any of the Convention rights.

(2) Subsection (1) does not enable a person—

(a) to bring any proceedings in a court or tribunal, or

(b) to rely on any of the Convention rights in any such proceedings,

in respect of an act unless that person would be a victim for the purposes of Article 34 of the Convention if proceedings were brought in the European Court of Human Rights in respect of that act.

(3) Subsection (2) does not apply to the Attorney General, the Counsel General, the Advocate General for Scotland, the Advocate General for Northern Ireland or the Attorney General for Northern Ireland.

(4) Subsection (1)—

(a) does not apply to an act which, by virtue of subsection (2) of section 6 of the Human Rights Act 1998 (c. 42), is not unlawful under subsection (1) of that section, and

(b) does not enable a court or tribunal to award in respect of any act any damages which it could not award on finding the act unlawful under that subsection.

(5) Subsection (1) applies to the First Minister and the Counsel General as to the Welsh Ministers.

(6) In subsection (2) “the Convention” has the same meaning as in the Human Rights Act 1998.

## 82 International obligations etc.

(1) If the Secretary of State considers that any action proposed to be taken by the Welsh Ministers would be incompatible with any international obligation, the Secretary of State may by order direct that the proposed action is not to be taken.

(2) If the Secretary of State considers that an action capable of being taken by the Welsh Ministers is required for the purposes of giving effect to any international obligation, the Secretary of State may by order direct the Welsh Ministers to take the action.

(3) If the Secretary of State considers that any subordinate legislation made, or which could be revoked, by the Welsh Ministers is incompatible with any international obligation or the interests of defence or national security, the Secretary of State may by order revoke the legislation.

(4) An order under subsection (3) may include provision for the order to have effect from a date earlier than that on which it is made; but—

(a) such a provision does not affect any rights or liabilities acquired or incurred before the date on which the order is made, and

(b) no person is to be guilty of an offence merely because of such a provision.

(5) The Secretary of State may make an order containing provision such as is specified in subsection (6) where—

(a) an international obligation is an obligation to achieve a result defined by reference to a quantity (whether expressed as an amount, proportion or ratio or otherwise), and

(b) the quantity relates to the United Kingdom (or to an area including the United Kingdom or to an area consisting of a part of the United Kingdom which includes the whole or part of Wales).

(6) The provision referred to in subsection (5) is provision for the achievement by the Welsh Ministers (in the exercise of their functions) of so much of the result to be achieved under the international obligation as is specified in the order.

(7) The order may specify the time by which any part of the result to be achieved by the Welsh Ministers is to be achieved.

(8) Where an order under subsection (5) is in force in relation to an international obligation, references to the international obligation in subsections (1) to (3) are to an obligation to achieve so much of the result to be achieved under the international obligation as is specified in the order by the time or times so specified.

(9) No order is to be made by the Secretary of State under subsection (2), (3) or (5) unless the Secretary of State has consulted the Welsh Ministers.

(10) An order under this section must state the reasons for making it.

(11) A statutory instrument containing—

(a) subject to subsection (12), an order under subsection (1), or

(b) an order under subsection (5),

is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

(12) A statutory instrument containing only an order under subsection (1) revoking a previous order under that subsection—

(a) is not subject to annulment in pursuance of a resolution of either House of Parliament, but

(b) is to be laid before Parliament.

(13) No order is to be made under subsection (2) or (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(14) Subsections (1), (2) and (3) apply to the First Minister and the Counsel General as to the Welsh Ministers; and where subsection (9) operates in relation to an order under subsection (2) or (3) relating to the First Minister or the Counsel General the reference in subsection (9) to the Welsh Ministers is to the First Minister or the Counsel General.

(15) In this section “action” includes making, confirming or approving subordinate legislation and in subsection (2) also includes introducing into the Assembly a proposed Assembly Measure or a Bill.

*Functions: supplementary*

### 83 Agency arrangements and provision of services

(1) Arrangements may be made between the Welsh Ministers and any relevant authority for—

- (a) any functions of one of them to be exercised by the other,
- (b) any functions of the Welsh Ministers to be exercised by members of staff of the relevant authority,
- (c) any functions of the relevant authority to be exercised by members of the staff of the Welsh Assembly Government, or
- (d) the provision of administrative, professional or technical services by one of them for the other.

(2) Any arrangements under paragraph (a), (b) or (c) of subsection (1) for the exercise of functions of the Welsh Ministers do not affect the responsibility of the Welsh Ministers; and such arrangements for the exercise of any functions of a relevant authority do not affect the responsibility of the relevant authority.

(3) The references in subsections (1) and (2) to functions do not include functions of making, confirming or approving subordinate legislation contained in a statutory instrument.

(4) In this section “relevant authority” means any Minister of the Crown or government department, any public authority (including any local authority) in England and Wales or the holder of any public office in England and Wales.

(5) This section applies to the First Minister and the Counsel General as to the Welsh Ministers.

### 84 Different exercise of functions by Welsh Ministers etc.

(1) This section applies where—

- (a) an enactment confers or imposes a function exercisable in relation to England and Wales, and
- (b) the function is to any extent conferred or imposed on the Welsh Ministers by the enactment or transferred to, or made exercisable by, the Welsh Ministers by or by virtue of this Act.

(2) The enactment is to be taken to permit—

- (a) the exercise of the function by the Welsh Ministers whether or not it is exercised otherwise than by the Welsh Ministers, and
- (b) the exercise of the function differently by the Welsh Ministers (on the one hand) and otherwise than by the Welsh Ministers (on the other).

(3) The reference in subsection (1)(a) to a function exercisable in relation to England and Wales includes a function exercisable in relation both to England and Wales and to another country or territory or other countries or territories.

(4) Subsection (2) is subject to—

- (a) the enactment by which the function is conferred or imposed on the Welsh Ministers, or
- (b) any provision by or by virtue of which the function is transferred to, or made exercisable by, the Welsh Ministers.

(5) Subsection (2) does not limit any power to exercise a function in relation to Wales whether or not it is exercised in relation to England, or to exercise a function differently in relation to Wales and England, where this section does not apply.

(6) In this section “enactment” includes a future enactment.

(7) This section applies in relation to the First Minister and the Counsel General as to the Welsh Ministers.

### 85 Construction of references to Ministers and departments

(1) So far as may be necessary for the purpose or in consequence of the exercise of any functions of the Welsh Ministers, the First Minister or the Counsel General, any reference in any enactment or other document to—

- (a) a Minister of the Crown, or
- (b) a government department,

(whether by name or in general terms) is to be construed as being or including a reference to the Welsh Ministers, the First Minister or the Counsel General (according to by whom the function in question is exercisable).

(2) References in any enactment to property vested in or held for the purposes of a government department is to be construed as including references to property vested in or held for the purposes of the Welsh Ministers, the First Minister or the Counsel General (and in relation to property so vested or held the Welsh Ministers, the First Minister or the Counsel General are each deemed to be a government department for the purposes of any enactment).

(3) In this section “enactment” includes a future enactment.

## 86 Laying of reports and statements

(1) This section applies where—

(a) any enactment makes provision (“provision for Parliamentary laying”) for any report or statement to be laid before Parliament or either House of Parliament,

(b) the report or statement is not one which, by or by virtue of this Act, is to be made by or given to the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission, and

(c) the report or statement relates to matters with respect to which functions are exercisable by the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission.

(2) If no functions relating to the matters are exercisable by a Minister of the Crown, the provision for Parliamentary laying is to be construed as provision for the report or statement to be laid before the Assembly instead of before Parliament or either House of Parliament.

(3) If any are, the provision for Parliamentary laying is to be construed as provision for the report or statement to be laid before the Assembly as well as before Parliament or either House of Parliament.

(4) In this section—

(a) references to a report or statement include any other document (except one containing subordinate legislation), and

(b) “enactment” includes a future enactment.

### *Property, rights and liabilities*

## 87 Property, rights and liabilities of Welsh Ministers etc.

(1) Property, rights and liabilities may belong to—

(a) the Welsh Ministers by that name,

(b) the First Minister by that name, or

(c) the Counsel General by that name.

(2) Property and rights acquired by or transferred to the Welsh Ministers belong to, and liabilities incurred by the Welsh Ministers are liabilities of, the Welsh Ministers for the time being.

(3) Property and rights acquired by or transferred to any of the Welsh Ministers appointed under section 48 belong to, and liabilities incurred by any of those Welsh Ministers are liabilities of, the Welsh Ministers for the time being.

(4) Property and rights acquired by or transferred to the First Minister belong to, and liabilities incurred by the First Minister are liabilities of, the First Minister for the time being.

(5) Property and rights acquired by or transferred to the Counsel General belong to, and liabilities incurred by the Counsel General are liabilities of, the Counsel General for the time being.

(6) In relation to property and rights acquired by or transferred to (or belonging to), or to liabilities incurred by—

(a) the Welsh Ministers or any of the Welsh Ministers appointed under section 48,

(b) the First Minister, or

(c) the Counsel General,

references to the Welsh Ministers, the First Minister or the Counsel General in any register or other document are to be read in accordance with this section.

## 88 Transfer of Ministerial property, rights and liabilities

For provision about the transfer of property, rights and liabilities of Ministers of the Crown to the Welsh Ministers etc. see Schedule 4.

## *Supplementary*

### **89 Rights and liabilities of the Crown in different capacities**

(1) Rights and liabilities may arise between the Crown in right of Her Majesty's Government in the United Kingdom and the Crown in right of the Welsh Assembly Government by virtue of a contract, by operation of law or by virtue of an enactment as they may arise between subjects.

(2) Property, rights and liabilities may be transferred between the Crown in one of those capacities and the Crown in the other capacity as they may be transferred between subjects; and they may together create, vary or extinguish any property, rights or liabilities as subjects may.

(3) Proceedings in respect of—

(a) any property, rights or liabilities to which the Crown in one of those capacities is entitled or subject under subsection (1) or (2), or

(b) the exercise of, or failure to exercise, any function exercisable by an office-holder of the Crown in one of those capacities,

may be instituted by the Crown in either capacity; and the Crown in the other capacity may be a separate party in the proceedings.

(4) This section applies to the Crown in right of a devolved administration (other than the Welsh Assembly Government) as it applies to the Crown in right of Her Majesty's Government in the United Kingdom.

(5) In this section "office-holder" means—

(a) in relation to the Crown in right of Her Majesty's Government in the United Kingdom, any Minister of the Crown or other office-holder under the Crown in that capacity,

(b) in relation to the Crown in right of the Welsh Assembly Government, the First Minister, a Welsh Minister appointed under section 48 or the Counsel General, and

(c) in relation to the Crown in right of a devolved administration other than the Welsh Assembly Government, an office-holder in that administration;

and "subject" means a person not acting on behalf of the Crown.

### **90 Documents**

(1) A document is validly executed by the Welsh Ministers if it is executed by the First Minister or any Welsh Minister appointed under section 48.

(2) The application of the seal of the Welsh Ministers is to be authenticated by the First Minister, any Welsh Minister appointed under section 48 or any person authorised by the Welsh Ministers (whether generally or specifically) for that purpose.

(3) A document purporting to be—

(a) duly executed under the seal of the Welsh Ministers, or

(b) signed on behalf of the Welsh Ministers,

is to be received in evidence and, unless the contrary is proved, is to be taken to be so executed or signed.

(4) A certificate signed by the First Minister or a Welsh Minister appointed under section 48 that any document purporting to be executed by the Welsh Ministers or signed by them or on their behalf was so executed or signed is conclusive evidence of that fact.

(5) A document purporting to be signed by or on behalf of—

(a) the First Minister, or

(b) the Counsel General,

is to be received in evidence and, unless the contrary is proved, is to be taken to be so signed.

(6) A certificate signed by the First Minister or the Counsel General that any document purporting to be signed by or on behalf of the First Minister or the Counsel General was so signed is conclusive evidence of that fact.

(7) The Documentary Evidence Act 1868 (c. 37) (proof of documents) has effect as if—

(a) in the first column of Schedule 1 there were included a reference to the Welsh Ministers, the First Minister, a Welsh Minister appointed under section 48 and the Counsel General,

(b) in the second column of that Schedule there were included in connection with that reference a reference to a member of the staff of the Welsh Assembly Government, and

(c) in section 2 of that Act the reference to regulations issued by or under the authority of an officer mentioned in the first column of the Schedule included a reference to any document issued by or under the authority of a person or persons within paragraph (a).

### 91 Validity of acts

(1) The validity of any act of a person as First Minister is not affected by any defect in the person's nomination by the Assembly.

(2) The validity of any act of a person as the Counsel General is not affected by any defect in the Assembly's agreement to the person's appointment.

### 92 Official secrets

The following are Crown servants for the purposes of the Official Secrets Act 1989 (c. 6)—

(a) the First Minister and any person designated to exercise the functions of the First Minister,

(b) each Welsh Minister appointed under section 48,

(c) the Counsel General and any person designated to exercise the functions of the Counsel General, and

(d) each Deputy Welsh Minister.

## PART 3 ASSEMBLY MEASURES

### *Power*

### 93 Assembly Measures

(1) The Assembly may make laws, to be known as Measures of the National Assembly for Wales or Mesurau Cynulliad Cenedlaethol Cymru (referred to in this Act as "Assembly Measures").

(2) A proposed Assembly Measure is enacted by being passed by the Assembly and approved by Her Majesty in Council.

(3) The validity of an Assembly Measure is not affected by any invalidity in the Assembly proceedings leading to its enactment.

(4) Every Assembly Measure is to be judicially noticed.

(5) This Part does not affect the power of the Parliament of the United Kingdom to make laws for Wales.

### 94 Legislative competence

(1) Subject to the provisions of this Part, an Assembly Measure may make any provision that could be made by an Act of Parliament.

(2) An Assembly Measure is not law so far as any provision of the Assembly Measure is outside the Assembly's legislative competence.

(3) A provision of an Assembly Measure is within the Assembly's legislative competence only if it falls within subsection (4) or (5).

(4) A provision of an Assembly Measure falls within this subsection if—

(a) it relates to one or more of the matters specified in Part 1 of Schedule 5, and

(b) it neither applies otherwise than in relation to Wales nor confers, imposes, modifies or removes (or gives power to confer, impose, modify or remove) functions exercisable otherwise than in relation to Wales.

(5) A provision of an Assembly Measure falls within this subsection if—

(a) it provides for the enforcement of a provision (of that or any other Assembly Measure) which falls within subsection (4) or it is otherwise appropriate for making such a provision effective, or

(b) it is otherwise incidental to, or consequential on, such a provision.

(6) But a provision which falls within subsection (4) or (5) is outside the Assembly's legislative competence if—

(a) it breaches any of the restrictions in Part 2 of Schedule 5, having regard to any exception in Part 3 of that Schedule from those restrictions,

(b) it extends otherwise than only to England and Wales, or

(c) it is incompatible with the Convention rights or with Community law.

(7) For the purposes of this section the question whether a provision of an Assembly Measure relates to one or more of the matters specified in Part 1 of Schedule 5 is to be determined by reference to the purpose of the provision, having regard (among other things) to its effect in all the circumstances.

## 95 Legislative competence: supplementary

(1) Her Majesty may by Order in Council—

(a) amend Part 1 of Schedule 5 to add a matter which relates to one or more of the fields listed in that Part, or to vary or remove any matter,

(b) amend that Part to add a new field or to vary or remove any field, or

(c) amend Part 2 or 3 of that Schedule.

(2) An Order in Council under this section does not have effect to amend Part 1 of Schedule 5 by adding a field if, at the time when the amendment comes into force, no functions in the field are exercisable by the Welsh Ministers, the First Minister or the Counsel General.

(3) An Order in Council under this section may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as Her Majesty considers appropriate in connection with the provision made by the Order in Council.

(4) An Order in Council under this section may make provision having retrospective effect.

(5) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council—

(a) has been laid before, and approved by a resolution of, the Assembly, and

(b) having been so approved, has been laid before, and approved by a resolution of, each House of Parliament.

(6) As soon as is reasonably practicable after the draft of an Order in Council under this section has been approved by a resolution of the Assembly, the First Minister must ensure that—

(a) notice in writing of the resolution, and

(b) a copy of the draft,

is sent to the Secretary of State.

(7) The Secretary of State must, before the end of the period of 60 days beginning immediately after the day on which notice of the Assembly's resolution is received, either—

(a) lay the draft before each House of Parliament, or

(b) give notice in writing to the First Minister of the Secretary of State's refusal to do so and the reasons for that refusal.

(8) As soon as is reasonably practicable after the First Minister receives notice of the Secretary of State's refusal to lay the draft before each House of Parliament and the reasons for that refusal—

(a) the First Minister must lay a copy of the notice before the Assembly, and

(b) the Assembly must ensure that it is published.

(9) In reckoning the period of 60 days mentioned in subsection (7) no account is to be taken of any period during which Parliament is dissolved or prorogued or both Houses are adjourned for more than four days.

(10) The amendment of Schedule 5 by an Order in Council under this section does not affect—

(a) the validity of an Assembly Measure passed before the amendment comes into force, or

(b) the previous or continuing operation of such an Assembly Measure.

## 96 Scrutiny of proposed Orders in Council

The Counsel General or the Attorney General may refer to the Supreme Court for decision the question whether a matter which a proposed Order in Council under section 95 proposes to add to Part 1 of Schedule 5 relates to a field listed in that Part.

## *Procedure*

### **97 Introduction of proposed Assembly Measures**

(1) A proposed Assembly Measure may, subject to the standing orders, be introduced in the Assembly—

(a) by the First Minister, any Welsh Minister appointed under section 48, any Deputy Welsh Minister or the Counsel General, or

(b) by any other Assembly member.

(2) The person in charge of a proposed Assembly Measure must, on or before the introduction of the proposed Assembly Measure, state that, in that person's view, its provisions would be within the Assembly's legislative competence.

(3) The Presiding Officer must, on or before the introduction of a proposed Assembly Measure in the Assembly—

(a) decide whether or not, in the view of the Presiding Officer, the provisions of the proposed Assembly Measure would be within the Assembly's legislative competence, and

(b) state that decision.

(4) A statement under this section must be made in both English and Welsh; but, subject to that, the form of the statement and the manner in which it is to be made are to be determined under the standing orders.

(5) The standing orders—

(a) may provide for a statement under this section to be published, and

(b) if they do so, must provide for it to be published in both English and Welsh.

### **98 Proceedings on proposed Assembly Measures**

(1) The standing orders must include provision—

(a) for general debate on a proposed Assembly Measure with an opportunity for Assembly members to vote on its general principles,

(b) for the consideration of, and an opportunity for Assembly members to vote on, the details of a proposed Assembly Measure, and

(c) for a final stage at which a proposed Assembly Measure can be passed or rejected.

(2) Subsection (1) does not prevent the standing orders making provision to enable the Assembly to expedite proceedings in relation to a particular proposed Assembly Measure.

(3) The standing orders may make provision different from that required by subsection (1) for the procedure applicable to proposed Assembly Measures of any of the following kinds—

(a) proposed Assembly Measures which restate the law,

(b) proposed Assembly Measures which repeal or revoke spent enactments, and

(c) private proposed Assembly Measures.

(4) The standing orders must include provision for securing that the Assembly may only pass a proposed Assembly Measure containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in accordance with the standing orders.

(5) The standing orders must include provision for securing that the Assembly may only pass a proposed Assembly Measure if the text of the proposed Assembly Measure is in both English and Welsh, unless the circumstances are such as are specified by the standing orders as any in which the text need not be in both languages.

(6) The standing orders must provide for an opportunity for the reconsideration of a proposed Assembly Measure after its passing if (and only if)—

(a) the Supreme Court decides on a reference made in relation to the proposed Assembly Measure under section 99 that the proposed Assembly Measure or any provision of it would not be within the Assembly's legislative competence,

(b) a reference made in relation to the proposed Assembly Measure under section 99 is withdrawn following a request for withdrawal of the reference under section 100(2)(b), or



(c) an order is made in relation to the proposed Assembly Measure under section 101.

(7) The standing orders must, in particular, ensure that any proposed Assembly Measure amended on reconsideration is subject to a final stage at which it can be approved or rejected.

(8) References in subsections (4), (5) and (6) of this section and sections 93(2) and 95(10) to the passing of a proposed Assembly Measure are, in the case of a proposed Assembly Measure which has been amended on reconsideration, to be read as references to its approval.

### **99 Scrutiny of proposed Assembly Measures by Supreme Court**

(1) The Counsel General or the Attorney General may refer the question whether a proposed Assembly Measure, or any provision of a proposed Assembly Measure, would be within the Assembly's legislative competence to the Supreme Court for decision.

(2) Subject to subsection (3), the Counsel General or the Attorney General may make a reference in relation to a proposed Assembly Measure at any time during—

(a) the period of four weeks beginning with the passing of the proposed Assembly Measure, and

(b) any period of four weeks beginning with any subsequent approval of the proposed Assembly Measure in accordance with provision included in the standing orders in compliance with section 98(7).

(3) No reference may be made in relation to a proposed Assembly Measure—

(a) by the Counsel General if the Counsel General has notified the Clerk that no reference is to be made in relation to it by the Counsel General, or

(b) by the Attorney General if the Attorney General has notified the Clerk that no reference is to be made in relation to it by the Attorney General.

(4) But subsection (3) does not apply if the proposed Assembly Measure has been approved as mentioned in subsection (2)(b) since the notification.

### **100 ECJ references**

(1) This section applies where—

(a) a reference has been made in relation to a proposed Assembly Measure under section 99,

(b) a reference for a preliminary European Court ruling has been made by the Supreme Court in connection with that reference, and

(c) neither of those references has been decided or otherwise disposed of.

(2) If the Assembly resolves that it wishes to reconsider the proposed Assembly Measure—

(a) the Clerk must notify the Counsel General and the Attorney General of that fact, and

(b) the person who made the reference in relation to the proposed Assembly Measure under section 99 must request the withdrawal of the reference.

(3) In this section “a reference for a preliminary European Court ruling” means a reference of a question to the European Court under Article 234 of the Treaty establishing the European Community, Article 41 of the Treaty establishing the European Coal and Steel Community or Article 150 of the Treaty establishing the European Atomic Energy Community.

### **101 Power to intervene in certain cases**

(1) This section applies if a proposed Assembly Measure contains provisions which the Secretary of State has reasonable grounds to believe—

(a) would have an adverse effect on any matter which is not specified in Part 1 of Schedule 5,

(b) might have a serious adverse impact on water resources in England, water supply in England or the quality of water in England,

(c) would have an adverse effect on the operation of the law as it applies in England, or

(d) would be incompatible with any international obligation or the interests of defence or national security.

(2) The Secretary of State may make an order prohibiting the Clerk from submitting the proposed Assembly Measure for approval by Her Majesty in Council.

(3) The order must identify the proposed Assembly Measure and the provisions in question and state the reasons for making the order.

- (4) The order may be made at any time during—
- (a) the period of four weeks beginning with the passing of the proposed Assembly Measure,
  - (b) any period of four weeks beginning with any subsequent approval of the proposed Assembly Measure in accordance with provision included in the standing orders in compliance with section 98(7), or
  - (c) if a reference is made in relation to the proposed Assembly Measure under section 99, the period of four weeks beginning with the reference being decided or otherwise disposed of by the Supreme Court.
- (5) The Secretary of State must not make an order in relation to a proposed Assembly Measure if the Secretary of State has notified the Clerk that no order is to be made in relation to the proposed Assembly Measure.
- (6) Subsection (5) does not apply if the proposed Assembly Measure has been approved as mentioned in subsection (4)(b) since the notification.
- (7) An order in force under this section at a time when such approval is given ceases to have effect.
- (8) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

## 102 Approval of proposed Assembly Measures

- (1) It is for the Clerk to submit proposed Assembly Measures for approval by Her Majesty in Council.
- (2) The Clerk may not submit a proposed Assembly Measure for approval by Her Majesty in Council at any time when—
- (a) the Attorney General or the Counsel General is entitled to make a reference in relation to the proposed Assembly Measure under section 99,
  - (b) such a reference has been made but has not been decided or otherwise disposed of by the Supreme Court, or
  - (c) an order may be made in relation to the proposed Assembly Measure under section 101.
- (3) The Clerk may not submit a proposed Assembly Measure in its unamended form for approval by Her Majesty in Council if—
- (a) the Supreme Court has decided on a reference made in relation to the proposed Assembly Measure under section 99 that the proposed Assembly Measure or any provision of it would not be within the Assembly's legislative competence, or
  - (b) a reference made in relation to the proposed Assembly Measure under section 99 has been withdrawn following a request for withdrawal of the reference under section 100(2)(b).
- (4) Once an Assembly Measure has been approved by Her Majesty in Council, the Clerk of the Privy Council must send the Order in Council approving the Assembly Measure to the Clerk.
- (5) The date of the approval by Her Majesty in Council of an Assembly Measure is to be written on the Assembly Measure by the Clerk, and forms part of the Assembly Measure.
- (6) The Clerk must publish the Order in Council by which an Assembly Measure is approved.
- (7) The standing orders must include provision for the notification by the Clerk to the Assembly of the date of the approval of an Assembly Measure by Her Majesty in Council.
- (8) The validity of an Assembly Measure is not affected by any failure to comply with provision made by or by virtue of subsection (4), (5) or (7).

## **PART 4** ACTS OF THE ASSEMBLY

### *Referendum*

## 103 Referendum about commencement of Assembly Act provisions

- (1) Her Majesty may by Order in Council cause a referendum to be held throughout Wales about whether the Assembly Act provisions should come into force.
- (2) If the majority of the voters in a referendum held by virtue of subsection (1) vote in favour of the Assembly Act provisions coming into force, the Assembly Act provisions are to come into force in accordance with section 105.

(3) But if they do not, that does not prevent the making of a subsequent Order in Council under subsection (1).

(4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under subsection (1) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament and the Assembly.

(5) But subsection (4) is not satisfied unless the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.

(6) A draft of a statutory instrument containing an Order in Council under subsection (1) may not be laid before either House of Parliament, or the Assembly, until the Secretary of State has undertaken such consultation as the Secretary of State considers appropriate.

(7) For further provision about referendums held by virtue of subsection (1) see Schedule 6.

(8) In this Act “the Assembly Act provisions” means—

(a) sections 107 and 108, and

(b) sections 110 to 115.

#### **104 Proposal for referendum by Assembly**

(1) This section applies if—

(a) the Assembly passes a resolution moved by the First Minister or a Welsh Minister appointed under section 48 that, in its opinion, a recommendation should be made to Her Majesty in Council to make an Order in Council under section 103(1), and

(b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.

(2) The First Minister must, as soon as is reasonably practicable after the resolution is passed, ensure that notice in writing of the resolution is given to the Secretary of State.

(3) The Secretary of State must, within the period of 120 days beginning immediately after the day on which it is received—

(a) lay a draft of a statutory instrument containing an Order in Council under section 103(1) before each House of Parliament, or

(b) give notice in writing to the First Minister of the Secretary of State’s refusal to do so and the reasons for that refusal.

(4) As soon as is reasonably practicable after the First Minister receives notice given under subsection (3)(b)—

(a) the First Minister must lay a copy of the notice before the Assembly, and

(b) the Assembly must ensure that the notice is published.

#### **105 Commencement of Assembly Act provisions**

(1) This section applies where the majority of the voters in a referendum held by virtue of section 103(1) are in favour of the Assembly Act provisions coming into force.

(2) The Welsh Ministers may by order make provision for the Assembly Act provisions to come into force on the date specified in the order.

(3) An order under subsection (2) may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as the Welsh Ministers consider appropriate in connection with the coming into force of the Assembly Act provisions.

(4) No order is to be made under subsection (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.

#### **106 Effect on Measures of commencement of Assembly Act provisions**

(1) Part 3 ceases to have effect on the day on which the Assembly Act provisions come into force.

(2) But that does not affect the continuing operation on and after that day of any Assembly Measure enacted before that day.

#### *Power*

### **107 Acts of the Assembly**

(1) The Assembly may make laws, to be known as Acts of the National Assembly for Wales or Ddeddfau Cynulliad Cenedlaethol Cymru (referred to in this Act as “Acts of the Assembly”).

(2) Proposed Acts of the Assembly are to be known as Bills; and a Bill becomes an Act of the Assembly when it has been passed by the Assembly and has received Royal Assent.

(3) The validity of an Act of the Assembly is not affected by any invalidity in the Assembly proceedings leading to its enactment.

(4) Every Act of the Assembly is to be judicially noticed.

(5) This Part does not affect the power of the Parliament of the United Kingdom to make laws for Wales.

### **108 Legislative competence**

(1) Subject to the provisions of this Part, an Act of the Assembly may make any provision that could be made by an Act of Parliament.

(2) An Act of the Assembly is not law so far as any provision of the Act is outside the Assembly’s legislative competence.

(3) A provision of an Act of the Assembly is within the Assembly’s legislative competence only if it falls within subsection (4) or (5).

(4) A provision of an Act of the Assembly falls within this subsection if—

(a) it relates to one or more of the subjects listed under any of the headings in Part 1 of Schedule 7 and does not fall within any of the exceptions specified in that Part of that Schedule (whether or not under that heading or any of those headings), and

(b) it neither applies otherwise than in relation to Wales nor confers, imposes, modifies or removes (or gives power to confer, impose, modify or remove) functions exercisable otherwise than in relation to Wales.

(5) A provision of an Act of the Assembly falls within this subsection if—

(a) it provides for the enforcement of a provision (of that or any other Act of the Assembly) which falls within subsection (4) or a provision of an Assembly Measure or it is otherwise appropriate for making such a provision effective, or

(b) it is otherwise incidental to, or consequential on, such a provision.

(6) But a provision which falls within subsection (4) or (5) is outside the Assembly’s legislative competence if—

(a) it breaches any of the restrictions in Part 2 of Schedule 7, having regard to any exception in Part 3 of that Schedule from those restrictions,

(b) it extends otherwise than only to England and Wales, or

(c) it is incompatible with the Convention rights or with Community law.

(7) For the purposes of this section the question whether a provision of an Act of the Assembly relates to one or more of the subjects listed in Part 1 of Schedule 7 (or falls within any of the exceptions specified in that Part of that Schedule) is to be determined by reference to the purpose of the provision, having regard (among other things) to its effect in all the circumstances.

### **109 Legislative competence: supplementary**

(1) Her Majesty may by Order in Council amend Schedule 7.

(2) An Order in Council under this section may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as Her Majesty considers appropriate in connection with the provision made by the Order in Council.

- (3) An Order in Council under this section may make provision having retrospective effect.
- (4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council—
  - (a) has been laid before, and approved by a resolution of, each House of Parliament, and
  - (b) except where the Order in Council is the first of which a draft has been laid under paragraph (a), has been laid before, and approved by a resolution of, the Assembly.
- (5) The amendment of Schedule 7 by an Order in Council under this section does not affect—
  - (a) the validity of an Act of the Assembly passed before the amendment comes into force, or
  - (b) the previous or continuing operation of such an Act of the Assembly.

#### *Procedure*

### **110 Introduction of Bills**

- (1) A Bill may, subject to the standing orders, be introduced in the Assembly—
  - (a) by the First Minister, any Welsh Minister appointed under section 48 any Deputy Welsh Minister or the Counsel General, or
  - (b) by any other Assembly member.
- (2) The person in charge of a Bill must, on or before the introduction of the Bill, state that, in that person's view, its provisions would be within the Assembly's legislative competence.
- (3) The Presiding Officer must, on or before the introduction of a Bill in the Assembly—
  - (a) decide whether or not, in the view of the Presiding Officer, the provisions of the Bill would be within the Assembly's legislative competence, and
  - (b) state that decision.
- (4) A statement under this section must be made in both English and Welsh; but, subject to that, the form of the statement and the manner in which it is to be made are to be determined under the standing orders.
- (5) The standing orders—
  - (a) may provide for a statement under this section to be published, and
  - (b) if they do so, must provide for it to be published in both English and Welsh.

### **111 Proceedings on Bills**

- (1) The standing orders must include provision—
  - (a) for general debate on a Bill with an opportunity for Assembly members to vote on its general principles,
  - (b) for the consideration of, and an opportunity for Assembly members to vote on, the details of a Bill, and
  - (c) for a final stage at which a Bill can be passed or rejected.
- (2) Subsection (1) does not prevent the standing orders making provision to enable the Assembly to expedite proceedings in relation to a particular Bill.
- (3) The standing orders may make provision different from that required by subsection (1) for the procedure applicable to Bills of any of the following kinds—
  - (a) Bills which restate the law,
  - (b) Bills which repeal or revoke spent enactments, and
  - (c) private Bills.
- (4) The standing orders must include provision for securing that the Assembly may only pass a Bill containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in accordance with the standing orders.
- (5) The standing orders must include provision for securing that the Assembly may only pass a Bill if the text of the Bill is in both English and Welsh, unless the circumstances are such as are specified by the standing orders as any in which the text need not be in both languages.

(6) The standing orders must provide for an opportunity for the reconsideration of a Bill after its passing if (and only if)—

(a) the Supreme Court decides on a reference made in relation to the Bill under section 112 that the Bill or any provision of it would not be within the Assembly's legislative competence,

(b) a reference made in relation to the Bill under section 112 is withdrawn following a request for withdrawal of the reference under section 113(2)(b), or

(c) an order is made in relation to the Bill under section 114.

(7) The standing orders must, in particular, ensure that any Bill amended on reconsideration is subject to a final stage at which it can be approved or rejected.

(8) References in subsections (4), (5) and (6) of this section and sections 107(2), 109(5) and 116(3) to the passing of a Bill are, in the case of a Bill which has been amended on reconsideration, to be read as references to its approval.

### 112 Scrutiny of Bills by Supreme Court

(1) The Counsel General or the Attorney General may refer the question whether a Bill, or any provision of a Bill, would be within the Assembly's legislative competence to the Supreme Court for decision.

(2) Subject to subsection (3), the Counsel General or the Attorney General may make a reference in relation to a Bill at any time during—

(a) the period of four weeks beginning with the passing of the Bill, and

(b) any period of four weeks beginning with any subsequent approval of the Bill in accordance with provision included in the standing orders in compliance with section 111(7).

(3) No reference may be made in relation to a Bill—

(a) by the Counsel General if the Counsel General has notified the Clerk that no reference is to be made in relation to it by the Counsel General, or

(b) by the Attorney General if the Attorney General has notified the Clerk that no reference is to be made in relation to it by the Attorney General.

(4) But subsection (3) does not apply if the Bill has been approved as mentioned in subsection (2)(b) since the notification.

### 113 ECJ references

(1) This section applies where—

(a) a reference has been made in relation to a Bill under section 112,

(b) a reference for a preliminary European Court ruling has been made by the Supreme Court in connection with that reference, and

(c) neither of those references has been decided or otherwise disposed of.

(2) If the Assembly resolves that it wishes to reconsider the Bill—

(a) the Clerk must notify the Counsel General and the Attorney General of that fact, and

(b) the person who made the reference in relation to the Bill under section 112 must request the withdrawal of the reference.

(3) In this section "a reference for a preliminary European Court ruling" means a reference of a question to the European Court under Article 234 of the Treaty establishing the European Community, Article 41 of the Treaty establishing the European Coal and Steel Community or Article 150 of the Treaty establishing the European Atomic Energy Community.

### 114 Power to intervene in certain cases

(1) This section applies if a Bill contains provisions which the Secretary of State has reasonable grounds to believe—

(a) would have an adverse effect on any matter which is not listed under any of the headings in Part 1 of Schedule 7 (or falls within any of the exceptions specified in that Part of that Schedule),

(b) might have a serious adverse impact on water resources in England, water supply in England or the quality of water in England,

(c) would have an adverse effect on the operation of the law as it applies in England, or

- (d) would be incompatible with any international obligation or the interests of defence or national security.
- (2) The Secretary of State may make an order prohibiting the Clerk from submitting the Bill for Royal Assent.
- (3) The order must identify the Bill and the provisions in question and state the reasons for making the order.
- (4) The order may be made at any time during—
  - (a) the period of four weeks beginning with the passing of the Bill,
  - (b) any period of four weeks beginning with any subsequent approval of the Bill in accordance with provision included in the standing orders in compliance with section 111(7), or
  - (c) if a reference is made in relation to the Bill under section 112, the period of four weeks beginning with the reference being decided or otherwise disposed of by the Supreme Court.
- (5) The Secretary of State must not make an order in relation to a Bill if the Secretary of State has notified the Clerk that no order is to be made in relation to the Bill.
- (6) Subsection (5) does not apply if the Bill has been approved as mentioned in subsection (4)(b) since the notification.
- (7) An order in force under this section at a time when such approval is given ceases to have effect.
- (8) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

### 115 Royal Assent

- (1) It is for the Clerk to submit Bills for Royal Assent.
- (2) The Clerk may not submit a Bill for Royal Assent at any time when—
  - (a) the Attorney General or the Counsel General is entitled to make a reference in relation to the Bill under section 112,
  - (b) such a reference has been made but has not been decided or otherwise disposed of by the Supreme Court, or
  - (c) an order may be made in relation to the Bill under section 114.
- (3) The Clerk may not submit a Bill in its unamended form for Royal Assent if—
  - (a) the Supreme Court has decided on a reference made in relation to the Bill under section 112 that the Bill or any provision of it would not be within the Assembly's legislative competence, or
  - (b) a reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)(b).
- (4) A Bill receives Royal Assent when Letters Patent under the Welsh Seal signed with Her Majesty's own hand signifying Her Assent are notified to the Clerk.
- (5) The date of Royal Assent is to be written on the Act of the Assembly by the Clerk, and forms part of the Act.
- (6) The standing orders must include provision for notification by the Clerk to the Assembly of the date of Royal Assent to an Act of the Assembly.
- (7) The validity of an Act of the Assembly is not affected by any failure to comply with provision made by or by virtue of subsection (4), (5) or (6).

### 116 Welsh Seal and Letters Patent

- (1) There is to be a Welsh Seal.
- (2) The First Minister is to be the Keeper of the Welsh Seal.
- (3) Her Majesty may by Order in Council make provision as to—
  - (a) the form and manner of preparation, and
  - (b) the publication,
 of Letters Patent signed with Her Majesty's own hand signifying Her Assent to a Bill passed by the Assembly.

(4) A statutory instrument containing an Order in Council under subsection (3) is subject to annulment in pursuance of a resolution of the Assembly.

## **PART 5 FINANCE**

### *Welsh Consolidated Fund*

#### **117 Welsh Consolidated Fund**

(1) There is to be a Welsh Consolidated Fund.

(2) The Welsh Consolidated Fund is to be held with the Paymaster General.

### *Payments into Welsh Consolidated Fund*

#### **118 Grants**

(1) The Secretary of State must from time to time make payments into the Welsh Consolidated Fund out of money provided by Parliament of such amounts as the Secretary of State may determine.

(2) Any Minister of the Crown, and any government department, may make payments to the Welsh Ministers, the First Minister or the Counsel General of such amounts as may be determined by the Minister of the Crown or those responsible in the department.

#### **119 Statement of estimated payments**

(1) The Secretary of State must, for each financial year, make a written statement showing—

(a) the total amount of the payments which the Secretary of State estimates will be made for the financial year under section 118(1),

(b) the total amount of the payments which the Secretary of State estimates will be made to the Welsh Ministers, the First Minister or the Counsel General for the financial year by Ministers of the Crown and government departments, and

(c) the total amount of the payments which the Secretary of State estimates will be made to the Welsh Ministers, the First Minister or the Counsel General for the financial year otherwise than by a Minister of the Crown or government department.

(2) A statement under this section must also include such other information as the Secretary of State considers appropriate.

(3) A statement under this section for any financial year must also show the total amount which the Secretary of State for Wales proposes to expend for the financial year out of money provided by Parliament otherwise than on making payments into the Welsh Consolidated Fund.

(4) A statement under this section for a financial year must include details of how the total amounts mentioned in subsections (1)(a), (b) and (c) and (3) have been arrived at.

(5) A statement under this section for a financial year is to be made no later than four months before the beginning of the financial year.

(6) The Secretary of State must lay before the Assembly each statement under this section.

#### **120 Destination of receipts**

(1) Any sum received by or on behalf of—

(a) the Welsh Ministers, the First Minister or the Counsel General,

(b) the Assembly Commission,

(c) the Auditor General, or

(d) the Public Services Ombudsman for Wales,

is to be paid into the Welsh Consolidated Fund (unless it is paid out of that Fund, and subject as follows); and this subsection applies in spite of provision contained in any other enactment unless the enactment provides expressly that any such sum is not to be paid into the Welsh Consolidated Fund.

(2) If and to the extent that sums received as mentioned in subsection (1) are received in connection with resources—

(a) which are within a category specified by resolution of the Assembly for the purposes of this subsection,

(b) which accrued to a person within subsection (1), and



(c) the retention of which by that person is authorised by a Budget resolution of the Assembly for the financial year in which the resources accrued,

the sums may be retained for use for the services and purposes specified in a Budget resolution of the Assembly for the financial year in which they are received as services and purposes for which retained resources may be used.

(3) The Treasury may, after consulting the Welsh Ministers, by order designate any description of sums received as mentioned in subsection (1).

(4) The Welsh Ministers must make payments to the Secretary of State of sums equal to the total amount of sums of that description.

(5) Payments by the Welsh Ministers under subsection (4) are to be made at such times, and by such methods, as the Treasury may from time to time determine.

(6) Sums required for the making of the payments are to be charged on the Welsh Consolidated Fund.

(7) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of the House of Commons.

(8) In this Act “Budget resolution of the Assembly” means a resolution on an annual Budget motion (see section 125) or a supplementary Budget motion (see section 126).

### *Borrowing*

#### **121 Borrowing by Welsh Ministers**

(1) The Welsh Ministers may borrow from the Secretary of State any amounts it appears to them are required by them for the purpose of—

(a) meeting a temporary excess of sums paid out of the Welsh Consolidated Fund over sums paid into that Fund, or

(b) providing a working balance in that Fund.

(2) Amounts borrowed under this section must be repaid to the Secretary of State at such times and by such methods, and interest on such sums must be paid to the Secretary of State at such rates and at such times, as the Treasury may from time to time determine.

(3) Sums required for the repayment of, or the payment of interest on, amounts borrowed under this section are to be charged on the Welsh Consolidated Fund.

#### **122 Lending by Secretary of State**

(1) The Treasury may issue to the Secretary of State out of the National Loans Fund such sums as the Secretary of State needs for making loans under section 121.

(2) The aggregate outstanding in respect of the principal of sums borrowed under that section must not exceed £500 million.

(3) The Secretary of State may by order made with the consent of the Treasury substitute for the amount for the time being specified in subsection (2) such greater amount as is specified in the order.

(4) No order is to be made under subsection (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the House of Commons.

(5) Sums received by the Secretary of State under section 121(2) must be paid into the National Loans Fund.

#### **123 Accounts relating to loans**

(1) The Secretary of State must for each financial year prepare accounts in such form and manner as the Treasury may direct of—

(a) loans made by the Secretary of State under section 121 or treated as made by paragraph 11(6) of Schedule 3 or paragraph 44(6) of Schedule 11, and

(b) repayments and payments of interest made to the Secretary of State in respect of those loans.

(2) The Secretary of State must send accounts under subsection (1) relating to a financial year to the Comptroller and Auditor General no later than five months after the end of the financial year.

(3) The Comptroller and Auditor General must—

- (a) examine, certify and report on accounts sent under subsection (2), and
- (b) lay copies of the accounts, together with the report prepared under paragraph (a), before each House of Parliament.

### *Expenditure*

#### **124 Payments out of Welsh Consolidated Fund**

(1) A sum may only be paid out of the Welsh Consolidated Fund if—

- (a) it has been charged on that Fund by any enactment, or
  - (b) its payment out is authorised or deemed to be authorised by a Budget resolution of the Assembly (see sections 125 to 128) for or in connection with either of the purposes mentioned in subsection (2),
- and an approval to draw the payment of the sum out of the Welsh Consolidated Fund is granted by the Auditor General (see section 129).

(2) Those purposes are—

- (a) meeting expenditure of a relevant person, and
- (b) meeting expenditure payable pursuant to a relevant enactment.

(3) For the purposes of this section and sections 125 to 128 the relevant persons are—

- (a) the Welsh Ministers, the First Minister and the Counsel General,
- (b) the Assembly Commission,
- (c) the Auditor General, and
- (d) the Public Services Ombudsman for Wales.

(4) For the purposes of this section and sections 125 to 128 a relevant enactment is an enactment which provides for payment out of the Welsh Consolidated Fund.

(5) This section does not apply to sums paid out of the Welsh Consolidated Fund by virtue of section 130.

(6) Any enactment which—

(a) charges the payment of sums on the Consolidated Fund or requires or authorises the payment of any sum from the Consolidated Fund, or

(b) requires or authorises the payment of sums out of money provided by Parliament,

does not have effect if the sums are payable by any of the relevant persons.

#### **125 Annual Budget motions**

(1) For each financial year there is to be moved in the Assembly a motion (referred to in this Act as an “annual Budget motion”) for the purpose of authorising—

(a) the amount of resources which may be used in the financial year by the relevant persons, or pursuant to a relevant enactment, for the services and purposes specified in the motion,

(b) the amount of resources accruing to the relevant persons in the financial year which may be retained by them to be used for the services and purposes so specified (rather than being paid into the Welsh Consolidated Fund), and

(c) the amount which may be paid out of the Welsh Consolidated Fund in the financial year to the relevant persons, or for use pursuant to a relevant enactment, for the services and purposes so specified.

(2) An annual Budget motion may only be moved by the First Minister or a Welsh Minister appointed under section 48.

(3) An annual Budget motion must be accompanied by a written statement made by the Welsh Ministers showing—

(a) the total amount of the payments which they estimate will be made for the financial year under section 118(1),

(b) the total amount of the payments which they estimate will be made to the Welsh Ministers, the First Minister or the Counsel General for the financial year by Ministers of the Crown and government departments, and

(c) the total amount of the payments which they estimate will be made to the Welsh Ministers, the First Minister or the Counsel General for the financial year otherwise than by a Minister of the Crown or government department.

(4) In this Act a reference to the use of resources is a reference to their expenditure, consumption or reduction in value.

### 126 Supplementary Budget motions

(1) For any financial year there may be moved in the Assembly one or more motions (referred to in this Act as a “supplementary Budget motion”) for either or both of the purposes specified in subsections (2) and (3).

(2) A supplementary Budget motion may approve a variation in any one or more of the following—

(a) the amount of resources authorised to be used in the financial year by a relevant person, or pursuant to a relevant enactment, for any service or purpose,

(b) the amount of resources accruing to a relevant person in the financial year and authorised to be retained by that person to be used for any service or purpose, and

(c) the amount authorised to be paid out of the Welsh Consolidated Fund in the financial year to a relevant person, or for use pursuant to a relevant enactment, for any service or purpose.

(3) A supplementary Budget motion may authorise any one or more of the following—

(a) the amount of resources which may be used in the financial year by a relevant person, or pursuant to a relevant enactment, for a service or purpose specified in the motion,

(b) the amount of resources accruing to a relevant person in the financial year which may be retained by that person to be used for a service or purpose so specified, and

(c) the amount which may be paid out of the Welsh Consolidated Fund in the financial year to a relevant person, or for use pursuant to a relevant enactment, for a service or purpose so specified.

(4) A supplementary Budget motion for any financial year may be expressed to have effect from a time before it is made; but that time may not be earlier than—

(a) the date on which the last supplementary Budget motion for the financial year was passed, or

(b) (if none has) the date on which the annual Budget motion for the financial year was passed.

(5) A supplementary Budget motion may only be moved by the First Minister or a Welsh Minister appointed under section 48.

### 127 Appropriation without Budget resolution

(1) If a Budget resolution for a financial year is not passed before the beginning of the financial year, the following are deemed to have been authorised by a Budget resolution of the Assembly for that year—

(a) the use in the year for any service or purpose of the relevant percentage of the amount of the resources authorised to be used in the preceding financial year for the service or purpose,

(b) the retention in the year for use for any service or purpose of the relevant percentage of the amount of the resources authorised to be retained in the previous financial year for use for the service or purpose, and

(c) the payment out of the Welsh Consolidated Fund in the year for any service or purpose of the relevant percentage of the amount authorised to be paid out of the Fund in the previous financial year for the service or purpose.

(2) “The relevant percentage” is—

(a) where a Budget resolution for the financial year is not passed before the end of July in the financial year, 95%, and

(b) otherwise, 75%.

### 128 Contingencies

(1) This section applies where it is proposed—

(a) that resources be used in any financial year by any of the relevant persons, or pursuant to a relevant enactment, otherwise than as authorised by virtue of sections 125 to 127, or

(b) that amounts be paid out of the Welsh Consolidated Fund in the year to the relevant persons, or for use pursuant to a relevant enactment, otherwise than as authorised by virtue of those sections.

(2) The resources may be so used, or the amounts may be so issued, only with the authority of the Welsh Ministers.

(3) The Welsh Ministers may authorise the use of resources, or the payment of amounts, only if they consider that—

(a) the use of the resources, or the payment of the amounts, is necessary in the public interest, and

(b) it is not reasonably practicable, for reasons of urgency, for a motion to be moved under section 125 or 126 to authorise the use of the resources or the payment of the amounts.

(4) The aggregate amount of resources which the Welsh Ministers may at any time authorise to be used under this section by any person, or pursuant to any enactment, in any financial year must not exceed 0.5% of—

(a) the aggregate amount of the resources which, at the time, have been authorised by virtue of sections 125 and 126 to be used by that person, or pursuant to that enactment, in that financial year, or

(b) (if none have) the aggregate amount of the resources which were so authorised to be used by that person, or pursuant to that enactment, in the immediately preceding financial year.

(5) The aggregate amount which the Welsh Ministers may at any time authorise to be paid out of the Welsh Consolidated Fund under this section to any person, or for use pursuant to any enactment, in any financial year must not exceed 0.5% of—

(a) the aggregate of the amounts which, at the time, have been authorised by virtue of sections 125 and 126 to be paid to that person, or for use pursuant to that enactment, in that financial year, or

(b) (if none have) the aggregate of the amounts which were so authorised to be paid to that person, or for use pursuant to that enactment, in the immediately preceding financial year.

(6) The use of resources, or the payment of amounts, authorised by the Welsh Ministers in accordance with this section is deemed to have been authorised by a Budget resolution of the Assembly.

(7) Where the Welsh Ministers authorise the use of resources or the payment of amounts under this section, they must, as soon as possible, lay before the Assembly a report setting out—

(a) the resources authorised to be used or the amounts authorised to be paid,

(b) the services or purposes for which the resources were authorised to be used, or the amounts were authorised to be paid, and

(c) why they considered it to be necessary to authorise the use of the resources, or the payment of the amounts, under this section.

## 129 Approvals to draw

(1) The Auditor General must grant approvals to draw payments out of the Welsh Consolidated Fund from time to time at the request of the Welsh Ministers.

(2) An approval to draw may only be granted if, in the Auditor General's opinion, the proposed payment out of the Welsh Consolidated Fund would comply with section 124.

(3) A request for the grant of an approval to draw is to be made in any manner which the Welsh Ministers, with the approval of the Auditor General, decide to adopt.

(4) Where an approval to draw is granted the Paymaster General must make the funds available to the Welsh Ministers, the First Minister, the Counsel General, the Assembly Commission, the Auditor General or the Public Services Ombudsman for Wales (as appropriate).

(5) The Paymaster General must make available to—

(a) the Auditor General, and

(b) the principal accounting officer for the Welsh Ministers,

a daily statement regarding all the issues made out of the Welsh Consolidated Fund in respect of sums charged on that Fund and other payments out of it.

(6) For the purposes of this Act the principal accounting officer for the Welsh Ministers is the Permanent Secretary to the Welsh Assembly Government.

(7) But the Treasury may designate another member of the staff of the Welsh Assembly Government to be the principal accounting officer for the Welsh Ministers if and for so long as—

(a) the Permanent Secretary to the Welsh Assembly Government is incapable of discharging the responsibilities of principal accounting officer for the Welsh Ministers, or

(b) the office of Permanent Secretary to the Welsh Assembly Government is vacant.

(8) In this section “Permanent Secretary to the Welsh Assembly Government” means the person appointed in accordance with section 52 to be the head of the staff of the Welsh Assembly Government (whether or not that person is known by the title of Permanent Secretary to the Welsh Assembly Government).

### 130 Payments in by mistake

Where a sum is paid into the Welsh Consolidated Fund which should not or need not have been paid into the Fund, the Auditor General may grant an approval to draw a payment equal to the amount of that sum out of the Fund.

#### *Financial accountability of Welsh Ministers*

### 131 Welsh Ministers' accounts

(1) The Welsh Ministers must, for each financial year, prepare accounts in accordance with directions given to them by the Treasury.

(2) The accounts must include details of the financial affairs and transactions of the Counsel General.

(3) The directions which the Treasury may give under subsection (1) include directions to prepare accounts relating to financial affairs and transactions of persons other than the Welsh Ministers.

(4) The directions which the Treasury may give under subsection (1) include, in particular, directions as to—

(a) the financial affairs and transactions to which the accounts are to relate,

(b) the information to be contained in the accounts and the manner in which it is to be presented,

(c) the methods and principles in accordance with which the accounts are to be prepared, and

(d) the additional information (if any) that is to accompany the accounts.

(5) Any accounts which the Welsh Ministers are directed under this section to prepare for any financial year must be submitted by the Welsh Ministers to the Auditor General no later than 30th November in the following financial year.

(6) The Auditor General must—

(a) examine and certify any accounts submitted under this section, and

(b) no later than four months after the accounts are submitted, lay before the Assembly a copy of them as certified by the Auditor General together with the Auditor General's report on them.

(7) In examining accounts submitted under this section, the Auditor General must, in particular, be satisfied—

(a) that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it, and

(b) that money received for a particular purpose or particular purposes has not been expended otherwise than for that purpose or those purposes.

(8) Where—

(a) by virtue of any enactment other than this section the Welsh Ministers are under an obligation to prepare accounts dealing with any matters, and

(b) it appears to the Treasury that those matters fall to be dealt with in accounts directed to be prepared under this section,

the Treasury may relieve the Welsh Ministers of that obligation for or in respect of such periods as the Treasury may direct.

### 132 Account relating to Welsh Consolidated Fund

(1) The Welsh Ministers must, for each financial year, prepare an account of the payments into and out of the Welsh Consolidated Fund.

- (2) The account must be prepared in accordance with directions given to the Welsh Ministers by the Treasury.
- (3) The directions which the Treasury may give under subsection (2) include, in particular, directions as to—
- (a) the information to be contained in the account and the manner in which it is to be presented,
  - (b) the methods and principles in accordance with which the account is to be prepared, and
  - (c) the additional information (if any) that is to accompany the account.
- (4) Any account which the Welsh Ministers are directed under this section to prepare for any financial year must be submitted by the Welsh Ministers to the Auditor General no later than 30th November in the following financial year.
- (5) The Auditor General must—
- (a) examine and certify any account submitted under this section, and
  - (b) no later than four months after the account is submitted, lay before the Assembly a copy of it as certified by the Auditor General together with the Auditor General's report on it.
- (6) In examining an account submitted under this section the Auditor General must, in particular, be satisfied—
- (a) that any payment out of the Welsh Consolidated Fund to which the account relates was paid out in compliance with section 124 or 130, and
  - (b) that money which is required to be paid into the Welsh Consolidated Fund has been paid into that Fund.

### 133 Accounting officers for Welsh Ministers

- (1) The principal accounting officer for the Welsh Ministers has—
- (a) in relation to the accounts of the Welsh Ministers and the finances of the Welsh Ministers and the Counsel General, and
  - (b) in relation to the performance by persons designated as accounting officers in pursuance of any provision of this Act of their responsibilities as accounting officers,
- the responsibilities which are from time to time specified by the Treasury.
- (2) The principal accounting officer for the Welsh Ministers may designate other members of the staff of the Welsh Assembly Government as additional accounting officers.
- (3) An additional accounting officer has, in relation to such of the accounts of the Welsh Ministers and the finances of the Welsh Ministers and the Counsel General as may be specified by the principal accounting officer for the Welsh Ministers, the responsibilities which are from time to time specified by the principal accounting officer for the Welsh Ministers.

### 134 Accounts of subsidiaries of Welsh Ministers

- (1) For the purposes of the examination by the Auditor General of any accounts of the Welsh Ministers the Auditor General—
- (a) has a right of access at all reasonable times to every document relating to the accounts of any subsidiary of the Welsh Ministers (whether or not the accounts of the Welsh Ministers being examined relate to the financial affairs and transactions of the subsidiary),
  - (b) is entitled to require from any person holding or accountable for any of those documents any assistance, information or explanation which the Auditor General reasonably thinks necessary for those purposes, and
  - (c) may require any subsidiary of the Welsh Ministers to provide the Auditor General at times specified by the Auditor General with accounts of such of the subsidiary's transactions as the Auditor General may specify.
- (2) The Treasury may, by directions given to a subsidiary of the Welsh Ministers, require the subsidiary to include in any accounts which the subsidiary prepares (under, for example, the law relating to companies or charities) such additional information as may be specified in the directions.
- (3) The inclusion of information in any accounts in compliance with such directions does not constitute a breach of any provision which prohibits, or does not authorise, the inclusion in the accounts of that information.

(4) In this section “subsidiary of the Welsh Ministers” means—

(a) any body corporate or other undertaking in relation to which, if the Welsh Ministers were an undertaking, the Welsh Ministers would be a parent undertaking,

(b) any trust of which the Welsh Ministers are settlors, or

(c) any charitable institution of which the Welsh Ministers are founders but which is neither a body corporate nor a trust.

(5) For the purposes of subsection (4)(a)—

- “undertaking” has the meaning given by section 259(1) of the Companies Act 1985 (c. 6), and

- “parent undertaking” is to be construed in accordance with section 258 of that Act.

### 135 Examinations into Welsh Ministers' use of resources

(1) The Auditor General may carry out examinations into the economy, efficiency and effectiveness with which the Welsh Ministers and the Counsel General have used their resources in discharging their functions.

(2) Subsection (1) does not entitle the Auditor General to question the merits of the policy objectives of the Welsh Ministers or the Counsel General.

(3) In determining how to exercise functions under this section the Auditor General must take into account the views of the Audit Committee as to the examinations to be carried out under this section.

(4) The Auditor General may lay before the Assembly a report of the results of any examination carried out under this section.

### 136 Examinations by Comptroller and Auditor General

(1) The Comptroller and Auditor General may carry out examinations into the payments into and out of the Welsh Consolidated Fund.

(2) The Comptroller and Auditor General may report the results of any examination carried out under subsection (1) to the House of Commons.

(3) If a report is made under subsection (2), the Comptroller and Auditor General must at the same time lay a report of the results of the examination before the Assembly.

(4) For the purpose of enabling examinations under subsection (1) to be carried out the Comptroller and Auditor General—

(a) has a right of access at all reasonable times to all such documents in the custody or under the control of any of the persons mentioned in subsection (5) as the Comptroller and Auditor General may reasonably require for that purpose, and

(b) is entitled to require from any person holding or accountable for any of those documents any assistance, information or explanation which the Comptroller and Auditor General reasonably thinks necessary for that purpose.

(5) The persons referred to in subsection (4) are—

(a) the Welsh Ministers and the Counsel General,

(b) the Assembly Commission,

(c) any other person audited by the Auditor General other than a Welsh NHS body (within the meaning given in section 60 of the Public Audit (Wales) Act 2004 (c. 23)), and

(d) the Auditor General.

(6) Before carrying out an examination under subsection (1) or acting in reliance on subsection (4) the Comptroller and Auditor General must—

(a) consult the Auditor General, and

(b) take into account any relevant work done or being done by the Auditor General.

### *Financial accountability of Assembly Commission*

### 137 Assembly Commission's accounts

- (1) The Assembly Commission must, for each financial year, prepare accounts in accordance with directions given to it by the Treasury.
- (2) The directions which the Treasury may give under subsection (1) include directions to prepare accounts relating to financial affairs and transactions of persons other than the Assembly Commission.
- (3) The directions which the Treasury may give under subsection (1) include, in particular, directions as to—
- (a) the financial affairs and transactions to which the accounts are to relate,
  - (b) the information to be contained in the accounts and the manner in which it is to be presented,
  - (c) the methods and principles in accordance with which the accounts are to be prepared, and
  - (d) the additional information (if any) that is to accompany the accounts.
- (4) Any accounts which the Assembly Commission is directed under this section to prepare for any financial year must be submitted by the Assembly Commission to the Auditor General no later than 30th November in the following financial year.
- (5) The Auditor General must—
- (a) examine and certify any accounts submitted under this section, and
  - (b) no later than four months after the accounts are submitted, lay before the Assembly a copy of them as certified by the Auditor General together with the Auditor General's report on them.
- (6) In examining accounts submitted under this section the Auditor General must, in particular, be satisfied—
- (a) that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it, and
  - (b) that money received by the Assembly Commission for a particular purpose or particular purposes has not been expended otherwise than for that purpose or those purposes.

### 138 Accounting officers for Assembly Commission

- (1) For the purposes of this Act the principal accounting officer for the Assembly Commission is the Clerk.
- (2) But the Treasury may designate another member of the staff of the Assembly to be the principal accounting officer for the Assembly Commission if and for so long as—
- (a) the Clerk is incapable of discharging the responsibilities of the principal accounting officer for the Assembly Commission, or
  - (b) the office of Clerk is vacant.
- (3) The principal accounting officer for the Assembly Commission has—
- (a) in relation to the Assembly Commission's accounts and finances, and
  - (b) in relation to the performance by persons designated as accounting officers in pursuance of any provision of this Act of their responsibilities as accounting officers,
- the responsibilities which are from time to time specified by the Treasury.
- (4) The principal accounting officer for the Assembly Commission may designate other members of the staff of the Assembly as additional accounting officers.
- (5) An additional accounting officer has, in relation to such of the Assembly Commission's accounts and finances as may be specified by the principal accounting officer for the Assembly Commission, the responsibilities which are from time to time specified by the principal accounting officer for the Assembly Commission.

### 139 Accounts of subsidiaries of Assembly Commission

- (1) For the purposes of the examination by the Auditor General of any accounts of the Assembly Commission the Auditor General—
- (a) has a right of access at all reasonable times to every document relating to the accounts of any subsidiary of the Assembly Commission (whether or not the accounts of the Assembly Commission being examined relate to the financial affairs and transactions of the subsidiary),



(b) is entitled to require from any person holding or accountable for any of those documents any assistance, information or explanation which the Auditor General reasonably thinks necessary for those purposes, and

(c) may require any subsidiary of the Assembly Commission to provide the Auditor General at times specified by the Auditor General with accounts of such of the subsidiary's transactions as the Auditor General may specify.

(2) The Treasury may, by directions given to a subsidiary of the Assembly Commission, require the subsidiary to include in any accounts which the subsidiary prepares (under, for example, the law relating to companies or charities) such additional information as may be specified in the directions.

(3) The inclusion of information in any accounts in compliance with such directions does not constitute a breach of any provision which prohibits, or does not authorise, the inclusion in the accounts of that information.

(4) In this section "subsidiary of the Assembly Commission" means—

(a) any body corporate or other undertaking in relation to which the Assembly Commission is a parent undertaking,

(b) any trust of which the Assembly Commission is settlor, or

(c) any charitable institution of which the Assembly Commission is founder but which is neither a body corporate nor a trust.

(5) For the purposes of subsection (4)(a)—

- "undertaking" has the meaning given by section 259(1) of the Companies Act 1985 (c. 6), and

- "parent undertaking" is to be construed in accordance with section 258 of that Act.

#### 140 Examinations into Assembly Commission's use of resources

(1) The Auditor General may carry out examinations into the economy, efficiency and effectiveness with which the Assembly Commission has used its resources in discharging its functions.

(2) Subsection (1) does not entitle the Auditor General to question the merits of the policy objectives of the Assembly Commission.

(3) In determining how to exercise functions under this section the Auditor General must take into account the views of the Audit Committee as to the examinations to be carried out under this section.

(4) The Auditor General may lay before the Assembly a report of the results of any examination carried out under this section.

#### *Whole of Government of Wales accounts*

#### 141 Whole of government accounts: Welsh Ministers

(1) This section applies in respect of a financial year for which the Treasury make arrangements with the Welsh Ministers under section 10(8) of the Government Resources and Accounts Act 2000 (c. 20) (whole of government accounts: consolidation of Welsh accounts).

(2) The Welsh Ministers must prepare a set of accounts for the group of bodies which provide information to the Welsh Ministers in accordance with the arrangements under section 10(8).

(3) Accounts prepared under this section may include information referring wholly or partly to activities which—

(a) are not activities of bodies falling within subsection (2), but

(b) appear to the Welsh Ministers to be activities of a public nature.

(4) The accounts must contain such information in such form as the Treasury may direct.

(5) The Treasury must exercise the power under subsection (4) with a view to ensuring that the accounts—

(a) present a true and fair view, and

(b) conform to generally accepted accounting practice subject to such adaptations as are necessary in the context.

(6) For the purposes of subsection (5)(a) and (b) the Treasury must in particular—

(a) have regard to any relevant guidance issued by the Accounting Standards Board Limited or any other body prescribed for the purposes of section 256 of the Companies Act 1985 (accounting standards) or to international accounting standards (as defined in section 262 of that Act), and

(b) require the accounts to include, subject to paragraph (a), a statement of financial performance, a statement of financial position and a cash flow statement.

(7) Any accounts which the Welsh Ministers are required to prepare under this section for any financial year must be submitted by the Welsh Ministers to the Auditor General no later than 30th November in the following financial year.

(8) But the Welsh Ministers may by order substitute another date for the date for the time being specified in subsection (7).

(9) No order may be made under subsection (7) unless the Welsh Ministers have consulted—

(a) the Treasury, and

(b) the Auditor General.

(10) A statutory instrument containing an order under subsection (7) is subject to annulment in pursuance of a resolution of the Assembly.

## 142 Functions of Auditor General

(1) The Auditor General must examine accounts submitted under section 141 with a view to being satisfied that they present a true and fair view.

(2) Where the Auditor General has conducted an examination of accounts under subsection (1), the Auditor General must—

(a) certify them and issue a report, and

(b) no later than four months after the accounts are submitted, lay before the Assembly a copy of them as certified by the Auditor General together with the Auditor General's report on them.

(3) A person who acts as auditor for the purposes of section 10(2)(c) or (8)(c) of the Government Resources and Accounts Act 2000 (c. 20) must give the Auditor General such information and explanations as the Auditor General may reasonably require for the purposes of this section.

*Treatment of accounts and audit reports etc.*

## 143 Audit Committee reports

(1) The Audit Committee may consider, and lay before the Assembly a report on, any accounts, statement of accounts or report laid before the Assembly by—

(a) the Auditor General, or

(b) the auditor appointed under paragraph 14 of Schedule 8 (auditor of Auditor General's accounts).

(2) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—

(a) on behalf of the Committee of Public Accounts take evidence from any of the persons mentioned in subsection (3), and

(b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.

(3) The persons referred to in subsection (2)(a) are—

(a) the principal accounting officer for the Welsh Ministers,

(b) the principal accounting officer for the Assembly Commission, and

(c) additional accounting officers designated under section 133 or 138.

## 144 Publication of accounts and audit reports etc.

(1) The Assembly must publish a document to which this subsection applies as soon after the document is laid before the Assembly as is reasonably practicable.

(2) The documents to which subsection (1) applies are—

(a) any accounts, statement of accounts or report laid before the Assembly by the Auditor General,

(b) any accounts or report laid before the Assembly by the auditor appointed under paragraph 14 of Schedule 8, and

(c) any report or estimate laid before the Assembly by the Audit Committee under section 143(1) or paragraph 12(3) of Schedule 8.

#### *Auditor General for Wales*

### **145 Auditor General**

(1) There is to be an office of Auditor General for Wales or Archwilydd Cyffredinol Cymru (referred to in this Act as “the Auditor General”).

(2) For provision about the Auditor General see Schedule 8.

(3) The Welsh Ministers must co-operate with the Auditor General where it seems to them appropriate to do so for the efficient and effective discharge of their functions in relation to Welsh NHS bodies.

(4) “Welsh NHS bodies” has the meaning given by section 60 of the Public Audit (Wales) Act 2004 (c. 23).

## **PART 6 MISCELLANEOUS AND SUPPLEMENTARY**

### *Welsh public records*

### **146 Status of Welsh public records**

(1) Welsh public records are not public records for the purposes of the Public Records Act 1958 (c. 51).

(2) But that Act has effect in relation to Welsh public records (as if they were public records for the purpose of that Act) until an order under section 147 imposes a duty to preserve them on the Welsh Ministers (or a member of the staff of the Welsh Assembly Government).

(3) Subsection (2) applies to Welsh public records whether or not, apart from subsection (1), they would be public records for the purposes of the Public Records Act 1958.

### **147 Transfer of responsibility**

(1) The Lord Chancellor may by order make provision—

(a) imposing or conferring on the Welsh Ministers (or a member of the staff of the Welsh Assembly Government) functions relating to Welsh public records (including, in particular, functions of preserving them and of making them available for inspection by the public), and

(b) imposing on persons responsible for Welsh public records duties relating to the selection of such records for permanent preservation, the safe-keeping of such records and their transfer to a place specified in, or appointed under, the order.

(2) An order under this section may (in particular) make in relation to Welsh public records provision analogous to that made by the Public Records Act 1958 (c. 51) in relation to records which are public records for the purposes of that Act.

(3) An order under this section may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as the Lord Chancellor considers appropriate in connection with the provision made by the order.

(4) An order under this section which imposes on the Welsh Ministers (or a member of the staff of the Welsh Assembly Government) a duty to preserve Welsh public records, or Welsh public records of a particular description, must include provision for the Lord Chancellor to make such arrangements as appear appropriate for the transfer of Welsh public records, or Welsh public records of that description, which are in—

(a) the Public Record Office, or

(b) a place of deposit appointed under the Public Records Act 1958,

to a place specified in, or appointed under, the order.

(5) No order is to be made under this section unless the Lord Chancellor has consulted the Welsh Ministers.

(6) No order under this section which contains provisions in the form of amendments or repeals of enactments contained in an Act is to be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(7) A statutory instrument containing an order under this section is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

#### 148 Meaning of “Welsh public records”

(1) The following are Welsh public records—

(a) administrative and departmental records belonging to Her Majesty which are records of the Welsh Assembly Government,

(b) administrative and departmental records of the Auditor General,

(c) administrative and departmental records belonging to Her Majesty which are records of or held in any government department which is wholly or mainly concerned with Welsh affairs,

(d) administrative and departmental records belonging to Her Majesty which are records of any office, commission or other body or establishment under Her Majesty’s Government which is wholly or mainly concerned with Welsh affairs in a field or fields in which the Welsh Ministers have functions, or the First Minister or the Counsel General has functions,

(e) administrative and departmental records of the bodies and establishments specified in subsection (2) (but not records of health service hospitals in Wales which are of the descriptions excepted from being public records for the purposes of the Public Records Act 1958 (c. 51) in the case of health service hospitals in England), and

(f) any other description of records (other than records of the Assembly or the Assembly Commission or records of any court or tribunal or held in any department of the Senior Courts) which is specified by order made by the Lord Chancellor.

(2) The bodies and establishments referred to in subsection (1)(e) are—

(a) the Care Council for Wales,

(b) the Countryside Council for Wales,

(c) the Curriculum and Assessment Authority for Wales,

(d) Family Practitioner Committees for localities in Wales,

(e) the Further Education Funding Council for Wales,

(f) the General Teaching Council for Wales,

(g) health service hospitals, within the meaning of the National Health Service Act 1977 (c. 49), in Wales,

(h) the Higher Education Funding Council for Wales,

(i) the Local Government Boundary Commission for Wales,

(j) the National Council for Education and Training for Wales,

(k) National Health Service Authorities for districts or localities in Wales, or for areas in or consisting of Wales, including National Health Service trusts all of whose hospitals, establishments and facilities are situated in Wales,

(l) the Qualifications, Curriculum and Assessment Authority for Wales,

(m) the Wales Centre for Health, and

(n) the Welsh Board of Health.

(3) An order under subsection (1)(f) may be made in relation to a description of records—

(a) which (immediately before the order is made) are public records for the purposes of the Public Records Act 1958, or

(b) which (at that time) are not public records for those purposes.

(4) No order under subsection (1)(f) may be made—

(a) in relation to records within paragraph (a) of subsection (3), unless the Lord Chancellor has consulted the Welsh Ministers, and

(b) in relation to records within paragraph (b) of that subsection, without the agreement of the Welsh Ministers.

(5) A statutory instrument containing an order under subsection (1)(f) is subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In this section “records” includes—

(a) written records, and

(b) records conveying information by any other means.

#### *Miscellaneous*

### **149 Resolution of devolution issues**

For provision about the resolution of devolution issues see Schedule 9.

### **150 Power to make consequential provision**

(1) The Secretary of State may by order make such provision as the Secretary of State considers appropriate in consequence of—

(a) any provision made by an Assembly Measure or Act of the Assembly,

(b) any provision of subordinate legislation made, or purporting to be made, under an Assembly Measure or Act of the Assembly,

(c) any provision of subordinate legislation made, or purporting to be made, by the Welsh Ministers, the First Minister or the Counsel General, or

(d) any provision of subordinate legislation made, or purporting to be made, by any other person (not being a Minister of the Crown) in the exercise of a function conferred or imposed by Act of Parliament where the statutory instrument (or a draft of the statutory instrument) containing the subordinate legislation is required to be laid before the Assembly.

(2) An order under this section may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as the Secretary of State considers appropriate.

(3) An order under this section may not make provision with respect to matters within the legislative competence of the Scottish Parliament.

(4) An order under this section may make provision having retrospective effect.

(5) No order under this section which contains provisions in the form of amendments or repeals of enactments contained in an Act is to be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(6) A statutory instrument containing an order under this section is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In subsection (1) “made” includes confirmed or approved.

### **151 Power to remedy ultra vires acts**

(1) Her Majesty may by Order in Council make such provision as Her Majesty considers appropriate in consequence of—

(a) an Assembly Measure or Act of the Assembly, or any provision of an Assembly Measure or Act of the Assembly, which is not, or may not be, within the Assembly’s legislative competence, or

(b) any purported exercise by any person of a function conferred or imposed by or under an Assembly Measure or Act of the Assembly which is not, or may not be, an exercise or proper exercise of that function.

(2) An Order in Council under this section may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as Her Majesty considers appropriate.

(3) An Order in Council under this section may make provision having retrospective effect.

(4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section which contains provisions in the form of amendments or repeals of enactments contained in an Act unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.

(5) A statutory instrument containing an Order in Council under this section is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

## 152 Intervention in case of functions relating to water etc.

(1) This section applies where it appears to the Secretary of State that the exercise of a relevant function (or the failure to exercise a relevant function) in any particular case might have a serious adverse impact on—

(a) water resources in England,

(b) water supply in England, or

(c) the quality of water in England.

(2) The Secretary of State may intervene under this paragraph in that case, so that—

(a) the Secretary of State may in that case exercise the function, and

(b) the person or persons on whom the function is conferred or imposed may not in that case exercise the function.

(3) “Relevant function” means—

(a) a function conferred or imposed on any person by or under an Assembly Measure or Act of the Assembly, or

(b) a function which is not so conferred or imposed but is exercisable by the Welsh Ministers, the First Minister or the Counsel General.

(4) An intervention by the Secretary of State under this section in relation to a function is to be made by giving notice to the person or persons on whom it is conferred or imposed.

(5) The notice—

(a) must state the reason for the Secretary of State’s intervention,

(b) may make provision about the effect of any steps previously taken by the person or persons on whom the function is conferred or imposed, and

(c) may extend the time for the taking of any steps by the Secretary of State or any other person (even if the time for taking them would otherwise have expired before the notice is given).

(6) Where an intervention has been made under this section in a case, the Secretary of State must, in addition to the notice under subsection (4), give notice to—

(a) any person who has previously been given notice of any steps taken, or proposed to be taken, in the case,

(b) the Environment Agency, if concerned in the case, and

(c) any water undertaker or sewerage undertaker concerned in the case.

## 153 Power to vary retrospective decisions

(1) This section applies where any court or tribunal decides—

(a) that an Assembly Measure or Act of the Assembly, or any provision of an Assembly Measure or Act of the Assembly, is outside the Assembly’s legislative competence,

(b) that any provision of subordinate legislation made, or purporting to be made, under an Assembly Measure or Act of the Assembly is outside the powers under which it was, or purported to be, made, or

(c) that any provision of subordinate legislation made, or purporting to be made, by the Welsh Ministers, the First Minister or the Counsel General is outside the powers under which it was, or purported to be, made.

- (2) The court or tribunal may make an order—
- (a) removing or limiting any retrospective effect of the decision, or
  - (b) suspending the effect of the decision for any period and on any conditions to allow the defect to be corrected.
- (3) In determining whether to make an order under this section, the court or tribunal must (among other things) have regard to the extent to which persons who are not parties to the proceedings would otherwise be adversely affected by the decision.
- (4) Where a court or tribunal is considering whether to make an order under this section, it must order notice (or intimation) of that fact to be given to the persons specified in subsection (5) (unless a party to the proceedings).
- (5) The persons mentioned in subsection (4) are—
- (a) in relation to proceedings in England and Wales, the Attorney General and the Counsel General,
  - (b) in relation to proceedings in Scotland, the Advocate General for Scotland, and
  - (c) in relation to proceedings in Northern Ireland, the Advocate General for Northern Ireland.
- (6) A person to whom notice (or intimation) is given in pursuance of subsection (4) may take part as a party in the proceedings, so far as they relate to the making of the order.
- (7) In deciding any question as to costs or expenses, the court or tribunal may—
- (a) take account of any additional expense which it considers that any party to the proceedings has incurred as a result of the participation of any person in pursuance of subsection (6), and
  - (b) award the whole or part of the additional expense as costs or expenses to the party who incurred it (whether or not it makes an order under this section and whatever the terms of any such order it does make).
- (8) Any power to make provision for regulating the procedure before any court or tribunal includes power to make provision for the purposes of this section including, in particular, provision for determining the manner in which and the time within which any notice (or intimation) is to be given.
- (9) In subsection (1) “made” includes confirmed or approved.

## 154 Interpretation of legislation

- (1) This section applies to—
- (a) any provision of an Assembly Measure, or proposed Assembly Measure, which could be read in such a way as to be outside the Assembly’s legislative competence,
  - (b) any provision of an Act of the Assembly, or a Bill for such an Act, which could be read in such a way as to be outside the Assembly’s legislative competence, and
  - (c) any provision of subordinate legislation made, or purporting to be made, under an Assembly Measure or Act of the Assembly which could be read in such a way as to be outside the powers under which it was, or purported to be, made.
- (2) The provision is to be read as narrowly as is required for it to be within competence or within the powers, if such a reading is possible, and is to have effect accordingly.
- (3) In subsection (1)(c) “made” includes confirmed or approved.

## 155 Functions exercisable in relation to Wales

- (1) Her Majesty may by Order in Council specify functions which are to be treated for such purposes of this Act as may be specified in the Order in Council—
- (a) as being, or as not being, functions which are exercisable by the Welsh Ministers, the First Minister or the Counsel General, or
  - (b) as being, or as not being, functions which are exercisable in relation to Wales.
- (2) A statutory instrument containing an Order in Council under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

## 156 English and Welsh texts of legislation

- (1) The English and Welsh texts of—

(a) any Assembly Measure or Act of the Assembly which is in both English and Welsh when it is enacted, or

(b) any subordinate legislation which is in both English and Welsh when it is made,

are to be treated for all purposes as being of equal standing.

(2) The Welsh Ministers may by order provide in respect of any Welsh word or phrase that, when it appears in the Welsh text of any Assembly Measure or Act of the Assembly, or any subordinate legislation made under an Assembly Measure or Act of the Assembly or by the Welsh Ministers, it is to be taken as having the same meaning as the English word or phrase specified in relation to it in the order.

(3) No order is to be made under subsection (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.

(4) An Assembly Measure or Act of the Assembly, or any subordinate legislation made under an Assembly Measure or Act of the Assembly or by the Welsh Ministers, is to be construed in accordance with any order under subsection (2); but this is subject to anything to the contrary contained in the Assembly Measure, Act of the Assembly or subordinate legislation.

(5) This section applies in relation to subordinate legislation made by the First Minister or the Counsel General as in relation to subordinate legislation made by the Welsh Ministers.

### *Supplementary*

## 157 Orders and directions

(1) Any power of a Minister of the Crown or the Welsh Ministers under this Act to make an order is exercisable by statutory instrument.

(2) Any such power and any power under this Act to make an Order in Council—

(a) may be exercised so as to make different provision for different cases or classes of case or different purposes,

(b) may be exercised so as to make provision which applies generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case, and

(c) includes power to make supplementary, incidental, consequential, transitory, transitional or saving provision.

(3) Any power conferred by this Act to give a direction includes power to vary or revoke the direction.

## 158 Interpretation

(1) In this Act (except where the context otherwise requires)—

•“Community law” means—

(a)

all the rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Community Treaties, and

(b)

all the remedies and procedures from time to time provided for by or under the Community Treaties,

•“the Convention rights” has the same meaning as in the Human Rights Act 1998 (c. 42),

•“cross-border body” means any body (including a government department) or undertaker exercising functions, or carrying on activities, in or with respect to Wales (or any part of Wales) and anywhere else,

•“enactment” includes an Assembly Measure, an Act of the Assembly and subordinate legislation (but see also subsection (2)),

•“English border area” means a part of England adjoining Wales (but not the whole of England),

•“financial year” means the twelve months ending with 31st March,

•“function” means power or duty,



- “government department” means any department of the Government of the United Kingdom,
- “international obligations” means any international obligations of the United Kingdom other than obligations to observe and implement Community law or the Convention rights,
- “Minister of the Crown” includes the Treasury,
- “modifications” includes amendments, repeals and revocations,
- “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) (including an instrument made under an Assembly Measure or Act of the Assembly),
- “tribunal” means any tribunal in which legal proceedings may be brought, and
- “Wales” includes the sea adjacent to Wales out as far as the seaward boundary of the territorial sea.

(2) In sections 95(3), 109(2) and 151(2) “enactment” includes an Act of the Scottish Parliament and an instrument made under such an Act.

(3) The Secretary of State may by order determine, or make provision for determining, for the purposes of the definition of “Wales” any boundary between—

(a) the parts of the sea which are to be treated as adjacent to Wales, and

(b) those which are not.

(4) An Order in Council under section 58 may include any provision that may be included in an order under subsection (3).

(5) No order is to be made under subsection (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(6) Section 13 of the National Audit Act 1983 (c. 44) (interpretation of references to the Committee of Public Accounts) applies for the purposes of this Act as for those of that Act.

## 159 Index of defined expressions

In this Act the following expressions are defined or otherwise explained by the provisions indicated—

the 2007 election	section 161(1)
Acts of the Assembly	section 107(1)
annual Budget motion	section 125(1)
the Assembly	section 1(1)
the Assembly Act provisions	section 103(8)
the Assembly Commission	section 27(1)
Assembly constituency	section 2(1)
Assembly constituency member	section 1(2)(a)
Assembly electoral region	section 2(2) and (3) and Schedule 1
Assembly Measures	section 93(1)
Assembly member	section 1(3)
Assembly proceedings	section 1(5)
Assembly regional member	section 1(2)(b)
Assembly’s legislative competence (in relation to Acts of the Assembly)	section 108
Assembly’s legislative competence (in relation to Assembly Measures)	section 94
the Audit Committee	section 30(1)
the Auditor General	section 145(1)
Budget resolution of the Assembly	section 120(8)
the Clerk	section 26(1)
the Committee of Public Accounts	section 158(6)
Community law	section 158(1)
constituency vote	section 6(2)
the Convention rights	section 158(1)
the Counsel General	section 45(1)(c)
cross-border body	section 158(1)
the Deputy Presiding Officer	section 25(1)(b)

Deputy Welsh Minister	section 50
electoral region figure	section 8(5)
electoral region vote	section 6(3)
enactment	section 158(1) and (2)
English border area	section 158(1)
financial year	section 158(1)
the First Minister	sections 46 and 47
function	section 158(1)
government department	section 158(1)
the initial period	section 161(5)
international obligations	section 158(1)
member of the staff of the Assembly	paragraph 3(2) of Schedule 2
member of the staff of the Welsh Assembly Government	section 52
Minister of the Crown	section 158(1)
modifications	section 158(1)
political group	section 24(5)
political group with an executive role	section 25(8)
the Presiding Officer	section 25(1)(a)
the principal accounting officer for the Assembly Commission	section 138(1) and (2)
the principal accounting officer for the Welsh Ministers	section 129(6) and (7)
regional returning officer	section 7(7)
registered political party	section 6(6)
relevant enactment (in sections 124 to 128)	section 124(4)
the relevant persons (in sections 124 to 128)	section 124(3)
the standing orders	section 31(1)
subordinate legislation	section 158(1)
supplementary Budget motion	section 126(1)
tribunal	section 158(1)
use of resources	section 125(4)
Wales	section 158(1), (3) and (4)
Welsh Assembly Government	section 45(1)
Welsh Consolidated Fund	section 117
the Welsh Ministers	section 45(2)

## 160 Minor and consequential amendments

(1) For minor and consequential amendments see Schedule 10.

(2) The Secretary of State may by order make such modifications of—

(a) any enactment contained in an Act passed before or in the same session as this Act, or

(b) any enactment contained in an instrument made before the passing of this Act or in the session in which this Act is passed,

as the Secretary of State considers appropriate in consequence of this Act.

(3) No order containing provision under subsection (2)(a) is to be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(4) A statutory instrument containing an order under subsection (2) is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

## 161 Commencement

(1) Subject as follows, this Act comes into force immediately after the ordinary election under section 3 of the Government of Wales Act 1998 (c. 38) held in 2007 (referred to in this Act as “the 2007 election”).

(2) The following provisions come into force on the day on which this Act is passed—

- paragraphs 5, 6 and 12 of Schedule 2,
- sections 95 and 96 and Schedule 5,
- section 109 and Schedule 7,
- section 119 and the repeal by Schedule 12 of section 81 of the Government of Wales Act 1998,
- section 120(3) and (7),

- section 125 and the repeal by Schedule 12 of section 86 of the Government of Wales Act 1998,
- sections 157 to 159,
- section 160(2) to (4),
- the amendment made by paragraph 61 of Schedule 10 in section 13 of the Political Parties, Elections and Referendums Act 2000 (c. 41),
- this section,
- section 162 and Schedule 11,
- the repeal by Schedule 12 of section 12(1)(d) of the Government of Wales Act 1998, and
- sections 164 to 166.

(3) The following provisions come into force on 1st April 2007—

- sections 117 and 118 and the repeal by Schedule 12 of section 80 of the Government of Wales Act 1998,
- section 120(1) and (2), (4) to (6) and (8) and the repeal by Schedule 12 of section 84 of that Act,
- sections 121 and 122 and the repeal by Schedule 12 of section 82 of that Act,
- section 124 and the repeal by Schedule 12 of sections 85(1) and 89 of that Act,
- section 126,
- sections 128 and 129, and
- the amendments in the Local Government, Planning and Land Act 1980 (c. 65), the Local Government Finance Act 1988 (c. 41) and the Housing Act 1988 (c. 50) made by Schedule 10.

(4) Subject to subsections (2), (3) and (6), the following provisions come into force immediately after the end of the initial period—

- (a) any provision of this Act so far as relating to functions of the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission,
- (b) any provision of this Act so far as relating to the Auditor General or the Comptroller and Auditor General,
- (c) any other provision consisting of an amendment made in the Government of Wales Act 1998 (c. 38) by Schedule 10, and
- (d) the repeal by Schedule 12 of provisions falling to be repealed in consequence of any provision within paragraph (a), (b) or (c).

(5) In this Act “the initial period” means the period—

- (a) beginning with the day of the poll at the 2007 election, and
- (b) ending with the day on which the first appointment is made under section 46.

(6) The repeals by Schedule 12 of each of sections 83, 88, 93(8), 97 and 101A of the Government of Wales Act 1998 (and of the other provisions of that Act so far as relating to them) come into force when the section has been complied with for the financial year ending with 31st March 2007 (and earlier financial years); and sections 123, 131, 132 and 141 do not apply for that financial year.

(7) The Assembly Act provisions come into force in accordance with section 105.

### 162 Transitional etc. provision

- (1) For transitional and transitory provisions and savings see Schedule 11.
- (2) The Secretary of State may by order make any other transitional, transitory or saving provision which may appear appropriate in consequence of, or otherwise in connection with, this Act.

(3) An order under subsection (2) may, in particular, include any savings from the effect of any amendment or repeal or revocation made by this Act.

(4) Nothing in Schedule 11 limits the power conferred by subsection (2); and such an order may, in particular, make modifications of that Schedule.

(5) Nothing in that Schedule, or in any provision made by virtue of subsection (2), prejudices the operation of sections 16 and 17 of the Interpretation Act 1978 (c. 30).

(6) No order under subsection (2) which contains provisions in the form of amendments or repeals of any provision contained in any of paragraphs 30 to 35, 50 and 51 of Schedule 11 is to be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(7) A statutory instrument containing an order under subsection (2) is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

### 163 Repeals and revocations

For repeals and revocations of enactments (including some spent enactments) see Schedule 12.

### 164 Financial provision

(1) There is to be paid out of money provided by Parliament—

(a) any expenditure incurred by a Minister of the Crown or government department by virtue of this Act, and

(b) any increase attributable to this Act in the sums payable under any other Act out of money provided by Parliament.

(2) There are to be paid into the Consolidated Fund any sums received by a Minister of the Crown by virtue of this Act (other than any required to be paid into the National Loans Fund).

### 165 Extent

(1) The following provisions—

- section 36(7) to (9),
- section 39, and
- section 40(2) and (3),

extend only to England and Wales.

(2) The amendments, and repeals and revocations, made by this Act have the same extent as the enactments amended or repealed or revoked.

### 166 Short title

This Act may be cited as the Government of Wales Act 2006.

## SCHEDULES

Section 2

### SCHEDULE 1 ALTERATION OF ASSEMBLY ELECTORAL REGIONS

#### Introduction

1 (1) This Schedule makes provision for alterations—

(a) in the Assembly electoral regions, and

(b) in the allocation of seats to the Assembly electoral regions.

(2) It applies in relation to cases where—

(a) the Electoral Commission (“the Commission”) intend to consider making a report under section 3 of the Parliamentary Constituencies Act 1986 (c. 56) (“the 1986 Act”) with respect to Wales or any area comprised in Wales, and

(b) accordingly, the Boundary Committee for Wales (“the Committee”) are required to submit a report to the Commission under section 3A(2) of the 1986 Act containing the recommendations which the Committee propose should be included in the Commission’s report.

(3) In this paragraph “the Boundary Committee for Wales” means the Committee of that name established by the Commission under section 14 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

### Assembly electoral region issue

2 (1) This paragraph applies if the Committee provisionally determine proposed recommendations which—

- (a) they are minded to include in a report under section 3A(2) of the 1986 Act, and
- (b) would involve any alterations in any parliamentary constituencies in Wales.

(2) The Committee must consider the issue of whether, to give effect to the rules in paragraph 9, any alteration is required—

- (a) in the Assembly electoral regions, or
- (b) in the allocation of seats to the Assembly electoral regions.

(3) In this Schedule that issue is referred to as “the Assembly electoral region issue”.

### Notice of Committee’s proposed recommendations

3 (1) If, having considered the Assembly electoral region issue, the Committee have provisionally determined to propose recommendations affecting any Assembly electoral region, they must publish a notice in at least one newspaper circulating in that region.

(2) The notice must state—

- (a) the effect of the proposed recommendations,
- (b) (except where the effect of the recommendations is that no alteration affecting the Assembly electoral region be made) that a copy of the recommendations is open to inspection at one or more specified places within each Assembly constituency included in the Assembly electoral region, and
- (c) that representations with respect to the recommendations may be made to the Committee within one month after the publication of the notice.

(3) The Committee must take into consideration any representations duly made in accordance with the notice.

(4) If the Committee revise any proposed recommendations after publishing a notice of them under sub-paragraph (1), they must comply again with sub-paragraphs (1) to (3) in relation to the revised proposed recommendations as if no earlier notice had been published.

(5) The Committee need not comply with sub-paragraph (1) or (4) if—

- (a) the proposed recommendations (or the revised proposed recommendations) are only for an alteration in the number of seats for the Assembly electoral region, and
- (b) the proposed (or revised proposed) total number of seats for the Assembly electoral regions is exactly divisible by five.

(6) If the Committee’s proposed (or revised proposed) total number of seats for the Assembly electoral regions is not exactly divisible by five, a recommendation for an alteration in the number of seats for any Assembly electoral region is (for the purposes of this paragraph and paragraph 4) a recommendation which also affects all the other Assembly electoral regions.

### Local inquiries

4 (1) For the purposes of this Schedule the Committee may, if they think fit, cause a local inquiry to be held in respect of any Assembly electoral region or regions.

(2) Sub-paragraph (3) applies if, having published a notice under paragraph 3(1) of a proposed recommendation for an alteration affecting any Assembly electoral regions, the Committee receive any representations objecting to the proposed recommendation from—

- (a) an interested local authority, or
- (b) a body of electors numbering 500 or more.

(3) The Committee may not proceed with the proposed recommendation unless, since the publication of the notice, a local inquiry has been held in respect of the Assembly electoral regions.

(4) But sub-paragraph (3) does not apply if—

(a) a local inquiry was held in respect of the Assembly electoral regions before the publication of the notice, and

(b) the Committee think that a further local inquiry would not be justified, having regard to the matters discussed at the previous local inquiry, the nature of the representations received on the publication of the notice and any other relevant circumstances.

(5) The Committee must take into consideration the findings of any local inquiry held under this paragraph.

(6) Section 250(2) and (3) of the Local Government Act 1972 (c. 70) (witnesses at local inquiries) applies in relation to a local inquiry which the Committee cause to be held under this paragraph.

(7) In this paragraph—

- “interested local authority” means the council of a county or county borough whose area is wholly or partly included in the Assembly electoral regions affected by the proposed recommendation, and

- “elector” means a person who, at the time when the representations are made, is registered in the register of local government electors at an address within any of the Assembly constituencies included in any of those Assembly electoral regions.

## Committee’s report

5 (1) The Committee’s report under section 3A(2) of the 1986 Act must contain the recommendations which, in the light of—

(a) their consideration of the Assembly electoral region issue,

(b) any representations duly made with respect to the recommendations in accordance with any notice published under paragraph 3, and

(c) the findings of any inquiry held under paragraph 4 in respect of the Assembly electoral regions affected by the recommendations,

they propose should be included in the Commission’s section 3 report in pursuance of paragraph 8.

(2) In sub-paragraph (1) “the Commission’s section 3 report” means the report of the Commission under section 3 of the 1986 Act for the purposes of which the Committee’s proposed recommendations are made.

## Consideration of Committee’s report by Commission

6 (1) Section 3A(3) of the 1986 Act (powers of the Commission in relation to the Committee’s proposed recommendations) applies (with any necessary modifications) in relation to the Committee’s proposed recommendations under paragraph 5(1) as it applies in relation to any proposed recommendations of the Committee under section 3A(2) of the 1986 Act.

(2) Sub-paragraphs (3) and (4) apply if the Commission are minded to exercise any of the powers conferred by section 3A(3)(b) and (c) of the 1986 Act in relation to the Committee’s proposed recommendations under paragraph 5(1).

(3) The Commission must have regard to—

(a) any representations duly made with respect to the recommendations in accordance with any notice published under paragraph 3, or

(b) (where they are minded to exercise any of the powers mentioned in sub-paragraph (2) in relation to part only of an Assembly electoral region) any representations so made with respect to the recommendations so far as relating to that part of the region.

(4) The Commission must have regard to—

(a) the findings of any inquiry held under paragraph 4 in respect of the Assembly electoral regions affected by the recommendations, or

(b) (where, in the case of an Assembly electoral region in respect of which any such inquiry was held, they are minded to exercise any of the powers mentioned in sub-paragraph (2) in relation to part only of the region) the findings of the inquiry so far as relating to that part of the region.

(5) If the Committee’s proposed recommendations under paragraph 5(1) are modified by the Commission under section 3A(3)(b) of the 1986 Act, the Committee must publish in at least one newspaper circulating in the Assembly electoral region affected by the recommendations a notice stating their effect as so modified.

## Directions by Commission to Committee

7 In section 3A(4) of the 1986 Act (directions by the Commission to the Committee)—

- (a) the first reference to that Act includes a reference to this Schedule, and
- (b) the reference to the rules mentioned in that subsection includes a reference to the rules in paragraph 9.

## Commission's report

8 (1) This paragraph applies if the Commission submit to the Secretary of State—

(a) a report under subsection (1) of section 3 of the 1986 Act recommending alterations in parliamentary constituencies in Wales, or

(b) a report under subsection (3) of that section relating to any constituency or constituencies in Wales.

(2) The report must show any alteration—

(a) in the Assembly electoral regions, or

(b) in the allocation of seats to the Assembly electoral regions,

which the Commission recommend in order to give effect to the rules set out in paragraph 9.

(3) If in the opinion of the Commission no alteration is required for that purpose, they must state that in the report.

(4) If the report recommends any alteration in any Assembly electoral regions, it must state the name (in English and in Welsh) by which the Commission recommend that the Assembly electoral regions (as proposed to be altered) should be known.

(5) The Commission must lay a copy of the report before the Assembly.

## Rules

9 (1) The rules are—

1 Each Assembly constituency must be wholly included in one Assembly electoral region.

2 The regional electorate for an Assembly electoral region must be as near the regional electorate for each other Assembly electoral region as is reasonably practicable, having regard (where appropriate) to special geographical considerations.

3 The total number of seats for the Assembly electoral regions must be—

(a) one half of the total number of the Assembly constituencies, or

(b) (if that total number is not exactly divisible by two) one half of the number produced by adding one to that total number.

4 The number of seats for an Assembly electoral region must be—

(a) one fifth of the total number of seats for the Assembly electoral regions, or

(b) (if that total number is not exactly divisible by five) either one fifth of the highest number which is less than that total number and exactly divisible by five, or the number produced by adding one to one fifth of that highest number, as provided by sub-paragraphs (2) to (6).

(2) If the total number of seats for the Assembly electoral regions is not exactly divisible by five, there is to be calculated the difference between—

(a) the total number of seats for the Assembly electoral regions, and

(b) the highest number which is less than that total number and exactly divisible by five.

(3) That difference is the number of residual seats.

(4) No more than one residual seat may be allocated to an Assembly electoral region.

(5) The regional electorate for each Assembly electoral region is to be divided by the aggregate of—

(a) the number of Assembly constituencies in the Assembly electoral region, and

(b) one fifth of the highest number which is less than the total number of seats for the Assembly electoral regions and exactly divisible by five.

(6) In allocating the residual seat or seats to an Assembly electoral region or regions, regard must be had to the desirability of allocating the residual seat or seats to the Assembly electoral region or regions for which the calculation in sub-paragraph (5) produces the highest number or numbers.

### Orders in Council giving effect to Commission reports

10 (1) An Order in Council under the 1986 Act for giving effect to the recommendations contained in a report of the Commission may specify different dates for its coming into force—

- (a) for the purposes of elections to the House of Commons, and
- (b) for the purposes of the return of Assembly members.

(2) The coming into force of an Order in Council under the 1986 Act does not affect the operation of section 10 or 11, or the constitution of the Assembly, at any time before the next general election.

### Interpretation: the regional electorate

11 (1) For the purposes of any report of the Commission, the regional electorate for an Assembly electoral region is the number of persons who, on the enumeration date, are registered in the register of local government electors at addresses within any of the Assembly constituencies included in the Assembly electoral region.

(2) In sub-paragraph (1) “the enumeration date” means the date on which notice that the Commission intended to consider making the report was published in accordance with section 5(1) of the 1986 Act.

(3) Sub-paragraphs (1) and (2) also apply for construing references to the regional electorate for an Assembly electoral region in relation to any report of the Committee made for the purposes of any such report of the Commission.

### Interpretation: general

12 In this Schedule—

- “the 1986 Act” has the meaning given by paragraph 1(2)(a),
- “the Assembly electoral region issue” has the meaning given by paragraph 2(3),
- “the Commission” has the meaning given by paragraph 1(2)(a),
- “the Committee” has the meaning given by paragraph 1(2)(b), and
- “recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.

• Section 27

#### • SCHEDULE 2 ASSEMBLY COMMISSION

##### • Membership

- 1 (1) The Presiding Officer holds office as a member of the Assembly Commission until another person is elected to the office of Presiding Officer unless the Presiding Officer ceases to be an Assembly member otherwise than by reason of a dissolution.
- (2) Any other member of the Assembly Commission holds office until another Assembly member is appointed as a replacement unless sub-paragraph (3) applies.
- (3) This sub-paragraph applies if the person—
  - (a) resigns office as a member of the Assembly Commission,
  - (b) ceases to be an Assembly member otherwise than by reason of a dissolution, or
  - (c) is removed from office as a member of the Assembly Commission by the Assembly.

##### • Property

- 2 The Assembly Commission may acquire, hold and dispose of property.

##### • Staff

- 3 (1) The Assembly Commission may appoint staff.



- (2) The Clerk and the other persons appointed by the Assembly Commission are referred to in this Act as the members of the staff of the Assembly.
- (3) Employment as a member of the staff of the Assembly is not employment under the Crown (but see paragraph 12).
- (4) The Assembly Commission must ensure that—
  - (a) the procedures for the recruitment and selection of persons as members of the staff of the Assembly are broadly in line with those applying to the recruitment and selection of persons as members of the staff of the Welsh Assembly Government, and
  - (b) the terms and conditions of employment of the members of the staff of the Assembly are broadly in line with those of the members of the staff of the Welsh Assembly Government.
- (5) The Assembly Commission is to pay the salaries and expenses of the members of the staff of the Assembly.
- (6) The Assembly Commission may make arrangements for the payment of pensions, gratuities or allowances to or in respect of anyone who has ceased to be a member of the staff of the Assembly.
- (7) The Assembly Commission may, in particular, make contributions to, or payments towards the provision of, such pensions, gratuities or allowances.
- (8) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employments etc. to which section 1 of the Act applies), in the appropriate place in the list of “Other Bodies” insert—
  - “Employment as a member of the staff of the National Assembly for Wales.”
- (9) The Assembly Commission must make payments to the Minister for the Civil Service, at such times as the Minister for the Civil Service may determine, of such amounts as may be so determined in respect of —
  - (a) the provision of pensions, allowances or gratuities by virtue of section 1 of the Superannuation Act 1972 to or in respect of persons who are or have been members of the staff of the Assembly, and
  - (b) the expenses incurred in administering those pensions, allowances and gratuities.
- **Powers**
  - 4 (1) The Assembly Commission may do anything which appears to it necessary or appropriate for the purpose of, or in connection with, the discharge of its functions.
    - (2) That includes, in particular—
      - (a) entering into contracts,
      - (b) charging for goods or services,
      - (c) investing sums not immediately required for the discharge of its functions, and
      - (d) accepting gifts.
    - (3) Where (by will or otherwise) any property is (by whatever words used) expressed to be given to the Assembly, the gift takes effect as a gift to the Assembly Commission.
    - (4) The Assembly Commission may—
      - (a) sell goods or provide services to the public, or
      - (b) make arrangements for the sale of goods or the provision of services to the public.
    - (5) The Assembly Commission may borrow sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet expenditure.
    - (6) The Assembly Commission—
      - (a) may not borrow money otherwise than under sub-paragraph (5), and

- (b) may borrow under that sub-paragraph only in accordance with special or general directions given by the Assembly to the Assembly Commission under section 27(6).
- (7) The Secretary of State may by order provide that the Local Government (Contracts) Act 1997 (c. 65) applies in relation to contracts entered into by the Assembly Commission but subject to any appropriate modifications.
- (8) A statutory instrument containing an order under sub-paragraph (7) is subject to annulment in pursuance of a resolution of either House of Parliament.
- **Promotion of awareness of election system and devolved government**
- 5 (1) The Assembly Commission may promote public awareness of—
  - (a) the current or any pending system for the election of Assembly members, and
  - (b) the current or any pending system of devolved government in Wales.
- (2) For the purposes of this paragraph and paragraph 6 a system is “pending” if arrangements for giving effect to it have been made by any enactment but the arrangements are not yet in force.
- (3) The Assembly Commission may exercise its power under sub-paragraph (1) in such manner as it thinks fit but may, in particular, do so by—
  - (a) carrying out programmes of education or information to promote public awareness, or
  - (b) making grants to other persons or bodies for the purpose of enabling them to carry out such programmes.
- (4) Any grant under sub-paragraph (3)(b) may be made subject to such conditions as the Assembly Commission considers appropriate.
- 6 The Assembly Commission may provide financial assistance to the Electoral Commission for the purpose of enabling it to carry out its functions under section 13(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) so far as relating to the promotion of public awareness of—
  - (a) the current or any pending system for the election of Assembly members, and
  - (b) the current or any pending system of devolved government in Wales.
- **Delegation**
- 7 The Assembly Commission may delegate any of its functions to—
  - (a) the Presiding Officer, or
  - (b) the Clerk.
- **Principles in accordance with which functions are to be exercised**
- 8 (1) The Assembly Commission must make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people.
- (2) In the exercise of the functions of the Assembly Commission due regard must be had to the principle of promoting sustainable development.
- (3) In the exercise of the functions of the Assembly Commission effect must be given, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.
- **Annual report**
- 9 After each financial year the Assembly Commission must—
  - (a) publish a report relating to the exercise of its functions during the financial year, and
  - (b) lay a copy of the report before the Assembly.
- **Validity of acts**

- 10 The validity of any act of the Assembly Commission is not affected by—
  - (a) any vacancy in its membership,
  - (b) any defect in the appointment of any member, or
  - (c) any lack of qualification for membership of any member.
- **Proceedings**
- 11 (1) The Assembly Commission may determine its own procedure.
- (2) The Presiding Officer is to preside at meetings of the Assembly Commission but the Assembly Commission may appoint another of its members to preside if—
  - (a) the office of Presiding Officer is vacant, or
  - (b) the Presiding Officer is for any reason unable to act.
- **Crown status**
- 12 (1) Her Majesty may by Order in Council provide for the Assembly Commission to be treated to any extent as a Crown body for the purposes of any enactment.
- (2) In particular, the Order in Council may for the purposes of any enactment provide—
  - (a) for employment as a member of the staff of the Assembly to be treated as employment by the Assembly Commission as a Crown body, or
  - (b) for land held, used or managed by the Assembly Commission, or operations carried out by or on behalf of the Assembly Commission, to be treated as land held, used or managed by, or operations carried out by or on behalf of, the Assembly Commission as a Crown body.
- (3) For the purposes of this paragraph “Crown body” means a body which is a servant or agent of the Crown, and includes a government department.
- (4) A statutory instrument containing an Order in Council under this paragraph is subject to annulment in pursuance of—
  - (a) a resolution of either House of Parliament, or
  - (b) a resolution of the Assembly.

• Section 58

- **SCHEDULE 3 TRANSFER ETC. OF FUNCTIONS: FURTHER PROVISIONS**
- **PART 1 FUNCTIONS TRANSFERABLE ETC.**
- **Existing and future functions**
- 1 (1) Subject to sub-paragraph (2), an Order in Council under section 58 may make provision about any function of a Minister of the Crown (including a function conferred or imposed after the passing of this Act).
- (2) Such an Order in Council may not make provision about any function conferred or imposed by any provision of this Act except section 4.
- **Functions relating to culture**
- 2 If and to the extent that any function is exercisable by a Minister of the Crown in relation to the Welsh language or any other aspect of Welsh culture it is to be regarded for the purposes of section 58 as exercisable by the Minister of the Crown in relation to Wales.
- **Cross-border functions**
- 3 (1) The power conferred by section 58 to make an Order in Council about a function so far as exercisable by a Minister of the Crown in relation to Wales includes power to make provision about a function so far as exercisable by a Minister of the Crown in relation to—
  - (a) a cross-border body, or
  - (b) subject to sub-paragraph (2), an English border area.

- (2) An Order in Council under section 58 may only include provision about a function so far as exercisable by a Minister of the Crown in relation to an English border area if—
- (a) the function relates to water resources management, water supply, rivers or other watercourses, control of pollution of water resources, sewerage or land drainage, and
- (b) the Order in Council makes (or another such Order in Council has made) corresponding provision about the function so far as so exercisable in relation to a part of Wales adjoining England or the whole of Wales.
- (3) This paragraph does not affect the power conferred by section 58 to make an Order in Council about a function so far as exercisable by a Minister of the Crown in relation to the whole or any part of Wales.
- **Functions exercisable beyond the territorial sea**
- 4 (1) The power conferred by section 58(1)(c) includes power to direct that any function under—
- (a) Part 2 of the Food and Environment Protection Act 1985 (c. 48) (deposits in the sea), or
- (b) Part 4 of the Petroleum Act 1998 (c. 17) (abandonment of offshore installations),
- so far as exercisable by a Minister of the Crown in relation to Welsh controlled waters is to be exercisable by the Minister of the Crown only after consultation with the Welsh Ministers.
- (2) In this paragraph “Welsh controlled waters” means so much of the sea beyond the seaward boundary of the territorial sea as is adjacent to Wales.
- (3) The power conferred by section 58(3) includes (in particular) power to determine, or make provision for determining, for the purposes of the definition of “Welsh controlled waters” any boundary between—
- (a) the parts of the sea which are to be treated as adjacent to Wales, and
- (b) those which are not,
- including power to make different determinations or provision for different purposes; and an order under section 158(3) may include any provision that by virtue of this sub-paragraph may be included in an Order in Council under section 58.
- **PART 2 EXERCISE OF TRANSFERRED FUNCTIONS**
- **Community obligations**
- 5 Any power of a Minister of the Crown to make subordinate legislation which has been transferred by an Order in Council under section 58 continues to be exercisable by the Minister of the Crown (as it would be had it not been transferred) for the purpose of—
- (a) implementing any Community obligation of the United Kingdom,
- (b) enabling any such obligation to be implemented,
- (c) enabling any rights enjoyed or to be enjoyed by the United Kingdom under or by virtue of the Community Treaties to be exercised, or
- (d) dealing with matters arising out of or related to any such obligation or rights or the operation of section 2(1) of the European Communities Act 1972 (c. 68).
- **Agreement or consultation: Ministers and Parliament**
- 6 An Order in Council under section 58 which includes provision—
- (a) transferring to the Welsh Ministers, the First Minister or the Counsel General any function so far as exercisable by a Minister of the Crown in relation to a cross-border body or an English border area, or
- (b) directing that any function is to be exercisable by the Welsh Ministers, the First Minister or the Counsel General in relation to a cross-border body or an English border area concurrently with the Minister of the Crown by whom it is exercisable,
- may provide that (either generally or to such extent as may be specified in the Order in Council) the function may be exercised by the Welsh Ministers, the First Minister or the Counsel General only with the agreement of, or after consultation with, a Minister of the Crown.

- 7 (1) This paragraph applies where a function is exercisable by a Minister of the Crown—
- (a) only with the agreement of, or after consultation with, another Minister of the Crown, or
- (b) only with the authorisation of Parliament or either House of Parliament.
- (2) If an Order in Council under section 58 includes provision transferring the function to the Welsh Ministers, the First Minister or the Counsel General it is to be exercisable free from that requirement unless the Order in Council provides otherwise.
- (3) If an Order in Council under that section includes provision directing that the function is to be exercisable by the Welsh Ministers, the First Minister or the Counsel General concurrently with the Minister of the Crown by whom it is exercisable, the Order in Council may provide that is to be exercisable free from that requirement.
- **Agreement or consultation etc.: Assembly and Assembly Commission**
- 8 (1) An Order in Council under section 58 may make provision for a function to be exercisable by the Welsh Ministers, the First Minister or the Counsel General only with the authorisation of, or after consultation with, the Assembly or the Assembly Commission.
- (2) An Order in Council under section 58 making provision for a function to be exercisable by the Welsh Ministers, the First Minister or the Counsel General may, by virtue of subsection (3) of that section, require the Welsh Ministers, the First Minister or the Counsel General—
- (a) to lay a report before the Assembly, or
- (b) to send documents to the Clerk,
- in connection with the exercise of the function.
- **Parliamentary and Assembly procedure**
- 9 (1) This paragraph applies where a function to make subordinate legislation (including a function conferred or imposed by or by virtue of this Act or an Act passed after this Act) is transferred to, or made exercisable by, the Welsh Ministers, the First Minister or the Counsel General by an Order in Council under section 58.
- (2) If, immediately before the coming into force of the provisions of the Order in Council relating to the function, a provision of any of the descriptions specified in sub-paragraph (3) applied to its exercise by a Minister of the Crown—
- (a) that provision does not apply to its exercise by the Welsh Ministers, the First Minister or the Counsel General unless the case is one to which sub-paragraph (6) applies, but
- (b) (whether or not the case is one to which that sub-paragraph applies) that provision has effect in relation to its exercise by the Welsh Ministers, the First Minister or the Counsel General as if any reference in it to Parliament or either House of Parliament were (or, if it is such a case, included) a reference to the Assembly.
- (3) The descriptions of provision referred to in sub-paragraph (2) are—
- (a) provision requiring any instrument made in the exercise of the function, or a draft of any such instrument, to be laid before Parliament or either House of Parliament,
- (b) provision for the annulment or approval of any such instrument or draft by or in pursuance of a resolution of either House of Parliament or of both Houses, and
- (c) provision prohibiting the making of any such instrument without such approval.
- (4) If, immediately before the coming into force of the provisions of the Order in Council relating to the function, a provision of either of the descriptions specified in sub-paragraph (5) applied to its exercise by a Minister of the Crown—
- (a) that provision does not apply to its exercise by the Welsh Ministers, the First Minister or the Counsel General unless the case is one to which sub-paragraph (6) or (7) applies, but
- (b) (whether or not the case is one to which either of those sub-paragraphs applies) any instrument made in the exercise of the function by the Welsh Ministers, the First Minister or the Counsel General is (or, if it is such a case, is also) subject to the procedure in the Assembly specified by the standing orders.

- (5) The descriptions of provision referred to in sub-paragraph (4) are—
- (a) provision for any instrument made in the exercise of the function to be a provisional order (that is, an order which requires to be confirmed by Act of Parliament), and
- (b) provision requiring any order (within the meaning of the Statutory Orders (Special Procedure) Act 1945 (9 & 10 Geo. 6 c. 18)) made in the exercise of the function to be subject to special parliamentary procedure.
- (6) This sub-paragraph applies in any case if the instrument made in the exercise of the function or (if provision specified in sub-paragraph (3)(a) or (b) applied to a draft of an instrument made in the exercise of the function) a draft of an instrument to be so made—
- (a) contains subordinate legislation made or to be made by a Minister of the Crown or government department (whether or not jointly with the Welsh Ministers, the First Minister or the Counsel General),
- (b) contains (or confirms or approves) subordinate legislation relating to an English border area, or
- (c) contains (or confirms or approves) subordinate legislation relating to a cross-border body (and not relating only to the exercise of functions, or the carrying on of activities, by the body in or with respect to Wales or a part of Wales).
- (7) This sub-paragraph applies in any case if, immediately before the coming into force of the provisions of the Order in Council relating to the function, a provision of the description specified in sub-paragraph (5)(b) applied to an instrument made in exercise of the function by a Minister of the Crown and the Order in Council provided that—
- (a) any order made by the Welsh Ministers, the First Minister or the Counsel General in the exercise of the function, or
- (b) any order so made in circumstances including those of the case,
- is to be subject to special parliamentary procedure.
- (8) In this paragraph “make” includes confirm or approve and related expressions (except “made exercisable”) are to be construed accordingly; but an instrument (or draft) does not fall within sub-paragraph (6)(a) just because it contains subordinate legislation made (or to be made) by the Welsh Ministers, the First Minister or the Counsel General with the agreement of a Minister of the Crown or government department.
- **Laying of reports and statements**
- 10 (1) This paragraph applies where—
- (a) a function to make or receive a report or statement (including a function conferred or imposed by or by virtue of an Act passed after this Act) is transferred to, or made exercisable by, the Welsh Ministers, the First Minister or the Counsel General by an Order in Council under section 58, and
- (b) immediately before the coming into force of the provisions of the Order in Council relating to the function, any enactment made provision (“provision for Parliamentary laying”) for a report or statement made or received in the exercise of the function to be laid before Parliament or either House of Parliament by the person making or receiving it.
- (2) The provision for Parliamentary laying applies to the exercise of the function by the Welsh Ministers, the First Minister or the Counsel General as if it required the report or statement to be laid before the Assembly instead of before Parliament or either House of Parliament.
- (3) In this paragraph references to a report or statement include any other document (except one containing subordinate legislation).
- **Powers to lend money**
- 11 (1) This paragraph applies where a power to lend money (including a power conferred by or by virtue of an Act passed after this Act) is transferred to the Welsh Ministers by an Order in Council under section 58; but subject to any provision to the contrary in the Order in Council.
- (2) Sub-paragraph (3) applies to any sums which, for the purpose or as a result of the exercise of the power, would be required (apart from that sub-paragraph)—
- (a) to be issued by the Treasury out of the National Loans Fund, or

- (b) to be paid into that Fund.
  - (3) Those sums are instead—
  - (a) to be charged on the Welsh Consolidated Fund, or
  - (b) to be paid into that Fund.
  - (4) The following provisions apply where—
  - (a) the power was exercised by a Minister of the Crown before the transfer, and
  - (b) the sums required for the exercise of the power were issued by the Treasury out of the National Loans Fund.
  - (5) Any amount payable by way of repayment of, or of interest on, the loan is to be paid to the Welsh Ministers and into the Welsh Consolidated Fund (instead of to the Minister of the Crown and into the National Loans Fund).
  - (6) Amounts equal to those which are to be received by the Welsh Ministers in repayment of principal are to be treated as being loans made to the Welsh Ministers by the Secretary of State on the date of the transfer.
  - (7) Such loans are to be repaid to the Secretary of State at such times and by such methods, and interest is to be paid to the Secretary of State at such rates and at such times, as the Treasury may from time to time determine.
  - (8) Sums required to be paid to the Secretary of State under sub-paragraph (7) are to be charged on the Welsh Consolidated Fund.
  - (9) Sums received by the Secretary of State under sub-paragraph (7) are to be paid into the National Loans Fund.
  - **PART 3 SUPPLEMENTARY**
  - **References to Minister of the Crown etc.**
  - 12 References in section 58 and this Schedule to a Minister of the Crown include references to—
  - (a) two or more Ministers of the Crown acting jointly, and
  - (b) an officer of a Minister of the Crown or of a government department,
  - and, in relation to functions of such an officer, the references in section 58(1) and this Schedule to the Welsh Ministers include references to a member of the staff of the Welsh Assembly Government.
  - **Saving**
  - 13 An Order in Council under section 58 which includes provision—
  - (a) transferring a function exercisable by a Minister of the Crown, or
  - (b) directing that a function is to be exercisable only with the agreement of, or after consultation with, any of the Welsh Ministers, the First Minister or the Counsel General,
  - does not affect the validity of anything done by or in relation to the Minister of the Crown before the coming into force of the Order in Council.
- Section 88
- **SCHEDULE 4 TRANSFERS OF MINISTERIAL PROPERTY, RIGHTS AND LIABILITIES**
  - **General transfer of property, rights and liabilities**
  - 1 (1) The property, rights and liabilities to which, at the coming into force of an Order in Council under section 58, a Minister of the Crown is entitled or subject in connection with any function exercisable by the Minister of the Crown and transferred by the Order in Council are transferred to and vest in the transferee of the function.
  - (2) In this Schedule “the transferee”, in relation to a function transferred by an Order in Council under section 58, means whichever of the Welsh Ministers, the First Minister or the Counsel General may exercise the function by virtue of the Order in Council.
  - (3) Anything (including legal proceedings) which relates to—

- (a) any function exercisable by a Minister of the Crown which is transferred by an Order in Council under section 58, or
- (b) any property, rights or liabilities transferred by sub-paragraph (1) as the result of the transfer of any such function by such an Order in Council,
- and which is in the process of being done by or in relation to the Minister of the Crown immediately before the coming into force of the Order in Council may be continued by or in relation to the transferee of the function.
- (4) Anything which was done by a Minister of the Crown for the purpose of or in connection with—
- (a) any function exercisable by the Minister of the Crown which is transferred by an Order in Council under section 58, or
- (b) any property, rights or liabilities transferred by sub-paragraph (1) as the result of the transfer of any such function by such an Order in Council,
- and which is in effect immediately before the coming into force of the Order in Council has effect as if done by the transferee of the function.
- (5) In any instruments, contracts or legal proceedings which relate to—
- (a) any function exercisable by a Minister of the Crown which is transferred by an Order in Council under section 58, or
- (b) any property, rights or liabilities transferred by sub-paragraph (1) as the result of the transfer of any such function by such an Order in Council,
- and which are made or commenced before the coming into force of the Order in Council, the transferee of the function is substituted for the Minister of the Crown.
- 2 (1) An Order in Council under section 58 may provide that all or any of the provisions of paragraph 1—
- (a) do not apply in relation to the transfer of functions by the Order in Council or to the property, rights and liabilities connected with the functions,
- (b) are to apply only in relation to the transfer of particular functions by the Order in Council or to particular property, rights or liabilities connected with the functions transferred by the Order in Council,
- (c) do not apply in relation to the transfer of particular functions by the Order in Council or to particular property, rights or liabilities connected with the functions transferred by the Order in Council, or
- (d) apply with modifications in relation to the transfer of a particular function by the Order in Council or to particular property, rights or liabilities connected with the function transferred by the Order in Council in a case where, by virtue of provision made under section 58(2), there is more than one transferee of that function.
- (2) Paragraph 1 does not apply to rights or liabilities relating to the employment of persons in Crown employment (as defined in section 191(3) of the Employment Rights Act 1996 (c. 18)).
- **Power to make specific transfers etc.**
- 3 (1) The Secretary of State may by order provide for the transfer to the Welsh Ministers, the First Minister or the Counsel General of—
- (a) any specified property, rights or liabilities, or
- (b) property, rights or liabilities of any specified description,
- to which a Minister of the Crown is entitled or subject.
- (2) An order under sub-paragraph (1) may provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order.
- (3) An order under sub-paragraph (1) may provide—



- (a) for the creation in favour of a Minister of the Crown of interests in, or rights over, property transferred to the Welsh Ministers, the First Minister or the Counsel General,
- (b) for the creation in favour of the Welsh Ministers, the First Minister or the Counsel General of interests in, or rights over, property retained by a Minister of the Crown, or
- (c) for the creation of new rights and liabilities between the Welsh Ministers, the First Minister or the Counsel General on the one hand and a Minister of the Crown on the other.
- (4) The Secretary of State may by order make provision for the continuation by or in relation to the Welsh Ministers, the First Minister or the Counsel General of—
  - (a) any specified thing, or
  - (b) anything of a specified description,
  - commenced by or in relation to a Minister of the Crown.
- (5) The Secretary of State may by order make provision for—
  - (a) any specified thing, or
  - (b) anything of a specified description,
  - done by a Minister of the Crown to have effect as if done by the Welsh Ministers, the First Minister or the Counsel General.
- (6) The Secretary of State may by order make provision for the substitution of the Welsh Ministers, the First Minister or the Counsel General for any Minister of the Crown in—
  - (a) any specified instrument, contract or legal proceedings, or
  - (b) any instrument, contract or legal proceedings of a specified description.
- (7) An order under this paragraph may be made in consequence of the making of an Order in Council under section 58 or in any other circumstances in which the Secretary of State considers it appropriate to make such an order.
- (8) A statutory instrument containing an order under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.
- **Supplementary**
  - 4 (1) A certificate issued by the Secretary of State that any property has been transferred by—
    - (a) paragraph 1, or
    - (b) an order under paragraph 3,
  - is conclusive evidence of the transfer.
  - (2) Paragraph 1, and orders under paragraph 3, have effect in relation to property, rights or liabilities to which they apply in spite of any provision (of whatever nature) which would otherwise prevent or restrict the transfer of the property, rights or liabilities.

Section 94

## SCHEDULE 5 ASSEMBLY MEASURES

### PART 1 MATTERS

- *Field 1: agriculture, fisheries, forestry and rural development*
- *Field 2: ancient monuments and historic buildings*
- *Field 3: culture*
- *Field 4: economic development*
- *Field 5: education and training*
- *Field 6: environment*
- *Field 7: fire and rescue services and promotion of fire safety*

- *Field 8: food*
- *Field 9: health and health services*
- *Field 10: highways and transport*
- *Field 11: housing*
- *Field 12: local government*
- *Field 13: National Assembly for Wales*
  - *Matter 13.1*
  - Creation of, and conferral of functions on, an office or body for and in connection with investigating complaints about the conduct of Assembly members and reporting on the outcome of such investigations to the Assembly.
  - *Matter 13.2*
  - Conferral of functions on the Assembly Commission for and in connection with facilitating the exercise by the Assembly of its functions (including the provision to the Assembly of the property, staff and services required for the Assembly's purposes).
  - *Matter 13.3*
  - Provision for and in connection with the payment of salaries, allowances, pensions and gratuities to or in respect of Assembly members, the First Minister, any Welsh Minister appointed under section 48, the Counsel General and any Deputy Welsh Minister.
  - *Matter 13.4*
  - Provision for and in connection with the creation and maintenance of a register of interests of Assembly members and the Counsel General.
  - *Matter 13.5*
  - Provision about the meaning of Welsh words and phrases in—
    - (a) Assembly Measures,
    - (b) subordinate legislation made under Assembly Measures, and
    - (c) subordinate legislation not so made but made by the Welsh Ministers, the First Minister or the Counsel General.
  - *Matter 13.6*
  - Provision for and in connection with the procedures for dealing with proposed private Assembly Measures, including, in particular—
    - (a) procedures for hearing the promoters of, and objectors, to proposed private Assembly Measures,
    - (b) the persons who may represent such promoters and objectors, and the qualifications that such persons must possess,
    - (c) the imposition of fees for and in connection with the promotion of proposed private Assembly Measures, and
    - (d) the assessment of costs incurred in connection with proposed private Assembly Measures.
- *Field 14: public administration*
- *Field 15: social welfare*
- *Field 16: sport and recreation*
- *Field 17: tourism*

- *Field 18: town and country planning*
- *Field 19: water and flood defence*
- *Field 20: Welsh language*

## PART 2 GENERAL RESTRICTIONS

### Functions of Ministers of the Crown

1 (1) A provision of an Assembly Measure cannot remove or modify, or confer power by subordinate legislation to remove or modify, any function of a Minister of the Crown.

(2) A provision of an Assembly Measure cannot confer or impose, or confer power by subordinate legislation to confer or impose, any function on a Minister of the Crown.

### Criminal offences

2 (1) A provision of an Assembly Measure cannot create, or confer power by subordinate legislation to create, any criminal offence punishable—

(a) on summary conviction, with imprisonment for a period exceeding the prescribed term or with a fine exceeding the amount specified as level 5 on the standard scale, or

(b) on conviction on indictment, with a period of imprisonment exceeding two years.

(2) In sub-paragraph (1) “the prescribed term” means—

(a) where the offence is a summary offence, 51 weeks, and

(b) where the offence is triable either way, twelve months.

### Enactments other than this Act

3 A provision of an Assembly Measure cannot make modifications of, or confer power by subordinate legislation to make modifications of, any of the provisions listed in the Table below—

TABLE

<i>Enactment</i>	<i>Provisions protected from modification</i>
European Communities Act 1972 (c. 68)	The whole Act
Data Protection Act 1998 (c. 29)	The whole Act
Government of Wales Act 1998 (c. 38)	Sections 144(7), 145, 145A and 146A(1)
Human Rights Act 1998 (c. 42)	The whole Act
Civil Contingencies Act 2004 (c. 36)	The whole Act
Re-Use of Public Sector Information Regulations 2005 (S.I. 2005/1505)	The whole set of Regulations

4 A provision of an Assembly Measure cannot make modifications of, or confer power by subordinate legislation to make modifications of, any provision of an Act of Parliament other than this Act which requires sums required for the repayment of, or the payment of interest on, amounts borrowed by the Welsh Ministers to be charged on the Welsh Consolidated Fund.

5 A provision of an Assembly Measure cannot make modifications of, or confer power by subordinate legislation to make modifications of, any functions of the Comptroller and Auditor General.

### This Act

6 (1) A provision of an Assembly Measure cannot make modifications of, or confer power by subordinate legislation to make modifications of, provisions contained in this Act.

(2) Sub-paragraph (1) does not apply to sections 20, 22, 24, 36(1) to (5) and (7) to (11), 53, 54 and 156(2) to (5).

(3) Sub-paragraph (1) does not apply to any provision—

(a) making modifications of so much of any enactment as is modified by this Act, or

(b) repealing so much of any provision of this Act as amends any enactment, if the provision ceases to have effect in consequence of any provision of, or made under, an Assembly Measure.

## PART 3 EXCEPTIONS FROM PART 2

### Functions of Ministers of the Crown

7 Part 2 does not prevent a provision of an Assembly Measure removing or modifying, or conferring power by subordinate legislation to remove or modify, any function of a Minister of the Crown if the Secretary of State consents to the provision.

### Comptroller and Auditor General

8 Part 2 does not prevent a provision of an Assembly Measure modifying, or conferring power by subordinate legislation to modify, any enactment relating to the Comptroller and Auditor General if the Secretary of State consents to the provision.

### Restatement

9 Part 2 does not prevent a provision of an Assembly Measure—

- (a) restating the law (or restating it with such modifications as are not prevented by that Part), or
  - (b) repealing or revoking any spent enactment,
- or conferring power by subordinate legislation to do so.

### Subordinate legislation

10 Part 2 does not prevent an Assembly Measure making modifications of, or conferring power by subordinate legislation to make modifications of, an enactment for or in connection with any of the following purposes—

- (a) making different provision about the document by which a power to make, confirm or approve subordinate legislation is to be exercised,
- (b) making provision (or no provision) for the procedure, in relation to the Assembly, to which legislation made in the exercise of such a power (or the instrument or other document in which it is contained) is to be subject, and
- (c) applying any enactment comprised in or made under an Assembly Measure relating to the documents by which such powers may be exercised.

Section 103

## SCHEDULE 6 REFERENDUMS ON COMMENCEMENT OF ASSEMBLY ACT PROVISIONS

### Entitlement to vote

1 (1) The persons entitled to vote in a referendum held by virtue of section 103(1) are those who would be entitled to vote in a general election of Assembly members if one were held on the date of the poll at the referendum (as to which see section 12).

(2) But an Order in Council under section 103(1) may include provision for disregarding alterations made in a register of electors after a specified date.

### Conduct etc. of referendum

2 (1) An Order in Council under section 103(1) may make provision for and in connection with the referendum which it causes to be held.

(2) Such an Order in Council may, in particular, apply or incorporate, with or without modification, any enactment relating to referendums, elections or donations.

(3) In sub-paragraph (2) “donations” means anything which is or corresponds to a donation within the meaning of Part 4 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

### Referendum question and statement

3 (1) An Order in Council under section 103(1)—

(a) must specify the question to be included on the ballot paper at the referendum which it causes to be held, and

(b) may specify a statement to precede the question on that ballot paper.

(2) A question or statement specified by virtue of sub-paragraph (1) must be specified in both English and Welsh.

(3) The Secretary of State must, no later than the time at which paragraph (b) of section 104(4) of the Political Parties, Elections and Referendums Act 2000 (report stating views as to intelligibility of referendum question expressed by Electoral Commission) is complied with, send to the First Minister a copy of the report laid before Parliament under that paragraph.

(4) As soon as is reasonably practicable after the First Minister receives a copy of a report under sub-paragraph (3) the First Minister must lay a copy of the report before the Assembly.

## Date of referendum

4 (1) An Order in Council under section 103(1) must specify the date of the poll at the referendum which it causes to be held.

(2) The Secretary of State may by order vary the date of the poll specified in such an Order in Council (including a date previously set by virtue of this sub-paragraph) if it appears inappropriate for it to be held on that date.

(3) No order may be made under sub-paragraph (2) without the consent of the Welsh Ministers.

(4) A statutory instrument containing an order under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

## Referendum period

5 An Order in Council under section 103(1) must determine the referendum period for the purposes of Part 7 of the Political Parties, Elections and Referendums Act 2000 in the case of the referendum which it causes to be held.

## Combination of polls

6 An Order in Council under section 103(1) may make provision for and in connection with the combination of the poll at the referendum which it causes to be held with that at an election or at another referendum (or both).

## Encouraging voting

7 An Order in Council under section 103(1) may authorise or require the Electoral Commission to do things for the purpose of encouraging voting in the referendum which it causes to be held (including imposing obligations or conferring powers on counting officers or other persons).

## Provision of information to voters

8 (1) This paragraph applies in relation to a referendum held by virtue of section 103(1) if the Electoral Commission have not, before the appropriate day, designated an organisation under section 108 of the Political Parties, Elections and Referendums Act 2000 (c. 41) (organisations to whom assistance is available under section 110 of that Act) in relation to each possible outcome of the referendum.

(2) The Electoral Commission may take such steps as they think appropriate to provide such information for persons entitled to vote in the referendum as the Commission think is likely to promote awareness among those persons about the arguments for each answer to the referendum question.

(3) Information provided in pursuance of sub-paragraph (2) must be provided by whatever means the Electoral Commission think is most likely to secure (in the most cost-effective way) that the information comes to the notice of everyone entitled to vote in the referendum.

(4) In this paragraph “the appropriate day” means—

(a) if an order is made under section 109(6) of the Political Parties, Elections and Referendums Act 2000 (variation of period for applications for designation under section 108 or period for determination of applications or both) in the case of the referendum, such day as that order specifies as the appropriate day,

(b) if no such order is made and one or more applications are made in relation to each possible outcome of the referendum before the 29th day of the referendum period, the 43rd day of the referendum period, and

(c) in any other case in which no such order is made, the 29th day of the referendum period.

## Referendum material

9 Section 126 of the Political Parties, Elections and Referendums Act 2000 (details to appear on referendum material) does not apply to any material published for the purposes of a referendum held by

virtue of section 103(1) if the publication is required under or by virtue of the Order in Council that causes the referendum to be held.

## Funding and accounts

10 An Order in Council under section 103(1) must include provision for the funding of costs of the referendum which it causes to be held (and may, in particular, include provision for the costs to be charged on, or payable out of, the Welsh Consolidated Fund).

11 An Order in Council under section 103(1) must include provision as to the preparation and audit of accounts relating to payments made by virtue of provision included in the Order in Council under paragraph 10.

## No legal challenge to referendum result

12 (1) No court may entertain any proceedings for questioning the number of ballot papers counted or votes cast in a referendum held by virtue of section 103(1) as certified by the Chief Counting Officer or a counting officer unless—

- (a) the proceedings are brought by a claim for judicial review, and
- (b) the claim form is filed before the end of the permitted period.

(2) In sub-paragraph (1) “the permitted period” means the period of six weeks beginning with—

- (a) the date on which the Chief Counting Officer or counting officer gives a certificate as to the number of ballot papers counted and votes cast in the referendum, or
- (b) if the Chief Counting Officer or counting officer gives more than one such certificate, the date on which the last is given.

## Supplementary

13 An Order in Council under section 103(1) may include provision creating criminal offences.

## Interpretation

14 Expressions used in this Schedule and in Part 7 of the Political Parties, Elections and Referendums Act 2000 (c. 41) have the same meaning in this Schedule as in that Part.

Section 108

## SCHEDULE 7 ACTS OF THE ASSEMBLY

### PART 1 SUBJECTS

#### Agriculture, fisheries, forestry and rural development

1 Agriculture, including animal health and welfare. Plant health. Plant varieties and seeds. Horticulture. Fisheries. Fish health. Forestry. Rural development.

*Exceptions—*

- Hunting with dogs.
- Regulation of scientific or other experimental procedures on animals.
- Import and export control, and regulation of movement, of animals, plants and other things, apart from (but subject to provision made by or by virtue of any Act of Parliament relating to the control of imports or exports)—
  - (a) the movement into and out of, and within, Wales of animals, animal products, plants, plant products and other things related to them for the purposes of protecting human, animal or plant health, animal welfare or the environment or observing or implementing obligations under the Common Agricultural Policy, and
  - (b) the movement into and out of, and within, Wales of animal feedstuff, fertilisers and pesticides (or things treated by virtue of any enactment as pesticides) for the purposes of protecting human, animal or plant health or the environment.
- Authorisations of veterinary medicines and medicinal products.

## Ancient monuments and historic buildings

2 Archaeological remains. Ancient monuments. Buildings and places of historical or architectural interest. Historic wrecks.

## Culture

3 Arts and crafts. Museums and galleries. Libraries. Archives and historical records. Cultural activities and projects.

*Exceptions—*

- Public lending right.
- Broadcasting.
- Classification of films, and video recordings.
- Government indemnities for objects on loan.
- Payments to Her Majesty's Revenue and Customs in respect of property accepted in satisfaction of tax, apart from property in which there is a Welsh national interest.

## Economic development

4 Economic regeneration and development, including social development of communities, reclamation of derelict land and improvement of the environment. Promotion of business and competitiveness.

*Exceptions—*

- Fiscal, economic and monetary policy and regulation of international trade.
- Regulation of anti-competitive practices and agreements, abuse of dominant position and monopolies and mergers.
- Intellectual property, apart from plant varieties.
- Creation, operation, regulation and dissolution of types of business association.
- Insolvency.
- Product standards, safety and liability, apart from in relation to food (including packaging and other materials which come into contact with food), agricultural and horticultural products, fish and fish products, seeds, fertilisers and pesticides (and things treated by virtue of any enactment as pesticides).
- Consumer protection, including the sale and supply of goods to consumers, consumer guarantees, hire purchase, trade descriptions, advertising and price indications, apart from in relation to food (including packaging and other materials which come into contact with food), agricultural and horticultural products, fish and fish products, seeds, fertilisers and pesticides (and things treated by virtue of any enactment as pesticides).
- Financial services, including investment business, banking and deposit-taking, collective investment schemes and insurance.
- Financial markets, including listing and public offers of securities and investments, transfers of securities, insider dealing and money laundering.
- Telecommunications, wireless telegraphy (including electromagnetic disturbance), internet services and electronic encryption.
- Postal services, post offices and the Post Office, apart from financial assistance for the provision of services (other than postal services and services relating to money or postal orders) to be provided from public post offices.
- Generation, transmission and supply of electricity, apart from pollution.

- Energy conservation, apart from the encouragement of energy efficiency otherwise than by prohibition or regulation.
- Coal, including mining and subsidence, apart from land restoration and other environmental matters.
- Oil and gas, apart from pollution.
- Units and standards of weights and measurement and the regulation of trade so far as involving weighing, measuring and quantities.
- Industrial Development Advisory Board.

## Education and training

5 Education, vocational, social and physical training and the careers service. Promotion of advancement and application of knowledge.

*Exception—*

- Research Councils.

## Environment

6 Environmental protection, including pollution, nuisances and hazardous substances. Collection, management and disposal of waste. Land drainage and land improvement. Countryside and open spaces (including the designation and regulation of national parks and areas of outstanding natural beauty). Nature conservation and sites of special scientific interest. Protection of natural habitats, coast and marine environment (including seabed). Biodiversity. Genetically modified organisms. Smallholdings and allotments. Common land. Town and village greens. Burial and cremation.

## Fire and rescue services and promotion of fire safety

7 Fire and rescue services. Promotion of fire safety otherwise than by prohibition or regulation.

## Food

8 Food and food products. Food safety (including packaging and other materials which come into contact with food). Protection of interests of consumers in relation to food.

- “Food” includes drink.

## Health and health services

9 Promotion of health. Prevention, treatment and alleviation of disease, illness, injury, disability and mental disorder. Control of disease. Family planning. Provision of health services, including medical, dental, ophthalmic, pharmaceutical and ancillary services and facilities. Clinical governance and standards of health care. Organisation and funding of national health service.

*Exceptions—*

- Abortion.
- Human genetics, human fertilisation, human embryology, surrogacy arrangements.
- Xenotransplantation.
- Regulation of health professionals (including persons dispensing hearing aids).
- Poisons.
- Misuse of and dealing in drugs.
- Human medicines and medicinal products, including authorisations for use and regulation of prices.
- Standards for, and testing of, biological substances (that is, substances the purity or potency of which cannot be adequately tested by chemical means).
- Vaccine damage payments.
- Welfare foods.



- Health and Safety Commission, Health and Safety Executive and Employment Medical Advisory Service and provision made by health and safety regulations.

## Highways and transport

10 Highways, including bridges and tunnels. Streetworks. Traffic management and regulation. Transport facilities and services.

### *Exceptions—*

- Road freight transport services, including goods vehicles operating licensing.
- Regulation of use of motor vehicles and trailers on roads, their construction and equipment and conditions under which they may be so used, apart from regulation of use of vehicles carrying animals for purpose of protecting human, animal or plant health, animal welfare or the environment.
- Road traffic offences.
- Driver licensing.
- Driving instruction.
- Insurance of motor vehicles.
- Drivers' hours.
- Traffic regulation on special roads, pedestrian crossings, traffic signs and speed limits.
- International road transport services for passengers.
- Public service vehicle operator licensing.
- Documents relating to vehicles and drivers for purposes of travel abroad and vehicles brought temporarily into Wales by persons resident outside the United Kingdom.
- Vehicle excise duty and vehicle registration.
- Provision and regulation of railway services, apart from financial assistance which—
  - (a) does not relate to the carriage of goods,
  - (b) is not made in connection with a railway administration order, and
  - (c) is not made in connection with Council Regulation (EEC) No. 1893/91 on public service obligations in transport.
- Rail transport security.
- Railway heritage.
- Aviation, air transport, airports and aerodromes, apart from—
  - (a) financial assistance to providers or proposed providers of air transport services or airport facilities or services,
  - (b) strategies by the Welsh Ministers or local or other public authorities about provision of air services, and
  - (c) regulation of use of aircraft carrying animals for purpose of protecting human, animal or plant health, animal welfare or the environment.
- Shipping, apart from—
  - (a) financial assistance for shipping services to, from or within Wales, and

- (b) regulation of use of vessels carrying animals for purpose of protecting human, animal or plant health, animal welfare or the environment.
- Navigational rights and freedoms, apart from regulation of works which may obstruct or endanger navigation.
- Technical and safety standards of vessels.
- Harbours, docks, piers and boatslips, apart from those used or required wholly or mainly for the fishing or agricultural industries, for recreation or for communications between places in Wales.
- Carriage of dangerous goods (including transport of radioactive material).

## Housing

11 Housing and housing finance. Encouragement of home energy efficiency and conservation, otherwise than by prohibition or regulation. Regulation of rent. Homelessness. Residential caravans and mobile homes.

## Local government

12 Constitution, structure and areas of local authorities. Electoral arrangements for local authorities. Powers and duties of local authorities and their members and officers. Local government finance.

- “Local authorities” does not include police authorities.

*Exceptions—*

- Local government franchise.
- Electoral registration and administration.
- Registration of births, marriages, civil partnerships and deaths.
- Licensing of sale and supply of alcohol, provision of entertainment and late night refreshment.
- Anti-social behaviour orders.
- Local land charges, apart from fees.
- Sunday trading.
- Provision of advice and assistance overseas by local authorities in connection with carrying on there of local government activities.

## National Assembly for Wales

13 Complaints about Assembly members (including provision for and about an office or body for investigating such complaints and reporting outcome of investigations). Assembly Commission. Salaries, allowances, pensions and gratuities for and in respect of Assembly members, the First Minister, Welsh Ministers appointed under section 48, the Counsel General and Deputy Welsh Ministers. Register of interests of Assembly members and the Counsel General. Meaning of Welsh words and phrases in Assembly Measures and Acts of the Assembly, in subordinate legislation made under Assembly Measures and Acts of the Assembly and in other subordinate legislation if made by the Welsh Ministers, the First Minister or the Counsel General. Private legislation in the Assembly. Financial assistance for political groups to which Assembly members belong. The Welsh Seal. Arrangements for the printing of Acts of the Assembly, of subordinate legislation made under Assembly Measures and Acts of the Assembly and of other subordinate legislation if made by the Welsh Ministers, the First Minister or the Counsel General.

## Public administration

14 Public Services Ombudsman for Wales. Audit, examination, regulation and inspection of auditable public authorities. Inquiries. Equal opportunities in relation to equal opportunity public authorities. Access to information held by open access public authorities.

The following are “auditable public authorities” and “equal opportunity public authorities”—

- (a) the Assembly,
- (b) the Assembly Commission,

- (c) the Welsh Assembly Government,
- (d) persons who exercise functions of a public nature and in respect of whom the Welsh Ministers exercise functions,
- (e) persons who exercise functions of a public nature and at least half of the cost of whose functions in relation to Wales are funded (directly or indirectly) by the Welsh Ministers, and
- (f) persons established by enactment and having power to issue a precept or levy.

The following are “open access public authorities”—

- (a) the Assembly,
- (b) the Assembly Commission,
- (c) the Welsh Assembly Government, and
- (d) authorities which are Welsh public authorities, within the meaning of the Freedom of Information Act 2000 (c. 36).

*Exception—*

- Regulation of the profession of auditor.

## Social welfare

15 Social welfare including social services. Protection and well-being of children (including adoption and fostering). Care of young adults, vulnerable persons and older persons, including care standards. Badges for display on motor vehicles used by disabled persons.

*Exceptions—*

- Child support.
- Child trust funds.
- Tax credits.
- Child benefit and guardian’s allowance.
- Social security.
- Intercountry adoption, apart from adoption agencies and their functions, and functions of “the Central Authority” under the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.
- The Children’s Commissioner (established under the Children Act 2004 (c. 31)).
- Family law and proceedings, apart from—
  - (a) welfare, advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
  - (b) Welsh family proceedings officers.

## Sport and recreation

16 Sport and recreational activities.

*Exception—*

- Betting, gaming and lotteries.

## Tourism

17 Tourism.

## Town and country planning

18 Town and country planning, including listed buildings, conservation areas, hazardous substances. Caravan sites. Spatial planning. Mineral workings. Urban development. New towns. Protection of visual amenity.

## Water and flood defence

19 Water supply and sewerage, including abstraction and impounding of water, water resources management, water quality, water industry, water charges and representation of consumers of water. Safety of reservoirs and other inland water. Management and protection of watercourses and flood prevention.

*Exceptions—*

- Appointment of water undertakers or sewerage undertakers for any area most of which is in England.
- Licensing of water suppliers.

## Welsh language

20 Welsh language

*Exception—*

- Use of the Welsh language in courts.

## PART 2 GENERAL RESTRICTIONS

### Functions of a Minister of the Crown

1 (1) A provision of an Act of the Assembly cannot remove or modify, or confer power by subordinate legislation to remove or modify, any pre-commencement function of a Minister of the Crown.

(2) A provision of an Act of the Assembly cannot confer or impose, or confer power by subordinate legislation to confer or impose, any function on a Minister of the Crown.

(3) In this Schedule “pre-commencement function” means a function which is exercisable by a Minister of the Crown before the day on which the Assembly Act provisions come into force.

### Enactments other than this Act

2 A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, any of the provisions listed in the Table below—

TABLE

<i>Enactment</i>	<i>Provisions protected from modification</i>
European Communities Act 1972 (c. 68)	The whole Act
Data Protection Act 1998 (c. 29)	The whole Act
Government of Wales Act 1998 (c. 38)	Sections 144(7), 145, 145A and 146A(1)
Human Rights Act 1998 (c. 42)	The whole Act
Civil Contingencies Act 2004 (c. 36)	The whole Act
Re-Use of Public Sector Information Regulations 2005 (S.I. 2005/1505)	The whole set of Regulations

3 A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, any provision of an Act of Parliament other than this Act which requires sums required for the repayment of, or the payment of interest on, amounts borrowed by the Welsh Ministers to be charged on the Welsh Consolidated Fund.

4 A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, any functions of the Comptroller and Auditor General.

### This Act

5 (1) A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, provisions contained in this Act.

(2) Sub-paragraph (1) does not apply to sections 20, 22, 24, 36(1) to (5) and (7) to (11), 53, 54, 146, 147, 148 and 156(2) to (5).

(3) Sub-paragraph (1) does not apply to any provision—

(a) making modifications of so much of any enactment as is modified by this Act, or

(b) repealing so much of any provision of this Act as amends any enactment, if the provision ceases to have effect in consequence of any provision of, or made under, an Act of the Assembly.

## PART 3 EXCEPTIONS FROM PART 2

## Functions of Ministers of the Crown

6 (1) Part 2 does not prevent a provision of an Act of the Assembly removing or modifying, or conferring power by subordinate legislation to remove or modify, any pre-commencement function of a Minister of the Crown if—

- (a) the Secretary of State consents to the provision, or
- (b) the provision is incidental to, or consequential on, any other provision contained in the Act of the Assembly.

(2) Part 2 does not prevent a provision of an Act of the Assembly conferring or imposing, or conferring power by subordinate legislation to confer or impose, any function on a Minister of the Crown if the Secretary of State consents to the provision.

## Comptroller and Auditor General

7 Part 2 does not prevent a provision of an Act of the Assembly modifying, or conferring power by subordinate legislation to modify, any enactment relating to the Comptroller and Auditor General if the Secretary of State consents to the provision.

## Restatement

8 Part 2 does not prevent an Act of the Assembly—

- (a) restating the law (or restating it with such modifications as are not prevented by that Part), or

- (b) repealing or revoking any spent enactment,

or conferring power by subordinate legislation to do so.

## Subordinate legislation

9 Part 2 does not prevent an Act of the Assembly making modifications of, or conferring power by subordinate legislation to make modifications of, an enactment for or in connection with any of the following purposes—

- (a) making different provision about the document by which a power to make, confirm or approve subordinate legislation is to be exercised,

- (b) making provision (or no provision) for the procedure, in relation to the Assembly, to which legislation made in the exercise of such a power (or the instrument or other document in which it is contained) is to be subject, and

- (c) applying any enactment comprised in or made under an Act of the Assembly relating to the documents by which such powers may be exercised.

Section 145

## SCHEDULE 8 AUDITOR GENERAL FOR WALES

### Appointment

1 (1) The Auditor General is to be appointed by Her Majesty on the nomination of the Assembly.

(2) No nomination is to be made until the Assembly is satisfied that reasonable consultation has been undertaken with such bodies as appear to the Assembly to represent the interests of local government bodies in Wales.

(3) For the purposes of sub-paragraph (2) a body is a local government body in Wales at any time if at that time it is specified in section 12(1) of the Public Audit (Wales) Act 2004 (c. 23).

(4) The validity of any act of a person appointed as Auditor General is not affected by any defect in the person's nomination by the Assembly.

### Tenure

2 (1) Subject as follows, a person appointed as Auditor General holds office until the end of the period for which the person was appointed.

(2) Her Majesty may relieve a person from office as Auditor General before the end of the period for which the person was appointed—

- (a) at the person's request, or

(b) on Her Majesty being satisfied that the person is incapable for medical reasons of performing the duties of the office and of requesting to be relieved of it.

(3) Her Majesty may remove a person from office as Auditor General before the end of the period for which the person was appointed on the making of a recommendation, on the ground of the person's misbehaviour, that Her Majesty should do so.

(4) A recommendation for the removal of a person from office as Auditor General may not be made unless—

(a) the Assembly has resolved that the recommendation should be made, and

(b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.

## Independence and status

3 (1) The Auditor General is not, in the exercise of any functions, subject to the direction or control of the Assembly or the Welsh Assembly Government.

(2) The Auditor General is not to be regarded as holding office under Her Majesty or as exercising any functions on behalf of the Crown; but the Auditor General is to be taken to be a Crown servant for the purposes of the Official Secrets Act 1989 (c. 6).

## Corporation sole

4 The person for the time being holding the office of Auditor General shall by the name of that office be a corporation sole.

## Documents

5 (1) The application of the seal of the Auditor General is to be authenticated by the signature of—

(a) the Auditor General, or

(b) any member of the Auditor General's staff authorised by the Auditor General (generally or specially) for that purpose.

(2) A document purporting to be duly executed under the seal of the Auditor General or to be signed on the Auditor General's behalf may be received in evidence and, unless the contrary is proved, is to be taken to be so executed or signed.

## Remuneration

6 (1) The Assembly must—

(a) pay the Auditor General such salary and any such allowances, and

(b) make any such payments towards the provision of superannuation benefits for or in respect of the Auditor General,

as may be provided for by or under the terms of the Auditor General's appointment.

(2) The Assembly must pay to or in respect of a person who has ceased to hold office as Auditor General such amounts (if any) by way of—

(a) pension or gratuities, or

(b) provision for those benefits,

as may have been provided for by or under the terms of the Auditor General's appointment.

(3) Schedule 1 to the Superannuation Act 1972 (c. 11) (offices to which section 1 of that Act applies) is to continue to have effect with the insertion in the list of "Offices" of the entry relating to the Auditor General (originally made by section 91(3) of the Government of Wales Act 1998 (c. 38)).

(4) The Assembly must make payments to the Minister for the Civil Service, at such times as the Minister for the Civil Service may determine, of such amounts as may be so determined in respect of—

(a) the provision of pensions, allowances or gratuities by virtue of section 1 of the Superannuation Act 1972 to or in respect of any person who holds or has ceased to hold office as Auditor General, and

(b) the expenses incurred in administering those pensions, allowances and gratuities.

(5) Sums required for the making of payments under sub-paragraphs (1), (2) and (4) are to be charged on the Welsh Consolidated Fund.

## Staff

7 (1) The Auditor General may appoint such staff or secure the provision of such services as the Auditor General considers necessary for assisting in the exercise of the Auditor General's functions.

(2) The staff of the Auditor General are to be appointed on such terms and conditions as the Auditor General may determine.

(3) The Auditor General must pay the staff such remuneration as may be provided for by or under the terms of their appointment.

(4) Schedule 1 to the Superannuation Act 1972 (offices to which section 1 of that Act applies) is to continue to have effect with the insertion in the list of "Other bodies" of the entry relating to Employment as a member of the staff of the Auditor General (originally made by section 92(5) of the Government of Wales Act 1998).

(5) The Auditor General must make payments to the Minister for the Civil Service, at such times as the Minister for the Civil Service may determine, of such amounts as may be so determined in respect of—

(a) the provision of pensions, allowances or gratuities by virtue of section 1 of the Superannuation Act 1972 to or in respect of any persons who are or have been members of the staff of the Auditor General, and

(b) the expenses incurred in administering those pensions, allowances and gratuities.

(6) No member of the staff of the Auditor General is to be regarded as holding office under Her Majesty or as exercising any functions on behalf of the Crown; but each member of the staff of the Auditor General is to be taken to be a Crown servant for the purposes of the Official Secrets Act 1989 (c. 6)

## Exercise of functions by staff etc.

8 (1) Any function of the Auditor General may be exercised by—

(a) a member of the Auditor General's staff, or

(b) a person providing services to the Auditor General,

who is authorised by the Auditor General for that purpose.

(2) Any function of the Auditor General may be exercised jointly by the Auditor General and a person providing services to the Auditor General who is authorised by the Auditor General for that purpose.

(3) Any provision made under sub-paragraph (1) for the exercise of any function does not affect the responsibility of the Auditor General on whose behalf the function is exercised.

(4) An authority under sub-paragraph (1) to certify or report on accounts (or statements of accounts) within sub-paragraph (5)—

(a) extends only to accounts (or statements) which the Presiding Officer has certified to the Assembly are accounts (or statements) which the Auditor General is unable to certify, or on which the Auditor General is unable to report, in person, and

(b) ceases when the office of Auditor General becomes vacant.

(5) Accounts (or statements of accounts) are within this sub-paragraph if, in accordance with provision made by or under this or any other Act, they—

(a) fall to be examined by the Auditor General, and

(b) are required to be laid before the Assembly.

## Special finance provisions

9 (1) Any sums payable by the Auditor General in consequence of a breach, in the performance of any of the Auditor General's functions, of any contractual or other duty are to be charged on the Welsh Consolidated Fund.

(2) And sub-paragraph (1) applies whether the breach occurs by reason of an act or omission of—

(a) the Auditor General,

(b) a member of the Auditor General's staff, or

(c) any other person assisting the Auditor General in the exercise of the Auditor General's functions.

(3) The Auditor General may retain income within sub-paragraph (4) (rather than pay it into the Welsh Consolidated Fund) for use in connection with the exercise of the functions conferred or imposed by—

- (a) Part 1 of the Local Government Act 1999 (c. 27) (best value audits and inspections), or
- (b) Part 2 of the Public Audit (Wales) Act 2004 (c. 23) (local government audit).

(4) The following income is within this sub-paragraph—

- (a) fees charged by the Auditor General by virtue of Part 1 of the Local Government Act 1999 (c. 27),
- (b) grants made to the Auditor General under section 33(3)(b) of that Act, and
- (c) fees charged by the Auditor General by virtue of Part 2 of the Public Audit (Wales) Act 2004 (including those charged as a result of paragraph 11(3)(c)).

## Borrowing

10 The Auditor General may borrow sums in sterling (by way of overdraft or otherwise) to be applied for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet it.

## Fees

11 (1) The Auditor General may charge a fee for auditing a person's accounts.

(2) Where the Auditor General—

- (a) provides services under paragraph 18(3)(b) by carrying out an examination in relation to a person, or
- (b) provides services under section 145A of the Government of Wales Act 1998 (c. 38) (studies for improving economy etc. in services) at the request of a person,

the Auditor General may charge the person a fee not exceeding the full cost of providing those services.

(3) Where the Auditor General—

- (a) provides services to a body under paragraph 20,
- (b) provides services at the request of a body under section 145B of the Government of Wales Act 1998 (studies at request of educational bodies), or
- (c) provides services at the request of a body under section 44 of the Public Audit (Wales) Act 2004 (studies at request of local government bodies in Wales),

the Auditor General must charge that body a fee which covers the full cost of providing those services.

## Estimates

12 (1) For each financial year the Auditor General must—

- (a) prepare an estimate of the income and expenses of the office of Auditor General, and
- (b) submit the estimate to the Audit Committee.

(2) Each estimate must be submitted to the Audit Committee at least five months before the beginning of the financial year to which it relates.

(3) The Audit Committee must—

- (a) examine each estimate submitted to it, and
- (b) (having done so) lay the estimate before the Assembly with any modifications which the Audit Committee considers appropriate.

(4) Before laying an estimate before the Assembly with modifications the Audit Committee must—

- (a) consult the Auditor General, and
- (b) take into account any representations which the Auditor General may make.

(5) Nothing in this paragraph authorises the Audit Committee—

- (a) to examine that part of any estimate which relates to estimated income or expenses of the office of Auditor General to which sub-paragraph (6) applies, or
- (b) to lay an estimate before the Assembly with modifications relating to such estimated income or expenses.



- (6) This sub-paragraph applies to estimated income or expenses relating to—
- (a) Part 1 of the Local Government Act 1999 (c. 27) (best value audits and inspections),
  - (b) section 33(3)(b) of that Act (grants to the Auditor General), or
  - (c) Part 2 of the Public Audit (Wales) Act 2004 (c. 23) (local government audit), apart from section 44.

## Accounts

13 (1) The Auditor General must, for each financial year, prepare accounts in accordance with directions given to the Auditor General by the Treasury.

(2) The directions which the Treasury may give under sub-paragraph (1) include, in particular, directions as to—

- (a) the information to be contained in the accounts and the manner in which it is to be presented,
- (b) the methods and principles in accordance with which the accounts are to be prepared, and
- (c) the additional information (if any) that is to accompany the accounts.

## Auditor

14 (1) The Assembly must appoint an auditor of the accounts of the Auditor General.

(2) A person is eligible for appointment under this paragraph only if the person—

- (a) is eligible for appointment as a company auditor under section 25 of the Companies Act 1989 (c. 40), or
- (b) is a member of an approved European body of accountants.

(3) An “approved European body of accountants” is a body of accountants which—

(a) is established in the United Kingdom or another state which is either a member State or a non-member EEA State, and

(b) is for the time being approved by the Welsh Ministers by order.

(4) “Non-member EEA State” means any State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as adjusted by the Protocol signed at Brussels on 17th March 1993) but which is not a member State.

(5) If a person appointed as the auditor ceases to be a person who could be so appointed—

- (a) the person’s appointment is ended, and
- (b) the person ceases to be the auditor.

(6) The auditor is to be appointed on such terms and conditions as the Assembly may determine.

(7) The Auditor General must pay the auditor such remuneration as may be provided for by or under the terms of the auditor’s appointment.

(8) A statutory instrument containing an order under sub-paragraph (3)(b) is subject to annulment in pursuance of a resolution of the Assembly.

## Audit of accounts

15 (1) The accounts which the Auditor General is required to prepare under paragraph 13 for a financial year must be submitted by the Auditor General (after having signed them) to the auditor appointed under paragraph 14 no later than five months after the end of that financial year.

(2) The auditor must carry out an audit of any accounts submitted to the auditor under sub-paragraph (1).

(3) On completing the audit the auditor must—

- (a) certify the accounts, and
- (b) lay the accounts and the auditor’s report on them before the Assembly.

(4) The auditor has a right of access at all reasonable times to every document which appears to the auditor to be necessary for the purposes of the audit of the accounts.

(5) The auditor may—

- (a) require any person holding or accountable for any of those documents to provide any assistance, information or explanation which the auditor reasonably thinks necessary for those purposes, and
- (b) require the Auditor General to provide the auditor, at times specified by the auditor, with accounts of such of the transactions of the Auditor General as the auditor may specify.

(6) The auditor—

- (a) may carry out examinations into the economy, efficiency and effectiveness with which the Auditor General has used resources in discharging the Auditor General's functions, and
- (b) may lay before the Assembly a report of the results of any such examinations.

(7) For the purposes of carrying out such examinations, the auditor—

- (a) has a right of access at all reasonable times to every document in the possession, or under the control, of the Auditor General which the auditor reasonably requires for that purpose, and
- (b) may require any person holding or accountable for any of those documents to provide any assistance, information or explanation which the auditor reasonably thinks necessary for that purpose.

### Accounting officer

16 (1) The accounting officer for the Wales Audit Office is the Auditor General.

(2) "The Wales Audit Office" means the Auditor General and the members of the staff of the Auditor General.

(3) But the Audit Committee may designate a member of the staff of the Auditor General to be the accounting officer if and for so long as —

- (a) the Auditor General is incapable of discharging the responsibilities of the accounting officer, or
- (b) the office of Auditor General is vacant.

(4) The accounting officer for the Wales Audit Office has, in relation to the accounts of the Auditor General and the finances of the Wales Audit Office, the responsibilities which are from time to time specified by the Audit Committee.

(5) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—

- (a) on behalf of the Committee of Public Accounts take evidence from the accounting officer for the Wales Audit Office, and
- (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.

### Access to documents

17 (1) The Auditor General has a right of access at all reasonable times to every document relating to a relevant person which appears to the Auditor General necessary—

- (a) for the purposes of the Auditor General's examination of any auditable accounts,
- (b) for the purposes of undertaking studies under section 145A (studies for improving economy etc. in services provided by relevant bodies) or 145C (studies relating to registered social landlords) of the Government of Wales Act 1998 (c. 38), or
- (c) for the purposes of carrying out, in accordance with any provision made by or by virtue of this or any other Act, other examinations or studies into the economy, efficiency and effectiveness with which a person has used resources in discharging the person's functions.

(2) The documents relating to a relevant person to which the right conferred by sub-paragraph (1) applies include (in particular)—

- (a) a document which is in the possession, or under the control, of a person who has received financial assistance from the relevant person by means of a grant, loan or guarantee or as a result of the taking of an interest in any property or body corporate,
- (b) a document which is in the possession, or under the control, of a person who has supplied goods or services to the relevant person in pursuance of a contract to which the relevant person was party or has supplied goods or services in pursuance of a relevant sub-contract, and
- (c) a document of a description specified in an order made by the Welsh Ministers.

(3) The Auditor General may require a person whom the Auditor General thinks has information of the kind mentioned in sub-paragraph (4)—

(a) to give the Auditor General any assistance, information and explanation which the Auditor General thinks necessary for any of the purposes mentioned in sub-paragraph (1),

(b) to attend before the Auditor General in person to give the assistance, information or explanation, or to produce any document which is in the possession, or under the control, of the person and to which the right conferred by that sub-paragraph applies, or

(c) to provide any facility which the Auditor General may reasonably require for any of the purposes mentioned in that sub-paragraph.

(4) The information referred to in sub-paragraph (3) is information which relates to—

(a) a relevant person,

(b) a document to which the right conferred by sub-paragraph (1) applies, or

(c) a person who possesses or controls such a document.

(5) The Auditor General may, for the purposes of an examination of any auditable accounts, require a relevant person to provide the Auditor General, at times specified by the Auditor General, with accounts of such of the person's transactions as the Auditor General may specify.

(6) For the purposes of sub-paragraph (2)(b), a contract is a relevant sub-contract if its performance fulfils, or contributes to the fulfilment of, an obligation to supply goods or services to the relevant person in another contract.

(7) In this paragraph "auditable accounts" means any accounts or statement of accounts falling to be examined by the Auditor General in accordance with any provision made by or by virtue of this or any other Act.

(8) In this paragraph "relevant person" means—

(a) in a case within paragraph (a) of sub-paragraph (1) relating to any accounts which the Welsh Ministers are directed to prepare under section 131, the Welsh Ministers, the Counsel General and any person to whose financial affairs and transactions the accounts are to relate by virtue of subsection (3) of that section,

(b) in a case within that paragraph relating to any accounts which the Assembly Commission is directed to prepare under section 137, the Assembly Commission and any person to whose financial affairs and transactions the accounts are to relate by virtue of subsection (2) of that section,

(c) in a case within that paragraph relating to any other auditable accounts, the person by whom the accounts are prepared, and

(d) in any other case, a person to whom the study or examination relates.

(9) No order may be made under sub-paragraph (2)(c) unless the Welsh Ministers have consulted—

(a) the Treasury, and

(b) the Auditor General.

(10) A statutory instrument containing an order under sub-paragraph (2)(c) is subject to annulment in pursuance of a resolution of the Assembly.

## Other powers

18 (1) Where—

(a) the Welsh Ministers are entitled to appoint the auditor of the accounts of any person (other than the Auditor General), and

(b) the Auditor General would not otherwise be eligible to be appointed as auditor of those accounts, the Welsh Ministers may appoint the Auditor General to be auditor of those accounts.

(2) If in such a case the auditor is to be appointed annually, the Welsh Ministers may appoint the Auditor General—

(a) for a year,

(b) for two or more years, or

(c) indefinitely until further exercise of the power of appointment.

(3) The Auditor General may—

(a) examine, certify or report on a person's accounts, or

(b) carry out examinations into the economy, efficiency and effectiveness with which a person has used resources in discharging the person's functions,

if provision is made for the Auditor General to do so by an agreement entered into by the person with either the Welsh Ministers or a Minister of the Crown.

(4) In determining how to exercise functions under paragraph (b) of sub-paragraph (3) the Auditor General must take into account the Audit Committee's views as to the examinations which the Auditor General should carry out under that paragraph.

(5) If an Order in Council under section 58 transfers a function of preparing accounts to the Welsh Ministers, the Secretary of State may by order provide for the transfer to the Auditor General of any function of the Comptroller and Auditor General in relation to those accounts.

(6) An order under sub-paragraph (5) may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as the Secretary of State considers appropriate in connection with the provision made by the order.

(7) An Order in Council under section 58 may include any provision that may be included in an order under sub-paragraph (5).

(8) If the Treasury designate the Welsh Ministers in respect of a financial year for the purposes of section 10 of the Government Resources and Accounts Act 2000 (c. 20) (whole of government accounts), the Auditor General must carry out the audit required by subsection (2)(c) of that section.

(9) Where the Treasury make arrangements with the Welsh Ministers under subsection (8) of that section, the Auditor General must carry out the audit required by paragraph (c) of that subsection.

(10) No order under sub-paragraph (5) which contains provisions in the form of amendments or repeals of enactments contained in an Act is to be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(11) A statutory instrument containing an order under sub-paragraph (5) is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

## Reports in public interest

19 (1) If the Auditor General thinks that it would be in the public interest to bring to the public's attention a matter coming to the Auditor General's notice in the course of an examination or study to which sub-paragraph (2) applies, the Auditor General may prepare a report on that matter.

(2) This sub-paragraph applies to—

(a) an examination of auditable accounts (other than accounts falling to be examined under paragraph 18(3)(a)), and

(b) an examination or study under section 135 or 140 of this Act, section 145 of the Government of Wales Act 1998 (c. 38) (examinations into use of resources by body specified in Schedule 17 to that Act) or section 145A of that Act (studies for improving economy etc. in services provided by relevant bodies), except one undertaken at the request of the body or bodies to which it relates.

(3) The Auditor General must, as soon as practicable after preparing a report under sub-paragraph (1), lay the report before the Assembly.

(4) In this paragraph "auditable accounts" has the same meaning as in paragraph 17.

## Certification of claims, returns etc.

20 (1) The Auditor General must, if so required by a relevant body, make arrangements for—

(a) certifying any claim or return in respect of a grant made or subsidy paid to that body by the Welsh Ministers, any Minister of the Crown or any public authority,

(b) certifying any account submitted by that body to the Welsh Ministers, any Minister of the Crown or any public authority with a view to obtaining payment under a contract between that body and the Welsh Ministers, the Minister of the Crown or the public authority,

(c) certifying that body's calculation under paragraph 5(6)(a) of Schedule 8 to the Local Government Finance Act 1988 (c. 41) of the amount of its non-domestic rating contribution for a financial year, and for certifying the amount calculated, or

(d) certifying any return by that body which, by or under any enactment, is required or authorised to be certified by the body's auditor or under arrangements made by the Auditor General.

(2) In this paragraph—

- “public authority” means a body established by or under the Community Treaties or any enactment, and

- “relevant body” means at any time—

(a)

a body whose accounts, or statements of accounts, are auditable accounts within the meaning of paragraph 17(7), or

(b)

a body which at that time is a local government body in Wales (within the meaning given in section 12(1) of the Public Audit (Wales) Act 2004 (c. 23)).

## Ancillary powers

21 (1) Arrangements may be made between the Auditor General and a relevant authority—

(a) for any function of the authority to be exercised by, or by a member of the staff of, the Auditor General, or

(b) for administrative, professional or technical services to be provided by the Auditor General to the authority or by the authority to the Auditor General.

(2) Any arrangements under sub-paragraph (1)(a) for the exercise of any function of a relevant authority do not affect the responsibility of the relevant authority on whose behalf the function is exercised.

(3) If the condition in sub-paragraph (4) is met, the Auditor General and—

(a) a relevant authority,

(b) a qualified auditor, or

(c) an accountancy body,

may make arrangements to co-operate with, and give assistance to, each other.

(4) The condition is that—

(a) the Auditor General considers that to do so would facilitate, or be conducive to, the exercise of the Auditor General's functions, and

(b) the relevant authority, qualified auditor or accountancy body in question considers that to do so would facilitate, or be conducive to, the exercise of the functions of that authority, person or body.

(5) The Auditor General may make arrangements under this paragraph on such terms and conditions, including conditions as to payment, as the Auditor General thinks fit.

(6) In this paragraph—

- “accountancy body” means—

(a)

a body which is a recognised supervisory body for the purposes of Part 2 of the Companies Act 1989 (c. 40), or

(b)

an approved European body of accountants,

- “approved European body of accountants” means a body of accountants which—

(a)

is established in the United Kingdom or another state which is either a member State or a non-member EEA State, and

(b)

is for the time being approved by the Welsh Ministers by order,

- “non-member EEA State” means any State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as adjusted by the Protocol signed at Brussels on 17th March 1993) but which is not a member State,

- “qualified auditor” means a person eligible to be appointed as an auditor under section 14 of the Public Audit (Wales) Act 2004 (c. 23) (auditor appointed in respect of local government bodies in Wales), and

- “relevant authority” means any Minister of the Crown or government department, any public authority (including any local authority) or the holder of any public office.

(7) A statutory instrument containing an order under sub-paragraph (6) is subject to annulment in pursuance of a resolution of the Assembly.

Section 149

## SCHEDULE 9 DEVOLUTION ISSUES

### PART 1 PRELIMINARY

1 (1) In this Schedule “devolution issue” means—

(a) a question whether an Assembly Measure or Act of the Assembly, or any provision of an Assembly Measure or Act of the Assembly, is within the Assembly’s legislative competence,

(b) a question whether any function (being a function which any person has purported, or is proposing, to exercise) is exercisable by the Welsh Ministers, the First Minister or the Counsel General,

(c) a question whether the purported or proposed exercise of a function by the Welsh Ministers, the First Minister or the Counsel General is, or would be, within the powers of the Welsh Ministers, the First Minister or the Counsel General (including a question whether a purported or proposed exercise of a function is, or would be, outside those powers by virtue of section 80(8) or 81(1)),

(d) a question whether there has been any failure to comply with a duty imposed on the Welsh Ministers, the First Minister or the Counsel General (including any obligation imposed by virtue of section 80(1) or (7)), or

(e) a question of whether a failure to act by the Welsh Ministers, the First Minister or the Counsel General is incompatible with any of the Convention rights.

(2) In this Schedule “civil proceedings” means proceedings other than criminal proceedings.

2 A devolution issue is not to be taken to arise in any proceedings merely because of any contention of a party to the proceedings which appears to the court or tribunal before which the proceedings take place to be frivolous or vexatious.

### PART 2 PROCEEDINGS IN ENGLAND AND WALES

#### Application of Part 2

3 This Part applies in relation to devolution issues in proceedings in England and Wales.

#### Institution of proceedings

4 (1) Proceedings for the determination of a devolution issue may be instituted by the Attorney General or the Counsel General.

(2) The Counsel General may defend any such proceedings instituted by the Attorney General.

(3) This paragraph does not limit any power to institute or defend proceedings exercisable apart from this paragraph by any person.

#### Notice of devolution issue

5 (1) A court or tribunal must order notice of any devolution issue which arises in any proceedings before it to be given to the Attorney General and the Counsel General (unless a party to the proceedings).

(2) A person to whom notice is given in pursuance of sub-paragraph (1) may take part as a party in the proceedings, so far as they relate to a devolution issue.

### Reference of devolution issue to High Court or Court of Appeal

6 A magistrates' court may refer any devolution issue which arises in civil proceedings before it to the High Court.

7 (1) A court may refer any devolution issue which arises in civil proceedings before it to the Court of Appeal.

(2) Sub-paragraph (1) does not apply—

(a) to a magistrates' court, the Court of Appeal or the Supreme Court, or

(b) to the High Court if the devolution issue arises in proceedings on a reference under paragraph 6.

8 A tribunal from which there is no appeal must refer any devolution issue which arises in proceedings before it to the Court of Appeal; and any other tribunal may make such a reference.

9 A court, other than the Court of Appeal or the Supreme Court, may refer any devolution issue which arises in criminal proceedings before it to—

(a) the High Court if the proceedings are summary proceedings, or

(b) the Court of Appeal if the proceedings are proceedings on indictment.

### References from Court of Appeal to Supreme Court

10 The Court of Appeal may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 7, 8 or 9) to the Supreme Court.

### Appeals from superior courts to Supreme Court

11 An appeal against a determination of a devolution issue by the High Court or the Court of Appeal on a reference under paragraph 6, 7, 8 or 9 lies to the Supreme Court but only—

(a) with permission of the court from which the appeal lies, or

(b) failing such permission, with permission of the Supreme Court.

## PART 3 PROCEEDINGS IN SCOTLAND

### Application of Part 3

12 This Part applies in relation to devolution issues in proceedings in Scotland.

### Institution of proceedings

13 (1) Proceedings for the determination of a devolution issue may be instituted by the Advocate General for Scotland.

(2) The Counsel General may defend any such proceedings instituted by the Advocate General for Scotland.

(3) This paragraph does not limit any power to institute or defend proceedings exercisable apart from this paragraph by any person.

### Intimation of devolution issue

14 (1) A court or tribunal must order intimation of any devolution issue which arises in any proceedings before it to be given to the Advocate General for Scotland and the Counsel General (unless a party to the proceedings).

(2) A person to whom notice is given in pursuance of sub-paragraph (1) may take part as a party in the proceedings, so far as they relate to a devolution issue.

### Reference of devolution issue to higher court

15 A court, other than any court consisting of three or more judges of the Court of Session or the Supreme Court, may refer any devolution issue which arises in civil proceedings before it to the Inner House of the Court of Session.

16 A tribunal from which there is no appeal must refer any devolution issue which arises in proceedings before it to the Inner House of the Court of Session; and any other tribunal may make such a reference.

17 A court, other than any court consisting of two or more judges of the High Court of Justiciary, may refer any devolution issue which arises in criminal proceedings before it to the High Court of Justiciary.

### References from superior courts to Supreme Court

18 Any court consisting of three or more judges of the Court of Session may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 15 or 16) to the Supreme Court.

19 Any court consisting of two or more judges of the High Court of Justiciary may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 17) to the Supreme Court.

### Appeals from superior courts to Supreme Court

20 An appeal against a determination of a devolution issue by the Inner House of the Court of Session on a reference under paragraph 15 or 16 lies to the Supreme Court.

21 An appeal against a determination of a devolution issue by—

(a) a court consisting of two or more judges of the High Court of Justiciary (whether in the ordinary course of proceedings or on a reference under paragraph 17), or

(b) a court consisting of three or more judges of the Court of Session from which there is no appeal to the Supreme Court apart from this paragraph,

lies to the Supreme Court, but only with permission of the court from which the appeal lies or, failing such permission, with permission of the Supreme Court.

## PART 4 PROCEEDINGS IN NORTHERN IRELAND

### Application of Part 4

22 This Part applies in relation to devolution issues in proceedings in Northern Ireland.

### Institution of proceedings

23 (1) Proceedings for the determination of a devolution issue may be instituted by the Advocate General for Northern Ireland.

(2) The Counsel General may defend any such proceedings instituted by the Advocate General for Northern Ireland.

(3) This paragraph does not limit any power to institute or defend proceedings exercisable apart from this paragraph by any person.

### Notice of devolution issue

24 (1) A court or tribunal must order notice of any devolution issue which arises in any proceedings before it to be given to the Advocate General for Northern Ireland and the Counsel General (unless a party to the proceedings).

(2) A person to whom notice is given in pursuance of sub-paragraph (1) may take part as a party in the proceedings, so far as they relate to a devolution issue.

### Reference of devolution issue to Court of Appeal

25 A court, other than the Court of Appeal in Northern Ireland or the Supreme Court, may refer any devolution issue which arises in any proceedings before it to the Court of Appeal in Northern Ireland.

26 A tribunal from which there is no appeal must refer any devolution issue which arises in proceedings before it to the Court of Appeal in Northern Ireland; and any other tribunal may make such a reference.

### References from Court of Appeal to Supreme Court

27 The Court of Appeal in Northern Ireland may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 25 or 26) to the Supreme Court.

### Appeals from Court of Appeal to Supreme Court

28 An appeal against a determination of a devolution issue by the Court of Appeal in Northern Ireland on a reference under paragraph 25 or 26 lies to the Supreme Court but only—

(a) with permission of the Court of Appeal in Northern Ireland, or



(b) failing such permission, with permission of the Supreme Court.

## PART 5 GENERAL

### Direct references to Supreme Court

29 (1) The relevant officer may require any court or tribunal to refer to the Supreme Court any devolution issue which has arisen in any proceedings before it to which that person is a party.

(2) In sub-paragraph (1) “the relevant officer” means—

(a) in relation to proceedings in England and Wales, the Attorney General or the Counsel General,

(b) in relation to proceedings in Scotland, the Advocate General for Scotland, and

(c) in relation to proceedings in Northern Ireland, the Advocate General for Northern Ireland.

30 (1) The Attorney General or the Counsel General may refer to the Supreme Court any devolution issue which is not the subject of proceedings.

(2) Where a reference is made under sub-paragraph (1) by the Attorney General in relation to a devolution issue which relates to the proposed exercise of a function by the Welsh Ministers, the First Minister or the Counsel General—

(a) the Attorney General must notify the Counsel General of that fact, and

(b) the function must not be exercised by the Welsh Ministers, the First Minister or the Counsel General in the manner proposed during the period beginning with the receipt of the notification and ending with the reference being decided or otherwise disposed of.

### Costs

31 (1) A court or tribunal before which any proceedings take place may take account of any additional expense of the kind mentioned in sub-paragraph (3) in deciding any question as to costs or expenses.

(2) In deciding any such question the court or tribunal may award the whole or part of the additional expense as costs or expenses to the party who incurred it (whatever the decision on the devolution issue).

(3) The additional expense is any additional expense which the court or tribunal considers that any party to the proceedings has incurred as a result of the participation of any person in pursuance of paragraph 5, 14 or 24.

### Procedure of courts and tribunals

32 Any power to make provision for regulating the procedure before any court or tribunal includes power to make provision for the purposes of this Schedule including, in particular, provision—

(a) for prescribing the stage in the proceedings at which a devolution issue is to be raised or referred,

(b) for the staying or sisting of proceedings for the purpose of any proceedings under this Schedule, and

(c) for determining the manner in which and the time within which any notice or intimation is to be given.

### References to be for decision

33 Any function conferred by this Schedule to refer a devolution issue to a court is to be construed as a function of referring the issue to the court for decision.

Section 160

## SCHEDULE 10 MINOR AND CONSEQUENTIAL AMENDMENTS

### Statutory Instruments Act 1946 (c. 36)

1 The Statutory Instruments Act 1946 is amended as follows.

2 In section 1 (definition of “statutory instrument”), for subsection (1A) substitute—

“(1A) Where by any Act power to make, confirm or approve orders, rules, regulations or other subordinate legislation is conferred on the Welsh Ministers and the power is expressed to be exercisable by statutory instrument, any document by which that power is exercised shall be known as a “statutory instrument” and the provisions of this Act shall apply to it accordingly.”

3 After section 11 insert—

#### “11A Application in relation to Wales

(1) References in this Act to any Act include references to any Measure or Act of the National Assembly for Wales.

(2) Sections 4 to 7 and 8(1)(b) apply as if the references in them to—

- (a) Parliament,
- (b) either or each House of Parliament, or
- (c) both Houses of Parliament,

include references to the National Assembly for Wales.

(3) In the application of subsection (1) of section 4 by virtue of subsection (2), the reference to the Speaker of the House of Commons and the Speaker of the House of Lords is to the Presiding Officer of the National Assembly for Wales.

(4) Where—

(a) by any Act it is provided that any statutory instrument shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales, and

(b) a copy of the instrument is not laid before that Assembly at least 21 days before the instrument comes into operation,

notification shall be sent to the Presiding Officer of that Assembly when a copy of the instrument is laid before that Assembly drawing attention to the fact that a copy of it has not been laid before that Assembly at least 21 days before it comes into operation and explaining why.

(5) In the application of section 5 by virtue of subsection (2)—

(a) the reference in subsection (1) of that section to a resolution that an Address be presented praying that the instrument be annulled is to a resolution that the instrument be annulled,

(b) in a case where the instrument was made by the Welsh Ministers alone, the power in that subsection of Her Majesty to revoke the instrument by Order in Council is a power of the Welsh Ministers to revoke it by order made by statutory instrument which is to be laid before the National Assembly for Wales after being made, and

(c) the reference in subsection (2) of that section to an Act containing provisions of the kind mentioned in that subsection is to an Act which contains a power in relation to which such provisions apply by virtue of the Government of Wales Act 2006.

(6) In the application of section 6 by virtue of subsection (2) the reference in subsection (2) of that section to an Act which contains provisions of the kind mentioned in that subsection is to an Act which contains a power in relation to which such provisions apply by virtue of the Government of Wales Act 2006.

(7) In the application of section 7 by virtue of subsection (2) the reference in subsection (1) of that section to any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days is to any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.

(8) References in this Act to the Welsh Ministers, other than the second reference in subsection (5)(b), include the First Minister for Wales and the Counsel General to the Welsh Assembly Government.”

### Laying of Documents before Parliament (Interpretation) Act 1948 (c. 59)

4 In section 1 of the Laying of Documents before Parliament (Interpretation) Act 1948 (meaning of references to laying before Parliament), after subsection (1) insert—

“(1A) A reference in any enactment to laying any document before the National Assembly for Wales is (unless the contrary intention appears) to be construed as a reference to the taking, during any time when that Assembly is not dissolved, of such action as is specified in the standing orders of that Assembly as constituting the laying of a document before that Assembly, even if the action so specified consists (wholly or partly) of action capable of being taken when that Assembly is in recess.”

### Defamation Act 1952 (c. 66)

5 In section 10 of the Defamation Act 1952 (limitation on privilege at elections), after “local government authority” insert “, to the National Assembly for Wales,”.

### Defamation Act (Northern Ireland) 1955 (c. 11 (N.I.))

6 In section 10(1) of the Defamation Act (Northern Ireland) 1955 (limitation on privilege at elections), after “Scottish Parliament” insert “or to the National Assembly for Wales”.

## Public Records Act 1958 (c. 51)

7 In the First Schedule to the Public Records Act 1958 (definition of “public records”), in the following provisions, for “the Government of Wales Act 1998” substitute “the Government of Wales Act 2006”—

- (a) paragraph 2(2)(e),
- (b) paragraph 5,
- (c) paragraph 6, and
- (d) paragraph 7(1).

## Parliamentary Commissioner Act 1967 (c. 13)

8 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), in the Note relating to the Environment Agency and the Note relating to the Forestry Commission, for “the Government of Wales Act 1998” substitute “the Government of Wales Act 2006”.

## Pensions (Increase) Act 1971 (c. 56)

9 In Part 2 of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), in paragraph 38B, for “section 18(2)(b) of the Government of Wales Act 1998” substitute “section 20(4)(b) or section 53(4)(b) of the Government of Wales Act 2006”.

## Local Government Act 1974 (c. 7)

10 In section 27(1) of the Local Government Act 1974 (provisions relating to complaints)—

- (a) in paragraph (a), after “including” insert “the Welsh Ministers, the National Assembly for Wales Commission or the”, and
- (b) in paragraph (b), for “National Assembly for Wales” (in both places) substitute “Welsh Ministers”.

## Interpretation Act 1978 (c. 30)

11 In the Interpretation Act 1978, after section 23A insert—

“23B Measures and Acts of the National Assembly for Wales etc.

(1) Subject as follows, the provisions of this Act—

- (a) apply to a Measure or Act of the National Assembly for Wales as they apply to an Act, and
- (b) apply to an instrument made under a Measure or Act of the National Assembly for Wales as they apply to other subordinate legislation.

(2) Sections 1 to 3 do not apply to a Measure or Act of the National Assembly for Wales.

(3) In this Act references to an enactment include an enactment comprised in, or in an instrument made under, a Measure or Act of the National Assembly for Wales.

(4) In the application of this Act to a Measure or Act of the National Assembly for Wales, references to the passing of an Act or an enactment are to be read as references to the enactment of the Measure or Act.

(5) Section 4(b) does not apply to a Measure of the National Assembly for Wales; but where such a Measure makes no provision for the coming into force of a provision contained in it, that provision comes into force at the beginning of the day on which the Measure is approved by Her Majesty in Council.”

## Local Government, Planning and Land Act 1980 (c. 65)

12 In paragraph 5 of Schedule 31 to the Local Government, Planning and Land Act 1980 (financial provisions relating to urban development corporations: guarantees), for sub-paragraph (3) substitute—

“(3) Any sums required for fulfilling a guarantee under this paragraph shall be charged on and issued out of—

- (a) the Consolidated Fund, if required by the Treasury, or
- (b) the Welsh Consolidated Fund, if required by the Welsh Ministers.”

## Mental Health Act 1983 (c. 20)

13 In section 141(9)(b) of the Mental Health Act 1983 (application to the National Assembly for Wales), after “National Assembly for Wales” insert “Commission”.

## National Audit Act 1983 (c. 44)

14 The National Audit Act 1983 is amended as follows.

15 (1) Section 6 (departments, authorities and bodies subject to examinations by the Comptroller and Auditor General) is amended as follows.

(2) In subsection (3), for paragraph (aa) substitute—

“(aa) the Welsh Ministers;

(ab) the National Assembly for Wales Commission;”.

(3) After that subsection insert—

“(3A) Before carrying out an examination under this section in respect of the Welsh Ministers or the National Assembly for Wales Commission, the Comptroller and Auditor General shall—

(a) consult the Auditor General for Wales, and

(b) take into account any relevant work done or being done by the Auditor General for Wales.”

16 (1) Section 8 (right to obtain documents and information) is amended as follows.

(2) In subsection (1), after “below” insert “and except in relation to an examination under section 6 above in respect of the Welsh Ministers or the National Assembly for Wales Commission”.

(3) After subsection (2) insert—

“(3) For the purpose of enabling an examination under section 6 above to be carried out in respect of the Welsh Ministers or the National Assembly for Wales Commission the Comptroller and Auditor General—

(a) shall have a right of access at all reasonable times to all such documents in the custody or under the control of any of the persons mentioned in subsection (4) below as may be reasonably required for that purpose, and

(b) shall be entitled to require from any person holding or accountable for any of those documents such information and explanation as are reasonably necessary for that purpose.

(4) The persons referred to in subsection (3)(a) above are—

(a) the Welsh Ministers,

(b) the National Assembly for Wales Commission,

(c) any other person audited by the Auditor General for Wales other than a Welsh NHS body (within the meaning given in section 60 of the Public Audit (Wales) Act 2004 (c. 23)), and

(d) the Auditor General for Wales.

(5) Before acting in reliance on subsection (3) above the Comptroller and Auditor General shall—

(a) consult the Auditor General for Wales, and

(b) take into account any relevant work done or being done by the Auditor General for Wales.”

17 (1) Section 9 (reports to House of Commons) is amended as follows.

(2) The existing provision is re-numbered as subsection (1).

(3) After that subsection insert—

“(2) If the Comptroller and Auditor General reports the results of an examination carried out under section 6 above in respect of the Welsh Ministers or the National Assembly for Wales Commission to the House of Commons, the Comptroller and Auditor General shall at the same time lay a report of the results of the examination before the National Assembly for Wales.”

## Insolvency Act 1986 (c. 45)

18 In section 427(6B)(b) of the Insolvency Act 1986 (application to the National Assembly for Wales), for “section 12(2) of the Government of Wales Act 1998” substitute “section 16(2) of the Government of Wales Act 2006”.

## Public Order Act 1986 (c. 64)

19 In section 26(1) of the Public Order Act 1986 (saving for reports of parliamentary proceedings), after “Scottish Parliament” insert “or in the National Assembly for Wales”.

### Finance Act 1987 (c. 16)

20 In section 55(1)(c) of the Finance Act 1987 (exemption from stamp duty for the National Assembly for Wales), for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government or the National Assembly for Wales Commission”.

### Local Government Finance Act 1988 (c. 41)

21 In Schedule 8 to the Local Government Finance Act 1988 (non-domestic rating: pooling), after paragraph 15 insert—

#### *“Source of payments by Welsh Ministers*

16 Sums required for the making of payments by the Welsh Ministers under this Part of this Schedule are to be charged on the Welsh Consolidated Fund.”

### Copyright, Designs and Patents Act 1988 (c. 48)

22 The Copyright, Designs and Patents Act 1988 is amended as follows.

23 In section 12(9) (duration of copyright in literary, dramatic, musical or artistic works), for “166B” substitute “166D”.

24 In section 49 (public records), for “the Government of Wales Act 1998” substitute “the Government of Wales Act 2006”.

25 In section 153(2) (qualification for copyright protection), for “166B” substitute “166D”.

26 (1) Section 163 (Crown copyright) is amended as follows.

(2) Omit subsection (1A).

(3) In subsection (6), for “166B” substitute “166D”.

27 (1) Section 164 (copyright in Acts and Measures) is amended as follows.

(2) In subsection (1), after “Scottish Parliament,” insert “Measure of the National Assembly for Wales, Act of the National Assembly for Wales,”.

(3) In subsection (2), for the words after “subsists” substitute—

“(a) in the case of an Act or a Measure of the General Synod of the Church of England, until the end of the period of 50 years from the end of the calendar year in which Royal Assent was given, and

(b) in the case of a Measure of the National Assembly for Wales, until the end of the period of 50 years from the end of the calendar year in which the Measure was approved by Her Majesty in Council.”

28 After section 166B insert—

#### **“166C Copyright in proposed Measures of the National Assembly for Wales**

(1) Copyright in every proposed Assembly Measure introduced into the National Assembly for Wales belongs to the National Assembly for Wales Commission.

(2) Copyright under this section subsists from the time when the text of the proposed Assembly Measure is handed in to the Assembly for introduction—

(a) until the proposed Assembly Measure is approved by Her Majesty in Council, or

(b) if the proposed Assembly Measure is not approved by Her Majesty in Council, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.

(3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.

(4) No other copyright, or right in the nature of copyright, subsists in a proposed Assembly Measure after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a proposed Assembly Measure which, not having been approved by Her Majesty in Council, is later reintroduced into the Assembly.

## 166D Copyright in Bills of the National Assembly for Wales

(1) Copyright in every Bill introduced into the National Assembly for Wales belongs to the National Assembly for Wales Commission.

(2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Assembly for introduction—

(a) until the Bill receives Royal Assent, or

(b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.

(3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.

(4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Assembly.”

29 (1) Section 178 (minor definitions) is amended as follows.

(2) In the definition of “the Crown”, after “the Scottish Administration” insert “, of the Welsh Assembly Government”.

(3) In the definition of “parliamentary proceedings”, after “European Parliament” insert “and Assembly proceedings within the meaning of section 1(5) of the Government of Wales Act 2006”.

30 In section 179 (index of defined expressions), in column 2 of the entry for “Parliamentary copyright”, for “and 166B(3)” substitute “166B(3) 166C(3) and 166D(3)”.

31 (1) Section 263(1) (Part 3: minor definitions) is amended as follows.

(2) In the definition of “the Crown”, insert at the end “and the Crown in right of the Welsh Assembly Government”.

(3) In the definition of “government department”, insert at the end “and any part of the Welsh Assembly Government”.

32 In paragraph 10(1) of Schedule 2 (public records), for “the Government of Wales Act 1998” substitute “the Government of Wales Act 2006”.

## Housing Act 1988 (c. 50)

33 In paragraph 5 of Schedule 8 to the Housing Act 1988 (financial provisions relating to housing action trusts: guarantees), for sub-paragraph (3) substitute—

“(3) Any sums required for fulfilling a guarantee under this paragraph shall be charged on and issued out of—

(a) the Consolidated Fund, if required by the Treasury, or

(b) the Welsh Consolidated Fund, if required by the Welsh Ministers.”

## Official Secrets Act 1989 (c. 6)

34 In section 12 of the Official Secrets Act 1989 (meaning of “Crown servant” and “government contractor”)—

(a) in subsection (1), after paragraph (aa) insert—

“(ab) the First Minister for Wales, a Welsh Minister appointed under section 48 of the Government of Wales Act 2006, the Counsel General to the Welsh Assembly Government or a Deputy Welsh Minister;”, and

(b) in subsection (2), in paragraph (a), after “(a)” insert “, (ab)” and omit paragraph (aa).

## Town and Country Planning Act 1990 (c. 8)

35 In section 321B of the Town and Country Planning Act 1990 (planning inquiries relating to Wales: national security)—

(a) in subsection (2), for “National Assembly for Wales” substitute “Welsh Assembly Government”, and

(b) omit subsection (5).

## Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

36 In paragraph 8 of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990 (local inquiries relating to Wales: national security)—

- (a) in sub-paragraph (2), for “National Assembly for Wales” substitute “Welsh Assembly Government”, and
- (b) omit sub-paragraph (5).

## Planning (Hazardous Substances) Act 1990 (c. 10)

37 In paragraph 8 of the Schedule to the Planning (Hazardous Substances) Act 1990 (local inquiries relating to Wales: national security)—

- (a) in sub-paragraph (2), for “National Assembly for Wales” substitute “Welsh Assembly Government”, and
- (b) omit sub-paragraph (5).

## Tribunals and Inquiries Act 1992 (c. 53)

38 In section 16(1) of the Tribunals and Inquiries Act 1992 (interpretation), in the definition of “Minister”, for “National Assembly for Wales” substitute “Welsh Ministers”.

## Value Added Tax Act 1994 (c. 23)

39 In section 41(6) of the Value Added Tax Act 1994 (meaning of “Government department”), for “National Assembly for Wales” substitute “Welsh Assembly Government”.

## Defamation Act 1996 (c. 31)

40 In paragraph 11(1)(c) of Schedule 1 to the Defamation Act 1996 (qualified privilege: accurate reports of proceedings of inquiries etc.), after “Scottish Executive” insert “, the Welsh Ministers or the Counsel General to the Welsh Assembly Government”.

## Government of Wales Act 1998 (c. 38)

41 The Government of Wales Act 1998 is amended as follows.

42 (1) Section 28 (reform of other Welsh public bodies) is amended as follows.

- (2) For “Assembly” (in each place) substitute “Welsh Ministers”.
- (3) In subsection (2), for “considers” substitute “consider”.
- (4) After subsection (7) insert—

“(7A) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of the Assembly.”

43 (1) Section 104 (Her Majesty’s Chief Inspector of Education and Training in Wales) is amended as follows.

- (2) For “Assembly” (in each place) substitute “Welsh Ministers”.
- (3) In subsection (2)—
  - (a) for “it”, in the first place, substitute “they”, and
  - (b) for “it considers” substitute “they consider”.
- (4) In subsection (3), for “it considers” (in both places) substitute “they consider”.
- (5) In subsection (4), for “it is” substitute “they are”.
- (6) In subsection (4A)—
  - (a) for “it”, in the first and third places, substitute “them”, and
  - (b) for “it is” substitute “they are”.
- (7) In subsection (4B), for “it gives its” substitute “they give their”.
- (8) Omit subsection (5).

44 (1) Section 105 (Forestry Commissioners) is amended as follows.

- (2) For “Assembly” (in each place) substitute “Welsh Ministers”.

(3) In subsection (2)—

(a) for “it”, in the first place, substitute “they”, and

(b) for “considers” substitute “consider”.

(4) In subsection (3), for “it considers” (in both places) substitute “they consider”.

(5) In subsection (4), for “it is” substitute “they are”.

45 (1) Section 144 (power of Secretary of State by order to make provision about accounts etc. of bodies specified in Schedule 17) is amended as follows.

(2) In subsection (1), for “Secretary of State” substitute “Welsh Ministers”.

(3) In subsection (3)—

(a) for paragraph (a) substitute—

“(a) the Permanent Secretary to the Welsh Assembly Government to designate accounting officers and to specify their responsibilities,”, and

(b) in paragraph (d), for “Assembly (or, before the first ordinary election, by the Secretary of State)” substitute “Welsh Ministers”.

(4) For subsection (4) substitute—

“(4) The Welsh Ministers may by order make provision for the Permanent Secretary to the Welsh Assembly Government to designate accounting officers of any body specified in Part 3 of Schedule 17 and to specify their responsibilities.

(4A) An order under subsection (1) or (4) may not remove or restrict any function of the Comptroller and Auditor General.”

(5) After subsection (5) insert—

“(5A) A statutory instrument containing an order under subsection (1) or (4), other than an order to which subsection (5B) applies, is subject to annulment in pursuance of a resolution of the Assembly.

(5B) No order to which this subsection applies may be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.

(5C) Subsection (5B) applies to an order under subsection (1) or (4) which contains provisions in the form of amendments or repeals of enactments contained in an Act of Parliament, Assembly Measure or Act of the Assembly.”

(6) Omit subsection (6).

(7) In subsection (8)—

(a) for “Secretary of State” substitute “Welsh Ministers”, and

(b) in paragraph (a), after “other than” insert “the National Assembly for Wales Commission,”.

(8) After that subsection insert—

“(8ZA) No order under subsection (8) may be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”

(9) Omit subsection (8A).

(10) In subsection (9), before the word “and” at the end of paragraph (b) insert—

“(ba) “Permanent Secretary to the Welsh Assembly Government” means the person appointed in accordance with section 52 of the Government of Wales Act 2006 to be the head of the staff of the Welsh Assembly Government (whether or not that person is known by the title of Permanent Secretary to the Welsh Assembly Government),”.

46 (1) Section 145 (examinations by Auditor General into discharge of functions by bodies and offices specified in Schedule 17) is amended as follows.

(2) In subsection (3), omit “(or, before the first ordinary election, the views of the Secretary of State)”.

(3) In subsection (7), for “section 96(3)(b)” substitute “paragraph 18(3)(b) of Schedule 8 to the Government of Wales Act 2006 (agreement between a person and the Welsh Ministers etc. to permit the Auditor General to carry out an examination into the discharge of functions by that person)”.



47 In section 145A(5) (studies by Auditor General into discharge of functions by relevant bodies: meaning of “relevant body”), for paragraph (a) substitute—

“(a) a person who prepares accounts or statements of accounts falling to be examined by the Auditor General for Wales in accordance with any provision made by or under this or any other Act;”.

48 (1) Section 145C (studies by Auditor General into discharge of functions by registered social landlords) is amended as follows.

(2) In subsection (1), for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (3), for “Assembly” substitute “Welsh Ministers”.

(4) In subsection (6), for “section 95(3)(a) or (b)” substitute “paragraph 17(3)(a) or (b) of Schedule 8 to the Government of Wales Act 2006 (requirement to give assistance, information or explanation to the Auditor General for Wales)”.

(5) In subsection (8), for “Assembly” substitute “Welsh Ministers”.

49 In section 146(4) (power of Secretary of State by order to transfer etc. functions from the Comptroller and Auditor General to the Auditor General), for “22” substitute “58 of the Government of Wales Act 2006”.

50 (1) Section 146A (transfer etc. of supervisory functions from the Assembly to the Auditor General) is amended as follows.

(2) In subsection (1)—

(a) for “Assembly” substitute “Welsh Ministers”, and

(b) for “its” (in both places) substitute “their”.

(3) In subsection (3), for “Assembly” substitute “Welsh Ministers”.

(4) After subsection (5) insert—

“(6) No order under subsection (1) may be made unless a draft of the statutory instrument containing it has been laid before, and approved by resolution of, the Assembly.”

(5) In the heading, for “Assembly” substitute “Welsh Ministers”.

51 (1) Section 147 (power of Secretary of State by order to make provision about Environment Agency’s Welsh functions) is amended as follows.

(2) In subsection (1)(a), for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (3), for “22” substitute “58 of the Government of Wales Act 2006”.

(4) In subsection (4), for “Assembly” (in each place) substitute “Welsh Ministers”.

52 In section 151(2) (power to make consequential amendments), for “22” substitute “58 of the Government of Wales Act 2006”.

53 (1) Section 154 (orders and directions) is amended as follows.

(2) In subsection (1), for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (3)—

(a) omit paragraph (a), and

(b) in paragraph (b)—

(i) omit “96(5), 117,”, and

(ii) omit “144(1) or (4),”.

(4) Omit subsection (4).

(5) In subsection (6)—

(a) in paragraph (a)—

(i) omit from “3” to “118(1)(f),”,

(ii) omit “144(1) or (4),”, and

(iii) omit “or paragraph 17(9) of Schedule 9”, and

(b) omit paragraph (b).

(6) Omit subsection (7).

54 (1) Section 155 (interpretation) is amended as follows.

(2) In subsection (1), insert the following definitions in the appropriate places—

““the Assembly” means the National Assembly for Wales,”

““Audit Committee” has the meaning given by section 30 of the Government of Wales Act 2006,”

““cross-border body” means any body (including a government department) or undertaker exercising functions, or carrying on activities, in or with respect to Wales (or any part of Wales) and anywhere else,”

and

““English border area” means a part of England adjoining Wales (but not the whole of England).”

(3) In that subsection, omit the definitions of “Community law” and “delegate”.

(4) In that subsection, for the definition of “Wales” substitute—

““Wales” has the same meaning as in the Government of Wales Act 2006.”

(5) Omit subsection (2).

(6) In subsection (3), omit the words from “; and the” to the end.

55 (1) Schedule 7 (Forestry Commissioners) is amended as follows.

(2) In paragraph 2 (functions of making subordinate legislation), for sub-paragraphs (2) to (8) substitute—

“(2) No provision—

(a) requiring the statutory instrument, or a draft of the statutory instrument, to be laid before Parliament or either House of Parliament,

(b) for the annulment or approval of the statutory instrument, or a draft of the statutory instrument, by or in pursuance of a resolution of either House of Parliament or of both Houses, or

(c) prohibiting the making of the statutory instrument without such approval,

has effect in relation to the function.

(3) But the subordinate legislation may not be made without the consent of the Welsh Ministers.”

(3) In paragraph 4(3) (receipts)—

(a) for “The Assembly” substitute “The Welsh Ministers”, and

(b) for “the Assembly” substitute “them”.

(4) In paragraph 10(1) (reports), for “Assembly directs” (in both places) substitute “Welsh Ministers direct”.

### Human Rights Act 1998 (c. 42)

56 (1) Section 21(1) of the Human Rights Act 1998 (interpretation) is amended as follows.

(2) In the definition of “primary legislation”, for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government,”.

(3) In the definition of “subordinate legislation”, after paragraph (b) insert—

“(ba) Measure of the National Assembly for Wales;

(bb) Act of the National Assembly for Wales;”.

(4) In paragraph (h) of that definition, after “Executive” insert “, Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government,”.

### Government Resources and Accounts Act 2000 (c. 20)

57 In section 10 of the Government Resources and Accounts Act 2000 (designation of body by Treasury for purposes of preparing whole of government accounts), in—

(a) subsection (7) (duty to consult with Assembly), and

(b) subsection (8) (power to make arrangements with Assembly),

for “National Assembly for Wales” substitute “Welsh Ministers”.

## Political Parties, Elections and Referendums Act 2000 (c. 41)

58 The Political Parties, Elections and Referendums Act 2000 is amended as follows.

59 In section 8(3)(b) (functions exercisable only on recommendation of Electoral Commission), for “11 of the Government of Wales Act 1998” substitute “13 of the Government of Wales Act 2006”.

60 In section 10(6) (bodies to which Electoral Commission may give advice and assistance), after paragraph (c) insert—

“(ca) the National Assembly for Wales Commission;”.

61 In section 13 (power of Electoral Commission to promote public awareness of electoral and democratic systems), after subsection (11) insert—

“(12) Subsection (6) shall not apply to the expenditure incurred by the Commission to the extent that it is, or is to be, met under paragraph 6 of Schedule 2 to the Government of Wales Act 2006.”

## Finance Act 2003 (c. 14)

62 The Finance Act 2003 is amended as follows.

63 In section 61(3) (stamp duty land tax: compliance with planning obligations), for the entry relating to the National Assembly for Wales substitute—

“The Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government”.

64 In section 66(4) (stamp duty land tax: transfers involving public bodies)—

(a) for the entry relating to the National Assembly for Wales substitute—

“The Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government”, and

(b) after the entry relating to the Northern Ireland Assembly Commission insert—

“The National Assembly for Wales Commission”.

65 In section 107(2) (stamp duty land tax: Crown application)—

(a) after the entry relating to a Northern Ireland department insert—

“The Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government”, and

(b) for the entry relating to the National Assembly for Wales substitute—

“The National Assembly for Wales Commission”.

## Planning and Compulsory Purchase Act 2004 (c. 5)

66 (1) Section 60 of the Planning and Compulsory Purchase Act 2004 (Wales Spatial Plan) is amended as follows.

(2) In subsection (2)—

(a) for “National Assembly for Wales” substitute “Welsh Ministers”, and

(b) for “it thinks” substitute “they think”.

(3) In subsection (3), for “Assembly” substitute “Welsh Ministers”.

(4) In subsection (4), for the words from “Assembly” to “appropriate)” substitute “Welsh Ministers revise the Plan, they must publish (as they consider appropriate)”.

(5) In subsection (5)—

(a) for “Assembly” substitute “Welsh Ministers”, and

(b) for “it considers” substitute “they consider”.

(6) For subsection (6) substitute—

“(6) The Welsh Ministers may not publish the Plan as revised or the revised parts of the Plan unless the Plan or the revised parts have been laid before, and approved by a resolution of, the National Assembly for Wales.”

(7) Omit subsection (7).

## Public Services Ombudsman (Wales) Act 2005 (c. 10)

67 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

68 In section 7(3)(b) (relevant action: Welsh health service bodies), for “Assembly” substitute “Welsh Ministers”.

69 In section 8(2) (exclusion from investigation for matters not relating to Wales: exception for Assembly), for “Assembly” substitute “Welsh Assembly Government”.

70 In section 9(1)(b) (exclusion from investigation of matters: right of appeal to Assembly), for “or the Assembly” substitute “, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.

71 (1) Section 10 (other excluded matters) is amended as follows.

(2) For “Assembly” (in both places) substitute “Welsh Ministers”.

(3) After subsection (3) insert—

“(3A) No order is to be made under subsection (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”

72 In section 12 (decisions not to investigate etc.), omit subsection (9).

73 (1) Section 16 (reports of investigations) is amended as follows.

(2) In subsection (2)(f)—

(a) for “Assembly First Secretary” substitute “First Minister for Wales”, and

(b) for “Assembly” substitute “Welsh Assembly Government”.

(3) Omit subsection (9).

74 In section 21 (reports: alternative procedure), omit subsection (11).

75 In section 23 (special reports: supplementary), omit subsection (6).

76 (1) Section 24 (special reports relating to the Assembly) is amended as follows.

(2) In subsection (1), for “Assembly” substitute “Welsh Assembly Government or the National Assembly for Wales Commission”.

(3) In subsection (2)—

(a) for “Assembly First Secretary” substitute “relevant person”, and

(b) omit paragraph (b).

(4) After that subsection insert—

“(2A) In subsection (2) “the relevant person” means—

(a) if the complaint was made in respect of the Welsh Assembly Government, the First Minister for Wales, and

(b) if the complaint was made in respect of the National Assembly for Wales Commission, a member of that Commission.”

(5) Omit subsection (3).

(6) In the side-note, for “Assembly” substitute “Welsh Assembly Government etc.”.

77 (1) Section 25 (consultation and co-operation with other ombudsmen) is amended as follows.

(2) In subsections (8) and (9), for “Assembly” substitute “Welsh Ministers”.

(3) After subsection (9) insert—

“(10) No order is to be made under subsection (8) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”

78 (1) Section 28 (listed authorities) is amended as follows.

(2) In subsections (2) and (4), for “Assembly” substitute “Welsh Ministers”.

(3) After subsection (4) insert—

“(4A) No order is to be made under subsection (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”

79 (1) Section 29 (restrictions on power to amend Schedule 3) is amended as follows.

(2) In subsection (1), for “Assembly” substitute “Welsh Assembly Government or the National Assembly for Wales Commission”.

(3) In subsection (2)(b), for “Assembly has” substitute “Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh Assembly Government has,”.

(4) In subsection (3)—

(a) in paragraphs (a) and (b), for “Assembly” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”, and

(b) in paragraph (c), for “directly from payments made by the Assembly or other listed authorities” substitute “out of the Welsh Consolidated Fund or is met directly from payments made by other listed authorities”.

(5) In subsection (5)—

(a) in paragraph (a), for “Assembly” substitute “Welsh Ministers”, and

(b) in paragraph (b), for “directly or indirectly from payments made by the Assembly or other listed authorities” substitute “out of the Welsh Consolidated Fund or directly or indirectly from payments made by other listed authorities”.

80 (1) Section 30 (provisions in orders adding persons to Schedule 3) is amended as follows.

(2) In subsection (1)—

(a) for “Assembly proposes” substitute “Welsh Ministers propose”, and

(b) for “it must” substitute “they must”.

(3) In subsection (2), for “Assembly has” substitute “Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh Assembly Government has,”.

(4) In subsection (3)—

(a) in paragraph (a), for “Assembly has” substitute “Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh Assembly Government has,”, and

(b) in paragraph (b), for “Assembly” substitute “Welsh Ministers”.

81 In section 40 (commencement), for “Assembly” substitute “Welsh Ministers”.

82 (1) Section 41 (interpretation) is amended as follows.

(2) In subsection (1)—

(a) omit the definition of “Assembly Cabinet”,

(b) in the definition of “relevant tribunal”, for “Assembly” substitute “Welsh Ministers”,

(c) in the definition of “social landlord in Wales”—

(i) in paragraph (a), for “Assembly” substitute “Welsh Ministers” and after “section by” insert “the Assembly constituted by the Government of Wales Act 1998,”, and

(ii) in paragraph (b), for “or the Assembly” substitute “, the Assembly constituted by the Government of Wales Act 1998 or the Welsh Ministers”, and

(d) in the definition of “Welsh health service body”, for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (2), for “Assembly” (in both places) substitute “Welsh Ministers”.

(4) After that subsection insert—

“(2A) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of the Assembly.”

(5) In subsection (3), for “Assembly” substitute “Welsh Ministers”.

(6) In subsection (4)—

(a) for “Assembly” substitute “Welsh Ministers”, and

(b) for “it thinks” substitute “they think”.

(7) After that subsection insert—

“(4A) No order is to be made under subsection (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”

83 (1) Section 42 (former health care providers and social landlords) is amended as follows.

(2) In subsection (1), for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (4)(a)—

(a) in sub-paragraph (i), for “Assembly” substitute “Welsh Ministers” and after “section by” insert “the Assembly constituted by the Government of Wales Act 1998,”, and

(b) in sub-paragraph (ii), for “or the Assembly” substitute “, the Assembly constituted by the Government of Wales Act 1998 or the Welsh Ministers”.

(4) After subsection (5) insert—

“(6) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the Assembly.”

84 (1) Section 43 (consequential and transitional provision) is amended as follows.

(2) In subsection (1)—

(a) for “Assembly” substitute “Welsh Ministers”, and

(b) for “it thinks” substitute “they think”.

(3) After subsection (3) insert—

“(4) No order is to be made under subsection (1) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”

85 (1) Section 44 (orders, regulations and directions) is amended as follows.

(2) In subsections (1) and (2), for “Assembly” substitute “Welsh Ministers”.

(3) Omit subsection (3).

86 (1) Schedule 1 (Public Service Ombudsman for Wales: appointment etc.) is amended as follows.

(2) For paragraph 1 (appointment) substitute—

“1 The Ombudsman is to be appointed by Her Majesty on the nomination of the Assembly.”

(3) In paragraph 3 (term of office)—

(a) in sub-paragraph (3), for paragraph (b) substitute—

“(b) on Her Majesty being satisfied that the person is incapable for medical reasons of performing the duties of the office.”,

(b) in sub-paragraph (4), for the words following “Ombudsman” substitute “on the making of a recommendation, on the ground of the person’s misbehaviour, that Her Majesty should do so.”, and

(c) for sub-paragraph (5) substitute—

“(5) A recommendation for the removal of a person from office as the Ombudsman may not be made unless—

(a) the Assembly has resolved that the recommendation should be made, and

(b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.”

(4) In paragraph 4 (acting Public Service Ombudsman for Wales), for sub-paragraphs (1) and (2) substitute—

“(1) If the office of the Ombudsman becomes vacant, Her Majesty may, on the nomination of the Assembly, appoint a person to act as the Ombudsman.”

(5) In paragraph 5(1)(d) (disqualification from being Ombudsman or acting Ombudsman), for “section 12(1)(ca) of the Government of Wales Act 1998 (c. 38)” substitute “section 16(1)(d) of the Government of Wales Act 2006”.

(6) In paragraph 7(3) (exceptions from disqualifications applying to former Ombudsman or acting Ombudsman)—

(a) in paragraph (a), after “Assembly” insert “or the National Assembly for Wales Commission”, and

(b) in paragraph (b), for “Assembly First Secretary or Assembly Secretary” substitute “First Minister for Wales, Welsh Minister appointed under section 48 of the Government of Wales Act 2006, Counsel General to the Welsh Assembly Government or Deputy Welsh Minister”.

(7) In paragraph 9 (remuneration etc.), after sub-paragraph (5) insert—

“(6) Sums required for the making of payments under sub-paragraphs (1), (2) and (5) are to be charged on the Welsh Consolidated Fund.”

(8) For paragraph 10 (expenses) substitute—

*“Special financial provisions*

10 (1) Any sums payable by the Ombudsman in consequence of a breach, in the performance of any of the Ombudsman’s functions, of any contractual or other duty are to be charged on the Welsh Consolidated Fund.

(2) And sub-paragraph (1) applies whether the breach occurs by reason of an act or omission of—

(a) the Ombudsman,

(b) a member of the Ombudsman’s staff, or

(c) any other person acting on the Ombudsman’s behalf or assisting the Ombudsman in the exercise of functions.

(3) The Ombudsman may retain income derived from fees charged by virtue of sections 12(6), 16(6), 21(8) and 23(2) (rather than pay it into the Welsh Consolidated Fund) for use in connection with the exercise of the functions conferred or imposed by this Act.”

(9) In paragraph 11(5) (payments by Assembly to Minister for the Civil Service in respect of superannuation benefits for Ombudsman’s staff)—

(a) for “Assembly” substitute “Ombudsman”, and

(b) for “he” (in both places) substitute “the Minister”.

(10) In paragraph 13 (delegation), for sub-paragraph (4) substitute—

“(4) No arrangements may be made between the Ombudsman, on the one hand, and the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh Assembly Government), on the other, for—

(a) any functions of one of them to be exercised by the other,

(b) any functions of the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh Assembly Government) to be exercised by members of staff of the Ombudsman,

(c) any functions of the Ombudsman to be exercised by members of the staff of the Welsh Assembly Government, or

(d) the provision of administrative, professional or technical services by one of them for the other.”

(11) In paragraph 14(3) (duty to send copy of extraordinary report to listed authorities other than the Assembly)—

(a) after “time” insert “send a copy to the Welsh Assembly Government and”, and

(b) for “than the Assembly” substitute “than the Welsh Assembly Government”.

(12) In paragraph 15 (estimates)—

(a) in sub-paragraph (2), for the words following “estimate” substitute “at least five months before the beginning of the financial year to which it relates to the committee or committees of the Assembly specified in the standing orders of the Assembly.”,

(b) in sub-paragraph (3)—

(i) for “Assembly Cabinet” substitute “committee or committees”,

(ii) omit “to it”, and

(iii) for “it thinks” substitute “thought”, and

(c) for sub-paragraph (4) substitute—

“(4) Before laying before the Assembly with modifications an estimate submitted in accordance with sub-paragraph (2), the committee or committees must—

(a) consult the Ombudsman, and

(b) take into account any representations which the Ombudsman may make.”

(13) In paragraph 18 (accounting officer)—

(a) for “Treasury” (in each place) substitute “Audit Committee”, and

(b) in sub-paragraph (6)(a), for “Assembly Cabinet” substitute “Welsh Ministers”.

87 In paragraph 1 of Schedule 2 (excluded matters), for “Assembly” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”.

88 In Schedule 3 (listed authorities), under the heading “Government of Wales”, for the entry relating to the Assembly substitute—

- “The Welsh Assembly Government.
- The National Assembly for Wales Commission.”

## Inquiries Act 2005 (c. 12)

89 The Inquiries Act 2005 is amended as follows.

90 In section 1(2) (“Ministers” who may cause inquiries to be held), after paragraph (b) insert—

“(ba) the Welsh Ministers;”, and omit the words following paragraph (c).

91 (1) Section 27 (United Kingdom inquiries) is amended as follows.

(2) In subsection (3)(b), for “National Assembly for Wales” substitute “Welsh Ministers”.

(3) In subsection (7), in the definitions of “the relevant administration” and “Welsh matter”, for “National Assembly for Wales has” substitute “Welsh Ministers have”.

92 In section 28(4) (Scottish inquiries), for “National Assembly for Wales” substitute “Welsh Ministers”.

93 (1) Section 29 (Welsh inquiries) is amended as follows.

(2) In subsection (1), for “National Assembly for Wales is” substitute “Welsh Ministers are”.

(3) In subsection (5), for “National Assembly for Wales has” substitute “Welsh Ministers have”.

94 In section 30(5) (Northern Ireland inquiries), for “National Assembly for Wales” substitute “Welsh Ministers”.

95 (1) Section 41 (rules) is amended as follows.

(2) In subsection (3)(c)—

(a) for “National Assembly for Wales” substitute “Welsh Ministers”, and

(b) for “that Assembly is” substitute “they are”.

(3) In subsection (4)(a), for “National Assembly for Wales” substitute “Welsh Ministers”.

(4) In subsection (5), after paragraph (a) insert—

“(aa) if made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales;”.



96 In section 43(1) (interpretation), in the definition of “the relevant Parliament or Assembly”, for “National Assembly for Wales is responsible, that Assembly” substitute “Welsh Ministers are responsible, the National Assembly for Wales”.

97 In section 51(2) (commencement), for “National Assembly for Wales” substitute “Welsh Ministers”.

Section 162

## SCHEDULE 11 TRANSITIONAL PROVISIONS

### Alteration of Assembly electoral regions

1 (1) Until the coming into force of section 16(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) for the purpose of transferring the functions of the Boundary Commission for Wales to the Electoral Commission and conferring functions on the Boundary Committee for Wales, Schedule 1 has effect subject to the following modifications.

(2) In paragraph 1, omit sub-paragraphs (2) and (3).

(3) In paragraph 2, for sub-paragraph (1) substitute—

“(1) This paragraph applies if the Boundary Commission for Wales (“the Commission”) provisionally determine (in pursuance of section 3 of the Parliamentary Constituencies Act 1986 (“the 1986 Act”)) to recommend the making of alterations affecting any parliamentary constituencies in Wales.”, and, in sub-paragraph (2), for “Committee” substitute “Commission”.

(4) In paragraph 3—

(a) in sub-paragraph (1), for “Committee have provisionally determined to propose” substitute “Commission have provisionally determined to make”,

(b) in sub-paragraph (2)(b), for “effect of the recommendations is” substitute “Commission propose to recommend”,

(c) in sub-paragraphs (2)(c), (3), (4) and (5), for “Committee” substitute “Commission”, and

(d) in sub-paragraph (6), for “Committee’s” substitute “Commission’s”,

and in the heading before that paragraph, for “Committee’s” substitute “Commission’s”.

(5) In paragraph 4—

(a) in sub-paragraphs (1) and (2), for “Committee” substitute “Commission”,

(b) in sub-paragraph (3), for “Committee may not proceed with the proposed” substitute “Commission may not make the”, and

(c) in sub-paragraphs (4), (5) and (6), for “Committee” substitute “Commission”.

(6) Omit paragraphs 5 to 7.

(7) In paragraph 10(1), after “effect” insert “, with or without modifications,”.

(8) Omit paragraph 11(3).

(9) In paragraph 12—

(a) in the definitions of “the 1986 Act” and “the Commission”, for “1(2)(a)” substitute “2(1)”, and

(b) omit the definition of “the Committee”.

### 2007 election to be election to Assembly constituted by this Act

2 The 2007 election is an election to the Assembly constituted by this Act (and not that constituted by the Government of Wales Act 1998 (c. 38)).

### First meeting after 2007 election

3 The first meeting of the Assembly constituted by this Act after the 2007 election is to be held on the day specified by or in accordance with an order made by statutory instrument by the Assembly constituted by the Government of Wales Act 1998 (c. 38); and that day must be within the period of seven days beginning immediately after the day of the poll at the 2007 election.

## Date of 2011 election

4 Until the first ordinary general election (or any extraordinary general election the poll for which is held as mentioned in section 5(5)), section 3(1) has effect as if the reference to the previous ordinary general election were to the 2007 election.

## No dual constituency and regional candidacy

5 (1) Section 5 of the Government of Wales Act 1998 (ordinary elections: party lists of candidates, and individual candidates, to be Assembly members for Assembly electoral regions) is amended as follows.

(2) In subsection (5) (those who may not be included on party list), for paragraphs (c) and (d) (candidate to be Assembly member for Assembly constituency outside electoral region and candidate of different party to be Assembly member for Assembly constituency within electoral region) substitute “or

(c) who is a candidate to be the Assembly member for an Assembly constituency.”

(3) In subsection (6) (those who may not be an individual candidate), for paragraphs (c) and (d) (candidate to be Assembly member for Assembly constituency outside electoral region and candidate of registered political party to be Assembly member for Assembly constituency within electoral region) substitute “or

(c) a candidate to be the Assembly member for an Assembly constituency.”

6 (1) Section 7 of that Act (return of electoral region members) is amended as follows.

(2) In subsection (6) (party to be disregarded once party list exhausted by return of all persons on it as constituency or electoral region members), omit “for Assembly constituencies or”.

(3) Omit subsection (10) (person on party list returned as Assembly member to be treated as ceasing to be on list for purposes of drawing on list at ordinary election or in case of vacancy in electoral region seat).

## Electoral region vacancies before first general election etc.

7 Section 11 has effect until the first general election as if—

(a) the references in subsections (2) and (8) to section 9 were to section 7 of the Government of Wales Act 1998, and

(b) the references to the last general election were to the 2007 election.

## Election orders

8 An order under section 11 of the Government of Wales Act 1998 which is in force immediately before the commencement of the repeal of that section by this Act has effect after that time as if made under section 13 of this Act.

## Term of office of Assembly members

9 Section 14 has effect until the first general election as if the reference in paragraph (a) to being declared to be returned included being declared to be returned at the 2007 election.

## Disqualification Orders

10 An Order in Council under section 12(1)(b) of the Government of Wales Act 1998 (c. 38) which is in force immediately before the commencement of the repeal of that provision by this Act has effect after that time as if made under section 16(1)(b) of this Act.

## Disqualification of Lords of Appeal in Ordinary

11 A Lord of Appeal in Ordinary is disqualified from being a member of the Assembly constituted by the Government of Wales Act 1998 or this Act.

## Remuneration of Assembly members etc.

12 (1) This paragraph has effect in relation to a determination under section 16 of the Government of Wales Act 1998 which is in force immediately before the commencement of the repeal of that section by this Act.

(2) So far as relating to the Assembly First Secretary elected under that Act and the Assembly Secretaries appointed under that Act, the determination has effect after that time as if made under section 53, and applies—

- (a) in relation to the First Minister as it applied before that time in relation to the Assembly First Secretary elected under that Act, and
- (b) in relation to the Welsh Ministers appointed under section 48 of this Act as it applied before that time in relation to the Assembly Secretaries appointed under that Act.
- (3) Otherwise, the determination has effect after that time as if made under section 20, and applies—
  - (a) in relation to the Presiding Officer as it applied before that time in relation to the presiding officer elected under the Government of Wales Act 1998,
  - (b) in relation to the Deputy Presiding Officer as it applied before that time in relation to the deputy presiding officer elected under that Act,
  - (c) in relation to the leader of the largest political group without an executive role as it applied before that time in relation to the leader of the largest political party not represented on the executive committee constituted by that Act, and
  - (d) in relation to any other Assembly member as it applied before that time in relation to members of the Assembly constituted by that Act.
- (4) For the purposes of sub-paragraph (3)(c) a political group is the largest political group without an executive role if—
  - (a) it is not a political group with an executive role, and
  - (b) more Assembly members belong to it than to each other political group which is not a political group with an executive role.
- (5) This paragraph has effect in relation to determinations under section 18 of the Government of Wales Act 1998 (c. 38) as it has effect in relation to determinations under section 16 of that Act, but as if references in this paragraph to members of, or office-holders in connection with, the Assembly (as constituted by the Government of Wales Act 1998 or this Act) were references to persons who have ceased to be such members or office-holders.

13 An order under section 17 of the Government of Wales Act 1998 which is in force immediately before the commencement of the repeal of that section by this Act has effect after that time as if made under section 21.

## Publication of information about remuneration of Assembly members

- 14 (1) Section 22(2) does not apply in relation to the financial year ending with 31st March 2007.
- (2) The Assembly constituted by this Act has the same duty in relation to that financial year as the Assembly constituted by the Government of Wales Act 1998 would have by virtue of section 19 of that Act but for this Act.
- (3) In relation to the financial year ending with 31st March 2008 the references in section 22(2) to salaries and allowances of the kind mentioned in section 20 include sums paid under sections 16 and 18 of the Government of Wales Act 1998.

## Assistance to groups of Assembly members

- 15 (1) A determination under section 34A of the Government of Wales Act 1998 which is in force immediately before the commencement of the repeal of that section by this Act has effect after that time as if it were made in accordance with section 24.
- (2) In relation to the financial year ending with 31st March 2008 the reference in subsection (6)(b) of section 24 to sums paid under that section includes sums paid under section 34A of the Government of Wales Act 1998.

## First Presiding Officer

16 The reference in subsection (1) of section 25 to the first meeting of the Assembly following a general election includes a reference to the first meeting of the Assembly following the 2007 election.

## First Clerk

17 The member of the staff of the Assembly constituted by the Government of Wales Act 1998 who, immediately before the day of the poll at the 2007 election, holds the post referred to in the standing orders made under that Act as the Clerk to the Assembly is to be taken to be appointed under section 26(1) at the beginning of that day.

## Promotion of awareness of election system and devolved government

18 Paragraphs 5 and 6 of Schedule 2 have effect until the end of the initial period as if for the references to the Assembly Commission there were substituted references to the Assembly constituted by the Government of Wales Act 1998 (c. 38).

## Crown status of Assembly Commission

19 Sub-paragraph (4) of paragraph 12 of Schedule 2 has effect until the end of the initial period with the omission of paragraph (b) (and the word “or” before it).

## Standing orders

20 (1) The Secretary of State must, no later than 31st March 2007, make the standing orders which are to have effect in relation to the proceedings of the Assembly following the 2007 election.

(2) The standing orders made under this paragraph—

(a) must include provision as to the matters which this Act requires to be covered by the standing orders, and

(b) may include provision as to the matters which this Act provides may be so covered.

(3) In making standing orders made under this paragraph the Secretary of State must give effect to any relevant Assembly proposals (but subject to sub-paragraph (5)).

(4) For this purpose proposals are relevant Assembly proposals if—

(a) they are proposals for the inclusion in the standing orders made under this paragraph of provision relating to any matters which must or may be covered by them,

(b) they are made by the Assembly constituted by the Government of Wales Act 1998 by a resolution passed by that Assembly,

(c) where the motion for the resolution is passed on a vote, at least two-thirds of the members of the Assembly voting support it,

(d) the proposals are made in both English and Welsh, and

(e) a copy of the proposals are sent to the Secretary of State no later than 28th February 2007.

(5) The Secretary of State may make modifications of any relevant Assembly proposals—

(a) in order to give full effect to what appears to the Secretary of State to be the policy contained in the proposals, or

(b) in consequence of other provision to be included in the standing orders made under this paragraph.

(6) The Secretary of State must publish the standing orders made under this paragraph as soon as reasonably practicable after they are made and must do so in both English and Welsh.

(7) The standing orders made under this paragraph have effect (subject to any revisions made by the Assembly under section 31) unless and until they are remade by the Assembly under that section.

## Witnesses and documents: penalties

21 In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (c. 44) the references in section 39(4)(b) and 40(3)(b) to 51 weeks are to three months.

## Exercise of functions before appointment of first First Minister

22 (1) Nothing in this Act (including in particular the repeal of section 1 of the Government of Wales Act 1998 (c. 38)), or in that Act, is to be taken to dissolve the Assembly constituted by that Act until the end of the initial period.

(2) Despite this Act and section 2(5) of that Act, during the initial period the Assembly constituted by that Act is to be treated as consisting of the persons who—

(a) immediately before the beginning of the initial period, hold office as the Assembly First Secretary, an Assembly Secretary or the presiding officer, and

(b) are candidates to be Assembly members at the 2007 election.

(3) But a person ceases to be a member of that Assembly—

(a) if not returned as an Assembly member at that election, when the Assembly members for the Assembly constituency or Assembly electoral region for which that person is a candidate are returned, or

(b) if disqualified from being an Assembly member, when that disqualification takes effect.

(4) For so long as a person is a member of the Assembly constituted by the Government of Wales Act 1998 by virtue of this paragraph the person continues to be entitled to the same salary and allowances as the person was entitled to by virtue of section 16 of that Act immediately before the beginning of the initial period.

23 (1) This paragraph and paragraph 24 have effect during the initial period.

(2) The functions of the Assembly constituted by the Government of Wales Act 1998, other than functions to which paragraph 24 applies, are exercisable—

(a) by the person who immediately before the beginning of the initial period held office as the Assembly First Secretary, if that person is a member of that Assembly, or

(b) by such of the persons who at that time held office as an Assembly Secretary and are members of that Assembly as those persons may designate, if that person is not a member of that Assembly (or if the office of Assembly First Secretary was vacant at that time).

(3) A person designated for the purposes of sub-paragraph (2)(b) must inform the Secretary of State of the designation as soon as is reasonably practicable.

(4) Functions which are exercisable by virtue of sub-paragraph (2) may be delegated by the person by whom they are exercisable (to such extent as that person may determine) to any other member of the Assembly constituted by the Government of Wales Act 1998 who immediately before the beginning of the initial period held office as an Assembly Secretary.

(5) Functions which—

(a) are exercisable by virtue of sub-paragraph (2), or

(b) are delegated under sub-paragraph (4),

may be delegated by the person by whom they are exercisable or to whom they have been delegated (to such extent as that person may determine) to members of the staff of the Assembly constituted by the Government of Wales Act 1998 (c. 38).

(6) Where a function is delegated under sub-paragraph (5), arrangements for the exercise of the function are to be made by the person who, immediately before the beginning of the initial period, was the Permanent Secretary to the Assembly for the purposes of section 63(2) of the Government of Wales Act 1998.

(7) The delegation of any function under this paragraph does not prevent the exercise of the function by the person by whom the delegation is made.

(8) The exercise of any function in accordance with this paragraph is subject to any condition, limitation or restriction which applied to the exercise of that function immediately before the beginning of the initial period.

24 (1) This paragraph applies to functions of the Assembly constituted by the Government of Wales Act 1998 which, immediately before the beginning of the initial period, were delegated under section 62 of that Act to the committee of the Assembly referred to in the standing orders made under that Act as the House Committee.

(2) Functions to which this paragraph applies are exercisable—

(a) by the person who, immediately before the beginning of the initial period, held office as the presiding officer of the Assembly constituted by the Government of Wales Act 1998, if that person is a member of that Assembly, or

(b) by the person who, at that time, held the post referred to in the standing orders made under that Act as the Clerk to the Assembly, if the person mentioned in paragraph (a) is not a member of that Assembly (or if the office of presiding officer was vacant at that time).

(3) Functions which are exercisable by virtue of sub-paragraph (2) may be delegated by the person by whom they are exercisable (to such extent as that person may determine) to members of the staff of the Assembly constituted by the Government of Wales Act 1998.

(4) Where a function is delegated under sub-paragraph (3), arrangements for the exercise of the function are to be made by the person who, immediately before the beginning of the initial period, held the post

referred to in the standing orders made under the Government of Wales Act 1998 as the Clerk to the Assembly.

(5) The delegation of any function under sub-paragraph (3) does not prevent the exercise of the function by the person by whom the delegation is made.

(6) The exercise of any function in accordance with this paragraph is subject to any condition, limitation or restriction which applied to the exercise of that function immediately before the beginning of the initial period.

25 (1) Where a function of making, confirming or approving subordinate legislation is exercised during the initial period in accordance with paragraph 23, it is to be made, confirmed or approved by being signed by the person by whom the function is exercised.

(2) Despite sub-paragraph (8) of paragraph 23, nothing contained in the following provisions of the Government of Wales Act 1998 (c. 38), or included in the standing orders of the Assembly constituted by that Act by virtue of the following provisions of that Act, applies to subordinate legislation made in accordance with that paragraph—

- (a) section 65 (regulatory appraisals),
- (b) sections 66 and 67 (procedure), and
- (c) section 68 (financial initiative).

(3) But as soon as is reasonably practicable after the end of the initial period the Clerk must lay before the Assembly every statutory instrument containing subordinate legislation made, confirmed or approved in accordance with paragraph 23.

### Saving for existing instruments conferring or imposing functions

26 (1) Any provision of an Order in Council under section 22 of the Government of Wales Act 1998 (whether included by virtue of that section or any other enactment apart from section 155(2) of that Act) which is in force immediately before the commencement of the repeal of that section by this Act continues to have effect after the commencement of that repeal as if it were a provision of an Order in Council under section 58.

(2) Accordingly—

(a) the reference in paragraph 7(2) of Schedule 3 to an Order in Council under section 58 of this Act which includes provision transferring a function to the Welsh Ministers, the First Minister or the Counsel General includes a reference to an Order in Council under section 22 of the Government of Wales Act 1998 which includes provision having that effect by virtue of this Schedule, and

(b) the reference in paragraph 18(5) of Schedule 8 to an Order in Council under section 58 transferring a function of preparing accounts to the Welsh Ministers includes a reference to an Order in Council under section 22 of the Government of Wales Act 1998 which makes provision having that effect by virtue of this Schedule.

(3) Any provision which—

(a) is included in an Order in Council under section 22 of the Government of Wales Act 1998 by virtue of section 155(2) of that Act (meaning of “Wales”), and

(b) is in force at the time when this Act is passed,

is to be treated after that time as if it were also contained in an order under subsection (3) of section 158 of this Act (having effect for the purposes of the definition of “Wales” in subsection (1) of that section).

27 Orders under section 27 of the Government of Wales Act 1998 which are in force immediately before the commencement of the repeal of that section by this Act continue to have effect despite the commencement of that repeal.

28 (1) Designations made under section 2(2) of the European Communities Act 1972 (c. 68) by virtue of subsection (1) of section 29 of the Government of Wales Act 1998 which are in force immediately before the commencement of the repeal of that subsection by this Act continue to have effect after the commencement of that repeal as if made by virtue of subsection (1) of section 59 of this Act.

(2) Regulations made under section 56 of the Finance Act 1973 (c. 51) by virtue of subsection (4) of that section which are in force immediately before the commencement of the repeal of that subsection by this Act continue to have effect after the commencement of that repeal as if made by virtue of subsection (5) of section 59 of this Act.

## First nomination of First Minister

29 The reference in section 47(2)(a) to the holding of a poll at a general election includes a reference to the holding of the poll at the 2007 election.

## Transfer of Assembly functions

30 (1) Subject to paragraph 31, the relevant Assembly functions are transferred to the Welsh Ministers immediately after the end of the initial period.

(2) “The relevant Assembly functions” means functions exercisable by the Assembly constituted by the Government of Wales Act 1998 (c. 38)—

(a) immediately before the end of the initial period, by virtue of an Order in Council under section 22 of the Government of Wales Act 1998,

(b) immediately before the end of that period, as a result of a designation made under section 2(2) of the European Communities Act 1972 (c. 68) by virtue of subsection (1) of section 29 of the Government of Wales Act 1998,

(c) immediately before the end of that period, as a result of having been conferred or imposed on it by an enactment contained in an Act, other than an enactment contained in the Government of Wales Act 1998, or by a prerogative instrument, or

(d) immediately before the end of that period, as a result of having been conferred or imposed on it by subordinate legislation (including subordinate legislation made under the Government of Wales Act 1998).

(3) For the purposes of this paragraph a function is “exercisable” at any time even if the enactment transferring, conferring or imposing it has not come into force at that time.

31 (1) Her Majesty may by Order in Council provide for—

(a) the transfer of any of the relevant Assembly functions to—

(i) the First Minister, or

(ii) the Counsel General,

(b) the transfer of any of the relevant Assembly functions, other than functions of making, confirming or approving subordinate legislation, to the Assembly Commission, or

(c) any of the relevant Assembly functions, other than functions of making, confirming or approving subordinate legislation, to be functions of the Assembly.

(2) Her Majesty may by Order in Council provide for any relevant Assembly function that is a function of making, confirming or approving subordinate legislation in relation to any matter not to be transferred to the Welsh Ministers and, unless the Assembly already has power to pass Assembly Measures in relation to that matter, amend Part 1 of Schedule 5 to enable the Assembly to have instead power to pass Assembly Measures in relation to that matter—

(a) in the same terms as the relevant Assembly function, or

(b) in terms differing from those terms to such extent as appears appropriate.

(3) Her Majesty may by Order in Council—

(a) direct that any function transferred by paragraph 30 is to be exercisable by any one or more of the First Minister, the Counsel General, the Assembly Commission and the Assembly concurrently with the Welsh Ministers,

(b) direct that any function in relation to which provision is made by virtue of sub-paragraph (1) for it to be transferred to, or continue to be a function of, any person or body is to be exercisable by any other person or body specified in that sub-paragraph concurrently with that person or body, or

(c) direct that any function transferred by paragraph 30, or transferred to the First Minister or the Counsel General by virtue of sub-paragraph (1), is to be exercisable by the Welsh Ministers, the First Minister or the Counsel General only with the agreement of, or after consultation with, the Assembly Commission.

(4) An Order in Council under sub-paragraph (1), (2) or (3) may make such modifications of—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

as Her Majesty considers appropriate in connection with the provision made by the Order in Council.

(5) No recommendation is to be made to Her Majesty in Council to make an Order in Council under sub-paragraph (1) or (3) in relation to a function which has already been transferred to the Welsh Ministers, the First Minister or the Counsel General without the consent of those persons or that person to the recommendation.

(6) No recommendation is to be made to Her Majesty in Council to make an Order in Council under sub-paragraph (2) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, the Assembly constituted by the Government of Wales Act 1998 (c. 38); and a statutory instrument containing an Order in Council under that sub-paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) No recommendation is to be made to Her Majesty in Council to make an Order in Council under sub-paragraph (1) or (3) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.

(8) But sub-paragraph (7) does not apply if the Assembly constituted by the Government of Wales Act 1998 or the Assembly constituted by this Act has resolved that a recommendation should be made to Her Majesty in Council to make the Order in Council.

32 (1) This paragraph applies so far as may be necessary for the purpose or in consequence of the exercise of any functions of—

- (a) the Welsh Ministers,
- (b) the First Minister,
- (c) the Counsel General,
- (d) the Assembly Commission, or
- (e) the Assembly constituted by this Act,

which are made exercisable by them by or by virtue of paragraph 30 or 31.

(2) Any relevant reference to the Assembly constituted by the Government of Wales Act 1998 (c. 38) is to be construed as being or including a reference to—

- (a) the Welsh Ministers,
- (b) the First Minister,
- (c) the Counsel General,
- (d) the Assembly Commission, or
- (e) the Assembly constituted by this Act,

(according to by whom the function in question is, or is to be, exercised).

(3) In sub-paragraph (2) “relevant reference to the Assembly constituted by the Government of Wales Act 1998” means—

- (a) a reference in any enactment, prerogative instrument or other document to that Assembly, or
- (b) a reference in any enactment or other document which, immediately before the commencement of the repeal by this Act of section 43 of the Government of Wales Act 1998, had effect as a reference to that Assembly.

## Functions transferred by Order in Council under section 22 of the Government of Wales Act 1998: Parliamentary and Assembly procedure

33 (1) This paragraph applies where—

- (a) a function to make subordinate legislation was transferred to, or made exercisable by, the Assembly constituted by the Government of Wales Act 1998 by an Order in Council under section 22 of that Act, and
- (b) the function has been transferred to, or made exercisable by, the Welsh Ministers, the First Minister or the Counsel General by or by virtue of paragraph 30 or 31.

(2) If, immediately before the coming into force of the provisions of the Order in Council relating to the function, a provision of any of the descriptions specified in sub-paragraph (3) applied to its exercise by a Minister of the Crown—



- (a) that provision does not apply to its exercise by the Welsh Ministers, the First Minister or the Counsel General unless the case is one to which sub-paragraph (6) applies, but
- (b) (whether or not the case is one to which that sub-paragraph applies) that provision has effect in relation to its exercise by the Welsh Ministers, the First Minister or the Counsel General as if any reference in it to Parliament or either House of Parliament were (or, if it is such a case, included) a reference to the Assembly.
- (3) The descriptions of provision referred to in sub-paragraph (2) are—
- (a) provision requiring any instrument made in the exercise of the function, or a draft of any such instrument, to be laid before Parliament or either House of Parliament,
- (b) provision for the annulment or approval of any such instrument or draft by or in pursuance of a resolution of either House of Parliament or of each House, and
- (c) provision prohibiting the making of any such instrument without such approval.
- (4) If, immediately before the coming into force of the provisions of the Order in Council relating to the function, a provision of either of the descriptions specified in sub-paragraph (5) applied to its exercise by a Minister of the Crown—
- (a) that provision does not apply to its exercise by the Welsh Ministers, the First Minister or the Counsel General unless the case is one to which sub-paragraph (6) or (7) applies, but
- (b) (whether or not the case is one to which either of those sub-paragraphs applies) any instrument made in the exercise of the function by the Welsh Ministers, the First Minister or the Counsel General is (or, if it is such a case, is also) subject to the procedure in the Assembly specified by the standing orders.
- (5) The descriptions of provision referred to in sub-paragraph (4) are—
- (a) provision for any instrument made in the exercise of the function to be a provisional order (that is, an order which requires to be confirmed by Act of Parliament), and
- (b) provision requiring any order (within the meaning of the Statutory Orders (Special Procedure) Act 1945 (9 & 10 Geo. 6 c. 18)) made in the exercise of the function to be subject to special parliamentary procedure.
- (6) This sub-paragraph applies in any case if the instrument made in the exercise of the function or (if provision specified in sub-paragraph (3)(a) or (b) applied to a draft of an instrument made in the exercise of the function) a draft of an instrument to be so made—
- (a) contains subordinate legislation made or to be made by a Minister of the Crown or government department (whether or not jointly with the Welsh Ministers, the First Minister or the Counsel General),
- (b) contains (or confirms or approves) subordinate legislation relating to an English border area, or
- (c) contains (or confirms or approves) subordinate legislation relating to a cross-border body (and not relating only to the exercise of functions, or the carrying on of activities, by the body in or with respect to Wales or a part of Wales).
- (7) This sub-paragraph applies in any case if, immediately before the coming into force of the provisions of the Order in Council relating to the function, a provision of the description specified in sub-paragraph (5)(b) applied to an instrument made in exercise of the function by a Minister of the Crown and the Order in Council provided that—
- (a) any order made by the Assembly constituted by the Government of Wales Act 1998 (c. 38) in the exercise of the function, or
- (b) any order so made in circumstances including those of the case,
- is to be subject to special parliamentary procedure.
- (8) In this paragraph “make” includes confirm or approve and related expressions (except “made exercisable”) are to be construed accordingly; but an instrument (or draft) does not fall within sub-paragraph (6)(a) just because it contains subordinate legislation made (or to be made) by the Welsh Ministers, the First Minister or the Counsel General with the agreement of a Minister of the Crown or government department.

### Functions conferred or imposed by pre-commencement enactment: Parliamentary and Assembly procedure

34 (1) This paragraph applies where—

(a) a function to make subordinate legislation was conferred or imposed on the Assembly constituted by the Government of Wales Act 1998 (c. 38) by a pre-commencement enactment (“the Welsh function”),

(b) the Welsh function has been transferred to the Welsh Ministers, the First Minister or the Counsel General by or by virtue of paragraph 30 or 31, and

(c) when the Welsh function was transferred, a Minister of the Crown had the same or substantially the same function exercisable in relation to England (“the corresponding function”).

(2) If, immediately after the transfer of the Welsh function, a provision of any of the descriptions specified in sub-paragraph (4)—

(a) applied to the exercise of the corresponding function by the Minister of the Crown, but

(b) did not apply to the exercise of the Welsh function by the Welsh Ministers, the First Minister or the Counsel General,

the provision applies to any exercise of the Welsh function by the Welsh Ministers, the First Minister or the Counsel General as if any reference in it to Parliament or either House of Parliament were a reference to the Assembly.

(3) If, immediately after the transfer of the Welsh function, a provision of any of the descriptions specified in sub-paragraph (4) applied to both—

(a) the exercise of the corresponding function by the Minister of the Crown, and

(b) the exercise of the Welsh function by the Welsh Ministers, the First Minister or the Counsel General,

the provision applies to any exercise of the Welsh function by the Welsh Ministers, the First Minister or the Counsel General as if any reference in it to Parliament or either House of Parliament were a reference both to the Assembly and to Parliament or either House of Parliament.

(4) The descriptions of provision referred to in sub-paragraphs (2) and (3) are—

(a) provision requiring any instrument made in the exercise of the function, or a draft of any such instrument, to be laid before Parliament or either House of Parliament,

(b) provision for the annulment or approval of any such instrument or draft by or in pursuance of a resolution of either House of Parliament or of both Houses, and

(c) provision prohibiting the making of any such instrument without such approval.

(5) If, immediately after the transfer of the Welsh function, a provision of either of the descriptions specified in sub-paragraph (7)—

(a) applied to the exercise of the corresponding function by the Minister of the Crown, but

(b) did not apply to the exercise of the Welsh function by the Welsh Ministers, the First Minister or the Counsel General,

an instrument made in any exercise of the Welsh function by the Welsh Ministers, the First Minister or the Counsel General is subject to the procedure in the Assembly specified by the standing orders.

(6) If, immediately after the transfer of the Welsh function, a provision of either of the descriptions specified in sub-paragraph (7) applied to both—

(a) the exercise of the corresponding function by the Minister of the Crown, and

(b) the exercise of the Welsh function by the Welsh Ministers, the First Minister or the Counsel General,

the instrument made in any exercise of the Welsh function by the Welsh Ministers, the First Minister or the Counsel General is subject to that provision and to the procedure in the Assembly specified by the standing orders.

(7) The descriptions of provision referred to in sub-paragraphs (5) and (6) are—

(a) provision for any instrument made in the exercise of the function to be a provisional order (that is, an order which requires to be confirmed by Act of Parliament), and

(b) provision requiring any order (within the meaning of the Statutory Orders (Special Procedure) Act 1945 (9 & 10 Geo. 6 c. 18)) made in the exercise of the function to be subject to special parliamentary procedure.

(8) In this paragraph—

- “make” includes confirm or approve and related expressions are to be construed accordingly, and
- “pre-commencement enactment” means an enactment contained in an Act passed or subordinate legislation made before the end of the initial period.

(9) This paragraph does not apply if the Welsh function was transferred as a result of the operation of paragraph 30(2)(b) (see paragraph 28 and section 59).

35 (1) This paragraph applies where—

(a) a function to make subordinate legislation was conferred or imposed on the Assembly constituted by the Government of Wales Act 1998 (c. 38) by a pre-commencement enactment,

(b) the function has been transferred to the Welsh Ministers, the First Minister or the Counsel General by or by virtue of paragraph 30 or 31, and

(c) when the function was transferred, no Minister of the Crown had the same or substantially the same function exercisable in relation to England.

(2) No procedure for scrutiny by the Assembly applies to any instrument made in the exercise of the function, or a draft of any such instrument, unless the function is specified in Table 1 or Table 2.

(3) No subordinate legislation is to be made by the Welsh Ministers, the First Minister or the Counsel General in the exercise of any function specified in Table 1 unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.

TABLE 1

<i>Function</i>	<i>Description</i>
Section 45B(1) of the Environmental Protection Act 1990 (c. 43).	Power to apply section 45A to Welsh waste collection authorities.
Section 45D of the School Standards and Framework Act 1998 (c. 31).	Power to repeal school funding provisions.
Section 8(3) of the Care Standards Act 2000 (c. 14).	Power to confer functions in relation to Part 2 services in Wales.
Section 72B(2) of that Act.	Power to amend list of persons reviewable by Commissioner.
Section 73(5A) of that Act.	Power to amend list of arrangements reviewable by Commissioner.
Section 76(4) of that Act.	Power to confer further functions on Commissioner.
Section 78(1A) of that Act.	Power to provide that person aged 18 or over is a child for the purposes of Part 5.
Section 78(6) of that Act.	Power to make provision about persons to whom Part 5 applies.
Paragraph 2 of Schedule 2 to that Act.	Power to make provision about the appointment etc. of Commissioner.
Section 68(1) of the Local Government Act 2000 (c. 22), if exercised to amend or repeal any enactment contained in an Act.	Power to confer functions on Public Services Ombudsman for Wales.
Section 68(3) of that Act, if exercised to amend or repeal any enactment contained in an Act.	Power to make provision relating to Ombudsman's functions and expenses.
Section 70(1) of that Act.	Power to make provision about investigations by Ombudsman.
Section 3(4) of the Health (Wales) Act 2003 (c. 4).	Power to transfer functions of Wales Centre for Health to Welsh Minister.
Section 4(1) of that Act.	Power to establish Health Professions Wales (HPW).
Section 4(3) of that Act.	Power to provide for HPW to carry out Welsh Ministers' functions.
Section 5(8) of that Act.	Power to abolish HPW.
Section 83(2) of the Local Government Act 2003 (c. 26).	Power to make fire authorities in Wales major precepting authorities.
Section 92(2) of that Act.	Power to repeal section 24(3) of the Housing Act 1985 (c. 68).

<i>Function</i>	<i>Description</i>
Section 23(9) of the Anti-social Behaviour Act 2003 (c. 38).	Power to apply to Wales provisions about penalty notices in cases of truancy.
Section 75(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), if exercised to amend or repeal any part of the text of an Act.	Power to require prescribed persons to provide explanation of documents etc.
Section 96 of that Act, if exercised to amend or repeal any part of the text of an Act.	Power to confer additional functions in relation to Welsh local authority social services.
Section 101(1) of that Act, if exercised to amend or repeal any part of the text of an Act.	Power to require prescribed persons to provide explanation of documents etc.
Section 33(3)(a)(ii) of the Higher Education Act 2004 (c. 8).	Power to require institutions' plans to include provision relating to promotion of higher education.
Section 12(2) of the Public Audit (Wales) Act 2004 (c. 23).	Power to add to definition of "local government body in Wales".
Section 39(1) of that Act, if exercised so as to include a declaration that a contravention is an offence.	Power to make provision about publication etc. of accounts.
Section 46(2) of that Act.	Power to apply sections 47 to 49 to other local government bodies.
Section 47(5) of that Act.	Power to shorten period within which body must publish information.
Section 62(1) of the Education Act 2005 (c. 18), if exercised to amend or repeal an enactment.	Power to change inspection framework for Wales.
Section 103(3) of that Act.	Power to repeal certain provisions in the Education Act 2002 (c. 32).
Section 124(1) of that Act, if exercised to amend or repeal an enactment.	Power to make consequential etc. provision.
(4) A statutory instrument containing subordinate legislation made by the Welsh Ministers, the First Minister or the Counsel General in the exercise of any function specified in Table 2 is (unless a draft of the statutory instrument has been laid before, and approved by a resolution of, the Assembly) subject to annulment in pursuance of a resolution of the Assembly.	

TABLE 2

<i>Function</i>	<i>Description</i>
Section 16BA(1), (2) and (3) of the National Health Service Act 1977 (c. 49).	Power to establish Local Health Boards.
Section 16BB(1) of that Act.	Power to direct Local Health Board to exercise functions.
Section 16BB(2) of that Act.	Power to direct Local Health Board to exercise functions.
Section 16BB(4) of that Act.	Power to direct Local Health Board about functions.
Section 16BC(2) and (3) of that Act.	Power to direct Local Health Board about functions.
Section 20A(2)(a) of that Act.	Power to rename Community Health Councils.
Section 20A(2)(b) of that Act.	Power to abolish etc. Community Health Councils.
Paragraph 6 of Schedule 5B to that Act.	Power to make provision about constitution of Local Health Boards.
Paragraph 9(3) of Schedule 5B to that Act.	Power to make provision about officers of Local Health Boards.
Paragraph 17 of Schedule 5B to that Act.	Power to make provision about reports etc. of Local Health Boards.
Paragraph 2 of Schedule 7A to that Act.	Power to make provision about Community Health Councils.
Paragraph 3 of Schedule 7A to that Act.	Power to make provision about access for Community Health Councils.
Paragraph 4 of Schedule 7A to that Act.	Power to provide for advisory body for Community Health Councils.
Section 79S(2) of the Children Act 1989 (c. 41).	Power to confer functions relating to child minding or day care.
Section 79T(2) of that Act.	Power to make provision about inspection of

<i>Function</i>	<i>Description</i>
Section 16A(3) of the Environment Act 1995 (c. 25).	child minding and day care.
Paragraph 5(2) of Schedule 7 to the School Standards and Framework Act 1998 (c. 31).	Power to alter composition of regional flood defence committees in Wales.
Paragraph 12(2)(d) of Schedule 7 to that Act.	Power to prescribe content and form of publication of proposals.
Paragraph 17(2) of Schedule 7 to that Act.	Power to prescribe period within which objections to proposals may be made.
	Power to make transitional exemption order relating to proposal for school to cease to be single sex.
Paragraph 13B(1) of Schedule 26 to that Act.	Power to prescribe period within which nursery inspection report must be made.
Section 73(5) of the Care Standards Act 2000 (c. 14).	Power to confer power on the Commissioner to require information.
Section 74(1) of that Act.	Power to provide for examination by Commissioner of particular cases.
Section 76(1) of that Act.	Power to confer power on Commissioner to assist children.
Paragraph 6(4) of Schedule 2 to that Act.	Power to specify the financial years of Commissioner.
Paragraph 8 of that Schedule.	Power to require Commissioner to make reports to Assembly.
Paragraph 17 of that Schedule.	Power to add Commissioner to the Superannuation Act 1972 (c. 11).
Section 77(4) of the Learning and Skills Act 2000 (c. 21).	Power to prescribe period within which report must be made.
Section 83(7) of that Act.	Power to make further provision about obligation to provide information.
Section 128(4)(b) and (c) of that Act.	Power about statement of proposed action.
Section 68(1) of the Local Government Act 2000 (c. 22), unless exercised to amend or repeal any enactment contained in an Act.	Power to confer functions on Public Services Ombudsman for Wales.
Section 68(3) of that Act, unless exercised to amend or repeal any enactment contained in an Act.	Power to make provision relating to Ombudsman's functions and expenses.
Section 109(6)(b) of the Transport Act 2000 (c. 38).	Power to specify date by which deemed local transport plan to be replaced.
Section 24(4) and (5) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).	Power relating to health and well-being strategies.
Section 102 of the Education Act 2002 (c. 32).	Power to specify period which is foundation stage.
Section 108(2)(a) of that Act.	Power to specify areas of learning in respect of foundation stage.
Section 139(1) of that Act.	Power to approve institutions to provide course of higher education etc.
Section 192 of that Act.	Power to prescribe content and manner of publication of proposals to secure regional provision.
Section 193 of that Act.	Power to make provision about proposals to secure regional provision.
Section 197 of that Act.	Power relating to partnership agreements and statements.
Section 198 of that Act.	Power relating to transition from primary to secondary school.
Section 207(4) of that Act.	Power relating to adjustments between local education authorities.
Section 3(3) of the Health (Wales) Act 2003 (c. 4).	Power to make provision about functions of Wales Centre for Health.
Section 4(4) of that Act.	Power to make provision for HPW to make arrangements about functions.
Section 4(7) of that Act.	Power to make provision about constitution of HPW.
Section 5(1) of that Act.	Power to permit HPW to charge for services.

<i>Function</i>	<i>Description</i>
Section 5(2) of that Act.	Power to transfer property etc. and personnel to HPW.
Section 5(7) of that Act.	Power to make provision about accounts and audit of HPW.
Section 5(9) of that Act.	Power to transfer property etc. and staff from HPW.
Paragraph 10 of Schedule 2 to that Act.	Power to make provision about Wales Centre for Health.
Paragraph 27 of Schedule 2 to that Act.	Power to make provision about accounts and audit of Centre.
Section 29(1) of the Waste and Emissions Trading Act 2003 (c. 33)	Power to require Welsh local authority to have waste management strategy.
Section 30(1) of that Act.	Power to require Welsh local authority to provide information about waste.
Section 75(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), unless exercised to amend or repeal any part of the text of an Act.	Power to require prescribed persons to provide explanation of documents etc.
Section 94(6) of that Act.	Power to require Welsh local authority to pay fee in relation to review of adoption and fostering functions.
Section 96 of that Act, unless exercised to amend or repeal any part of the text of an Act.	Power to confer additional functions in relation to Welsh local authority social services.
Section 101(1) of that Act, unless exercised to amend or repeal any part of the text of an Act.	Power to require prescribed persons to provide explanation of documents etc.
Section 62(4) of the Planning and Compulsory Purchase Act 2004 (c. 5).	Power to prescribe form and content of local development plan.
Section 63(3)(a) of that Act.	Power to prescribe persons to be included in community involvement scheme.
Section 63(7) of that Act.	Power to prescribe requirements in relation to that scheme and local development plan.
Section 69(1) of that Act.	Power to prescribe times for review of local development plan.
Section 69(3) of that Act.	Power to prescribe form of, and publication requirements for, review.
Section 76(2) of that Act.	Power to prescribe information to be contained in annual monitoring report.
Section 76(3) of that Act.	Power to prescribe timing, form and content of report.
Section 77 of that Act.	Power to make provision about functions conferred by Part 6.
Section 30(1)(b) of the Higher Education Act 2004 (c. 8).	Power to designate "relevant authority".
Section 38(2) of that Act.	Power to prescribe maximum period during which relevant authority can refuse to approve institution's new plan.
Section 18(2)(c) of the Public Audit (Wales) Act 2004 (c. 23).	Power to specify documents to which right of access applies.
Section 21(1) of that Act.	Power to replace scale of audit fees.
Section 39(1) of that Act, unless exercised so as to include a declaration that a contravention is an offence.	Power to make provision about publication etc. of accounts.
Section 52(2)(c) of that Act.	Power to specify documents to which right of access applies.
Section 26(2)(f) of the Children Act 2004 (c. 31).	Power to make provision about implementation of children and young people's plans.
Section 26(4) of that Act.	Power to require approval of such plans.
Section 22(1) of the Education Act 2005 (c. 18).	Power to establish panel to advise on Chief Inspector's functions.
Section 25(2) of that Act.	Power to prescribe categories of persons who may be registered inspectors.
Section 25(3)(b) of that Act.	Power to prescribe fees for applications for registration.
Section 36(2) of that Act.	Power to make provision as to timing of inspections and reports.

<i>Function</i>	<i>Description</i>
Section 38(3)(e) and (4)(b) and (c) of that Act.	Power to make provision relating to destination of reports about maintained schools.
Section 39(2)(a), (3), (5) and (7)(b) of that Act.	Power to make provision relating to statement prepared by appropriate authority for school.
Section 40(3)(a) of that Act.	Power to make provision relating to statement prepared by local education authority.
Section 41(4)(b) and (c) of that Act.	Power to make provision relating to destination of reports about non-maintained schools.
Section 42(2)(a), (3), (4) and (5)(b) of that Act.	Power to make provision relating to statement prepared by proprietor of school.
Section 52(5) of that Act.	Power to make provision about provision of inspection services by LEAs.
Section 55(4) of that Act.	Power to prescribe intervals at which careers services are inspected.
Section 56(3) of that Act.	Power to prescribe intervals at which related services are inspected.
Section 57(7)(a), (b) and (c) of that Act.	Power to require a person inspected to prepare written statement in response.
Section 57(9) of that Act.	Power to make provision about inspection reports.
Section 62(1) of that Act, unless exercised to amend or repeal an enactment.	Power to change inspection framework for Wales.
Section 85(3)(d) of that Act.	Power to designate institutions eligible for HEFCW funding.
Section 90(1) of that Act.	Power to confer functions on HEFCW.
Section 91(1) of that Act.	Power to give directions to HEFCW.
Section 92(4) of that Act.	Power to authorise joint exercise of HEFCW functions.
Section 100(2) of that Act.	Power to make provision as to meaning of "governing body".
Section 124(1) of that Act, unless exercised to amend or repeal an enactment.	Power to make consequential etc. provision.
Paragraph 2 of Schedule 3 to that Act.	Power to make provision about appeals to, and procedure of, tribunals.
Paragraph 3(2)(b) of Schedule 4 to that Act.	Power to prescribe persons who may not be members of inspection team.
Paragraph 4(3) of Schedule 4 to that Act.	Power to waive fees for applications to be on the list of inspection team members.
Paragraph 6(b) of Schedule 4 to that Act.	Power to make provisions about meetings between inspectors and pupils.
(5) In this paragraph—	
	<ul style="list-style-type: none"> <li>• "make" includes confirm or approve and related expressions are to be construed accordingly, and</li> <li>• "pre-commencement enactment" means an enactment contained in an Act passed or subordinate legislation made before the end of the initial period.</li> </ul>

(6) This paragraph does not apply if the function was transferred as a result of the operation of paragraph 30(2)(b) (see paragraph 28 and section 59).

## Transfers of Assembly functions: laying of reports and statements

36 (1) This paragraph applies where—

(a) a function to make or receive a report or statement was transferred to, or made exercisable by, the Assembly constituted by the Government of Wales Act 1998 (c. 38) by an Order in Council under section 22 of that Act,

(b) the function has been transferred to, or made exercisable by, the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission by or by virtue of paragraph 30 or 31, and

(c) immediately before the transfer of the function to that Assembly, any enactment made provision (“provision for Parliamentary laying”) for a report or statement made or received in the exercise of the function to be laid before Parliament or either House of Parliament by the person making or receiving it.

(2) The provision for Parliamentary laying applies to the exercise of the function by the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission as if it required the report or statement to be laid before the Assembly instead of before Parliament or either House of Parliament.

(3) In this paragraph and paragraph 37 references to a report or statement include any other document (except one containing subordinate legislation).

37 (1) This paragraph applies where—

(a) a function to make or receive a report or statement was conferred or imposed on the Assembly constituted by the Government of Wales Act 1998 by a pre-commencement enactment,

(b) the function has been transferred to the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission by or by virtue of paragraph 30 or 31, and

(c) immediately before the transfer, any enactment made provision for a report or statement made or received in the exercise of the function (or the matter contained in such a report or statement) to be published by that Assembly.

(2) A copy of the report or statement must be laid before the Assembly after it has been made or received.

(3) In this paragraph “pre-commencement enactment” means an enactment contained in an Act passed or subordinate legislation made before the end of the initial period.

## Transfers of Assembly functions: property, rights and liabilities

38 (1) In paragraphs 39 and 40 “transferred function” means a function—

(a) which is conferred or imposed on the Welsh Ministers, the First Minister or the Counsel General by a provision of this Act which re-enacts (with or without modifications) a provision of the Government of Wales Act 1998 (c. 38) which conferred or imposed the same or substantially the same function on the Assembly constituted by that Act,

(b) which is transferred to a person or body other than the Assembly by or by virtue of paragraph 30 or 31, or

(c) which is conferred or imposed on the Welsh Ministers, the First Minister or the Counsel General by a provision of any Act in consequence of the amendment of that Act by or under this Act.

(2) In paragraphs 39 and 40 “the transferee”, in relation to a transferred function, means—

(a) in the case of a function within paragraph (a) or (c) of sub-paragraph (1), the person or body on whom the function is conferred or imposed, and

(b) in the case of a function within paragraph (b) of that sub-paragraph, the person or body to whom the function is transferred.

(3) In paragraph 39 “transfer time”, in relation to a transferred function, means the time when the function first becomes exercisable by the transferee of the transferred function.

39 (1) The property, rights and liabilities to which the Assembly constituted by the Government of Wales Act 1998 is entitled or subject in connection with any transferred function are transferred to and vest in the transferee of the function.

(2) Anything (including legal proceedings) which relates to—

(a) any transferred function, or

(b) any property, rights or liabilities transferred by sub-paragraph (1) in connection with any transferred function,

and which is in the process of being done by or in relation to the Assembly constituted by the Government of Wales Act 1998 immediately before the transfer time may be continued by or in relation to the transferee of the transferred function.

(3) Anything which was done by or in relation to the Assembly constituted by the Government of Wales Act 1998 for the purpose of or in connection with—

(a) any transferred function, or



(b) any property, rights or liabilities transferred by sub-paragraph (1) in connection with any transferred function,

and which is in effect immediately before the transfer time has effect as if done by or in relation to the transferee of the transferred function.

(4) In any instruments, contracts or legal proceedings which relate to—

(a) any transferred function, or

(b) any property, rights or liabilities transferred by sub-paragraph (1) in connection with any transferred function,

and which are made or commenced before the transfer time, the transferee of the transferred function is substituted for the Assembly constituted by the Government of Wales Act 1998.

40 (1) Her Majesty may by Order in Council provide that all or any of the provisions of paragraph 39—

(a) do not apply in relation to particular transferred functions or to the property, rights and liabilities connected with the particular transferred functions or particular property, rights and liabilities so connected,

(b) are to apply only in relation to particular transferred functions or to particular property, rights or liabilities connected with transferred functions, or

(c) apply with modifications in relation to particular transferred functions or to the property, rights and liabilities connected with the particular transferred functions or particular property, rights and liabilities so connected.

(2) Paragraph 39 does not apply in relation to rights and liabilities under a contract of employment of a member of the staff of the Assembly constituted by the Government of Wales Act 1998 (c. 38).

(3) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this paragraph unless a draft of the statutory instrument containing the Order in Council has been laid before and approved by a resolution of—

(a) each House of Parliament, and

(b) the Assembly constituted by the Government of Wales Act 1998 or the Assembly constituted by this Act.

41 (1) The Secretary of State may by order provide for the transfer to the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission of—

(a) any specified property, rights or liabilities, or

(b) property, rights or liabilities of any specified description,

to which the Assembly constituted by the Government of Wales Act 1998 is entitled or subject or to which that Assembly was entitled or subject immediately before the end of the initial period.

(2) An order under sub-paragraph (1) may provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order.

(3) An order under sub-paragraph (1) may provide—

(a) for the creation in favour of the Assembly Commission of interests in, or rights over, property transferred to the Welsh Ministers, the First Minister or the Counsel General,

(b) for the creation in favour of the Welsh Ministers, the First Minister or the Counsel General of interests in, or rights over, property transferred to the Assembly Commission, or

(c) for the creation of new rights and liabilities between the Welsh Ministers, the First Minister or the Counsel General on the one hand and the Assembly Commission on the other.

(4) The Secretary of State may by order make provision for the continuation by or in relation to the Welsh Ministers, the First Minister, the Counsel General, or the Assembly Commission of—

(a) any specified thing, or

(b) anything of a specified description,

commenced by or in relation to the Assembly constituted by the Government of Wales Act 1998 (c. 38).

(5) The Secretary of State may by order make provision for—

(a) any specified thing, or

(b) anything of a specified description,

done by or in relation to the Assembly constituted by the Government of Wales Act 1998 to have effect as if done by or in relation to the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission.

(6) The Secretary of State may by order make provision for the substitution of the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission for the Assembly constituted by the Government of Wales Act 1998 in—

(a) any specified instrument, contract or legal proceedings, or

(b) any instrument, contract or legal proceedings of a specified description.

(7) An order under this paragraph may be made in consequence of provision made by this Act or in any other circumstances in which the Secretary of State considers it appropriate to make such an order.

(8) An order under this paragraph may not provide for the transfer of rights and liabilities under a contract of employment of a member of the staff of the Assembly constituted by the Government of Wales Act 1998.

(9) A statutory instrument containing an order under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.

42 (1) A certificate issued by the Secretary of State that any property has been transferred by—

(a) paragraph 39, or

(b) an order under paragraph 41,

is conclusive evidence of the transfer.

(2) Paragraph 39, and orders under paragraph 41, have effect in relation to property, rights or liabilities to which they apply in spite of any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property, rights or liabilities.

(3) A right of pre-emption, right of return or other similar right does not operate or become exercisable as a result of any transfer of property or rights by virtue of paragraph 39 or an order under paragraph 41.

(4) Any such right has effect in the case of any such transfer as if the transferee were the same person in law as the transferor and no transfer of the property or rights had taken place.

(5) Such compensation as is just is to be paid to any person in respect of any such right which would, apart from sub-paragraph (3), have operated in favour of or become exercisable by that person but which, in consequence of the operation of that sub-paragraph, cannot subsequently operate in favour of or become exercisable by that person.

(6) Any compensation payable by virtue of sub-paragraph (5) is to be paid by the transferor or by the transferee or by both.

(7) The Secretary of State may by order make provision for the determination of disputes as to—

(a) whether compensation is payable under sub-paragraph (5),

(b) how much compensation is payable, and

(c) the person to whom or by whom it is to be paid.

(8) A statutory instrument containing an order under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Sub-paragraphs (2) to (8) apply in relation to the creation of rights or interests, or the doing of anything else, in relation to property as they apply in relation to a transfer of property; and references to the transferor and transferee are to be read accordingly.

(10) In this paragraph “right of return” means any right under a provision for the return or reversion of property in specified circumstances.

## Staff of the Assembly

43 (1) Subject as follows, at the end of the initial period the members of the staff of the Assembly constituted by the Government of Wales Act 1998 (c. 38) (“relevant employees”) are to be taken to have been appointed as members of the staff of the Welsh Assembly Government.

(2) But the Secretary of State may by order make a scheme (“a transfer scheme”) for the transfer to the Assembly Commission of the rights and liabilities of listed relevant employees under their contracts of employment at the end of the initial period.

(3) A relevant employee is a listed relevant employee if the relevant employee is named in, or is of a description of relevant employees specified in, a list produced by the Secretary of State; and the Secretary of State—

(a) may at any time amend the list, and

(b) must make the list (and any amendments of it) available to such persons, and in such manner, as appear appropriate.

(4) The transfer by a transfer scheme of the rights and liabilities of a relevant employee under the relevant employee’s contract of employment does not break the continuity of the relevant employee’s employment and accordingly—

(a) the relevant employee is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 (c. 18) (redundancy) as having been dismissed by virtue of the transfer, and

(b) the relevant employee’s period of employment with the Assembly constituted by the Government of Wales Act 1998 counts as a period of employment with the Assembly Commission for the purposes of the Employment Rights Act 1996.

(5) A transfer scheme transferring the rights and liabilities of a relevant employee under the relevant employee’s contract of employment must provide for the terms and conditions of the relevant employee’s employment with the Assembly Commission (taken as a whole) to be no less favourable to the relevant employee than the terms and conditions on which the relevant employee is employed immediately before the transfer.

(6) A transfer scheme must provide that, if a listed relevant employee informs the Assembly constituted by the Government of Wales Act 1998 or the Assembly Commission that the relevant employee objects to becoming employed by the Assembly Commission—

(a) the transfer scheme does not operate to transfer any rights or liabilities under the relevant employee’s contract of employment, and

(b) the relevant employee’s contract of employment is terminated at the end of the initial period, but

(c) the relevant employee is not, by virtue of that termination, to be treated for any purpose as having been dismissed.

(7) Anything (including legal proceedings) which relates to any rights or liabilities transferred by a transfer scheme which is in the process of being done by or in relation to the Assembly constituted by the Government of Wales Act 1998 (c. 38) immediately before they are transferred may be continued by or in relation to the Assembly Commission.

(8) Anything which was done by or in relation to the Assembly constituted by the Government of Wales Act 1998 for the purpose of or in connection with any rights or liabilities transferred by a transfer scheme which is in effect immediately before they are transferred has effect as if done by or in relation to the Assembly Commission.

(9) In any instruments, contracts or legal proceedings which relate to any rights or liabilities transferred by a transfer scheme and which are made or commenced immediately before they are transferred, the Assembly Commission is substituted for the Assembly constituted by the Government of Wales Act 1998.

(10) Before making an order under sub-paragraph (2) the Secretary of State must consult the Assembly constituted by the Government of Wales Act 1998.

(11) A statutory instrument containing an order under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

## Powers to lend money

44 (1) This paragraph applies where—

(a) a power to lend money was transferred to the Assembly constituted by the Government of Wales Act 1998 by an Order in Council under section 22 of that Act, and

(b) the power has been transferred to the Welsh Ministers by paragraph 30.

(2) Sub-paragraph (3) applies to any sums which, for the purpose or as a result of the exercise of the power, would be required (apart from that sub-paragraph)—

- (a) to be issued by the Treasury out of the National Loans Fund, or
- (b) to be paid into that Fund.
- (3) Those sums are instead—
  - (a) to be charged on the Welsh Consolidated Fund, or
  - (b) to be paid into that Fund.
- (4) The following provisions apply where—
  - (a) the power was exercised by a Minister of the Crown before its transfer to the Assembly constituted by the Government of Wales Act 1998 (c. 38) or by that Assembly after its transfer, and
  - (b) the sums required for the exercise of the power were issued by the Treasury out of the National Loans Fund.
- (5) Any amount payable by way of repayment of, or of interest on, the loan is to be paid to the Welsh Ministers and into the Welsh Consolidated Fund (instead of to the Minister of the Crown and into the National Loans Fund).
- (6) Amounts equal to those which are to be received by the Welsh Ministers in repayment of principal are to be treated as being loans made to the Welsh Ministers by the Secretary of State on the date of the transfer of the power to the Welsh Ministers.
- (7) Such loans are to be repaid to the Secretary of State at such times and by such methods, and interest is to be paid to the Secretary of State at such rates and at such times, as the Treasury may from time to time determine.
- (8) Sums required to be paid to the Secretary of State under sub-paragraph (7) are to be charged on the Welsh Consolidated Fund.
- (9) Sums received by the Secretary of State under sub-paragraph (7) are to be paid into the National Loans Fund.
- (10) Her Majesty may by Order in Council disapply this paragraph (in whole or in part) in relation to any power to lend money.
- (11) No recommendation is to be made to Her Majesty in Council to make an Order in Council under sub-paragraph (10) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.

### Local government scheme

- 45 (1) Any scheme under section 113(1) of the Government of Wales Act 1998 which is in force immediately before the commencement of the repeal of that provision by this Act has effect after that time (with appropriate modifications) as if made under section 73.
- (2) Sub-paragraph (1) does not give rise to any obligation under section 73(4) to publish the scheme.
  - (3) Section 73(6) does not apply in relation to the financial year ending with 31st March 2007.
  - (4) But if the Assembly constituted by the Government of Wales Act 1998 has not complied with the duty imposed by paragraph 9 of Schedule 11 to that Act in relation to that financial year before the commencement of the repeal of that paragraph by this Act, that duty becomes a duty of the Welsh Ministers on the commencement of that repeal.
  - (5) In relation to the financial year ending with 31st March 2008, the reference in section 73(6)(a) to the proposals set out in the local government scheme includes those set out in a scheme under section 113(1) of the Government of Wales Act 1998.

### Voluntary sector scheme

- 46 (1) Any scheme under section 114(1) of the Government of Wales Act 1998 (c. 38) which is in force immediately before the commencement of the repeal of that provision by this Act has effect after that time (with appropriate modifications) as if made under section 74.
- (2) Sub-paragraph (1) does not give rise to any obligation under section 74(7) to publish the scheme.
  - (3) Section 74(9) does not apply in relation to the financial year ending with 31st March 2007.
  - (4) But if the Assembly constituted by the Government of Wales Act 1998 has not complied with the duty imposed by subsection (9) of section 114 of that Act in relation to that financial year before the

commencement of the repeal of that subsection by this Act, that duty becomes a duty of the Welsh Ministers on the commencement of that repeal.

(5) In relation to the financial year ending with 31st March 2008, the reference in section 74(9)(a) to the proposals set out in the voluntary sector scheme includes those set out in a scheme under section 114(1) of the Government of Wales Act 1998.

## Equality of opportunity arrangements

47 (1) Any arrangements under section 120(1) of the Government of Wales Act 1998 which are in force immediately before the commencement of the repeal of that provision by this Act have effect after that time (with appropriate modifications) as if made under section 77.

(2) Section 77(2) does not apply in relation to the financial year ending with 31st March 2007.

(3) But if the Assembly constituted by the Government of Wales Act 1998 has not complied with the duty imposed by subsection (2) of section 120 of that Act in relation to that financial year before the commencement of the repeal of that subsection by this Act, that duty becomes a duty of the Welsh Ministers on the commencement of that repeal.

(4) In relation to the financial year ending with 31st March 2008, the references in subsection (2) of section 77 to the arrangements made in pursuance of subsection (1) of that section include those made in pursuance of section 120(1) of the Government of Wales Act 1998.

## Welsh language strategy and scheme

48 (1) The National Action Plan for a Bilingual Wales (or Iaith Pawb) as it stands immediately before the coming into force of section 78 has effect after that time (with appropriate modifications) as if it were a strategy adopted under subsection (1) of that section.

(2) Any Welsh language scheme adopted by the Assembly constituted by the Government of Wales Act 1998 and current immediately before the coming into force of section 78 has effect after that time (with appropriate modifications) as if adopted under subsection (2) of that section.

(3) Sub-paragraphs (1) and (2) do not give rise to any obligation under section 78(6).

(4) Section 78(8) does not apply in relation to the financial year ending with 31st March 2007.

## Sustainable development scheme

49 (1) Any scheme under section 121(1) of the Government of Wales Act 1998 (c. 38) which is in force immediately before the commencement of the repeal of that provision by this Act has effect after that time (with appropriate modifications) as if made under section 79.

(2) Sub-paragraph (1) does not give rise to any obligation under section 79(4) to publish the scheme.

(3) Section 79(6) does not apply in relation to the financial year ending with 31st March 2007.

(4) But if the Assembly constituted by the Government of Wales Act 1998 has not complied with the duty imposed by subsection (6) of section 121 of that Act in relation to that financial year before the commencement of the repeal of that subsection by this Act, that duty becomes a duty of the Welsh Ministers on the commencement of that repeal.

(5) In relation to the financial year ending with 31st March 2008, the reference in section 79(6)(a) to the proposals set out in the sustainable development scheme includes those set out in a scheme under section 121(1) of the Government of Wales Act 1998.

(6) Section 79(7) has effect as if 2008 were the year following that in which an ordinary general election is held.

## Orders in Council amending Schedule 5

50 (1) Section 95 has effect until the end of the initial period subject to the following modifications.

(2) In subsection (2), for the words after “exercisable by” substitute “the Assembly constituted by the Government of Wales Act 1998”.

(3) In subsection (5)(a), after “Assembly” insert “constituted by the Government of Wales Act 1998”.

(4) Omit subsections (6) to (10).

51 Section 96 has effect until the end of the initial period with the substitution of “Assembly constituted by the Government of Wales Act 1998” for “Counsel General”.

## Assembly Measures: criminal penalties

52 (1) No term of imprisonment of more than six months is to be imposed on conviction of a summary offence created by or by virtue of an Assembly Measure if the offence is committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (c. 44).

(2) No term of imprisonment of more than six months is to be imposed on summary conviction of an offence triable either way created by or by virtue of an Assembly Measure if the offence is committed before the coming into force of section 154(1) of that Act.

## Welsh Consolidated Fund

53 On 2nd April 2007 the Assembly constituted by the Government of Wales Act 1998 (c. 38) must pay into the Welsh Consolidated Fund all monies standing to its credit immediately before that day.

## Grants

54 Until the end of the initial period section 118(2) has effect with the substitution of a reference to the Assembly constituted by the Government of Wales Act 1998 for the reference to the Welsh Ministers, the First Minister or the Counsel General.

## Statement of estimated payments

55 In its application for the financial year beginning on 1st April 2007 section 119 has effect as if—

(a) the references in subsection (1)(b) and (c) to the Welsh Ministers, the First Minister or the Counsel General included the Assembly constituted by the Government of Wales Act 1998, and

(b) the reference in subsection (6) to the Assembly were to that Assembly.

## Destination of receipts

56 Until the end of the initial period section 120 has effect—

(a) with the substitution of a reference to the Assembly constituted by the Government of Wales Act 1998 for paragraphs (a) and (b) of subsection (1), and

(b) as if the references in subsections (3), (4) and (5) to the Welsh Ministers were to that Assembly;

and the reference in subsection (2)(a) to a resolution of the Assembly includes a resolution made before the beginning of the initial period by that Assembly.

## Borrowing

57 (1) Until the end of the initial period section 121(1) has effect with the substitution of a reference to the Assembly constituted by the Government of Wales Act 1998 for the reference to the Welsh Ministers.

(2) For the purpose of section 122(2) the aggregate amount which, immediately before 1st April 2007, is outstanding in respect of the principal of—

(a) loans made under section 82 of the Government of Wales Act 1998, and

(b) any other loans issued out of the National Loans Fund which the Assembly constituted by the Government of Wales Act 1998 is liable to repay,

is treated as outstanding in respect of the principal of sums borrowed under section 121.

## Payments out of Welsh Consolidated Fund.

58 Until the end of the initial period section 124(3) has effect with the substitution of a reference to the Assembly constituted by the Government of Wales Act 1998 (c. 38) for paragraphs (a) and (b).

59 Until the end of the initial period—

(a) paragraph 5(3) of Schedule 31 to the Local Government, Planning and Land Act 1980 (c. 65) (financial provisions relating to urban development corporations: guarantees),

(b) paragraph 16 of Schedule 8 to the Local Government Finance Act 1988 (c. 41) (non-domestic rating: pooling), and

(c) paragraph 5(3) of Schedule 8 to the Housing Act 1988 (c. 50) (financial provisions relating to housing action trusts: guarantees),

have effect with the substitution of references to that Assembly for the references to the Welsh Ministers.

## Annual Budget motions

60 (1) In its application for the financial year beginning on 1st April 2007 section 125 has effect as if—

(a) the reference in subsection (1) to the Assembly included the Assembly constituted by the Government of Wales Act 1998 (except as it continues in existence by virtue of paragraph 22), and

(b) the references in paragraphs (b) and (c) of subsection (3) to the Welsh Ministers, the First Minister or the Counsel General included that Assembly.

(2) In relation to a Budget motion moved in that Assembly that section has effect as if—

(a) the reference in subsection (2) to the First Minister or a Welsh Minister appointed under section 48, and

(b) the reference in subsection (3) to the Welsh Ministers in the words before the paragraphs,

were to a member of the executive committee within the meaning of the Government of Wales Act 1998 and as if the references in paragraphs (a), (b) and (c) of that subsection to the estimate of the Welsh Ministers were to the estimate of the member of that committee by whom the statement is made.

## Supplementary Budget motions

61 (1) In its application for the financial year beginning on 1st April 2007 section 126 has effect as if the reference in subsection (1) to the Assembly included the Assembly constituted by the Government of Wales Act 1998 (except as it continues in existence by virtue of paragraph 22).

(2) In relation to a supplementary Budget resolution moved in that Assembly that section has effect as if the reference in subsection (5) to the First Minister or a Welsh Minister appointed under section 48 were to a member of the executive committee within the meaning of the Government of Wales Act 1998.

## Contingencies

62 Until the end of the initial period section 128 has effect with the substitution of a reference to £50 million for the words after “this section” in subsections (4) and (5) and as if the references to the Welsh Ministers were—

(a) before the beginning of the initial period, to two or more members of the executive committee within the meaning of the Government of Wales Act 1998 (c. 38), and

(b) during the initial period, to two or more members of the Assembly constituted by that Act (as it continues in existence by virtue of paragraph 22) not including the person who immediately before the beginning of the initial period held office as the presiding officer.

## Approvals to draw

63 (1) This paragraph applies until the end of the initial period.

(2) Section 129 has effect as if the reference in subsection (1) to the Welsh Ministers were—

(a) before the beginning of the initial period, to a member of the executive committee within the meaning of the Government of Wales Act 1998, and

(b) during the initial period, to a member of the Assembly constituted by that Act (as it continues in existence by virtue of paragraph 22) other than the person who immediately before the beginning of the initial period held office as the presiding officer.

(3) That section has effect as if the reference in subsection (3) to the Welsh Ministers were to the Assembly.

(4) And that section has effect as if the reference in subsection (5)(b) to the principal accounting officer for the Welsh Assembly Government were—

(a) before the beginning of the initial period, to the Assembly's principal accounting officer (designated under section 98 of the Government of Wales Act 1998), and

(b) during the initial period, to the person who was the Assembly's principal accounting officer immediately before the beginning of the initial period.

## Auditor General

64 The person who, immediately before the commencement of the repeal of section 90 of the Government of Wales Act 1998, holds the post of Auditor General for Wales is to be taken after that time to have been appointed to that post under paragraph 1 of Schedule 8.

## Advocate General for Northern Ireland

65 (1) Until the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26) this Act has effect subject to the following modifications.

(2) In section 81(3), omit “, the Advocate General for Northern Ireland”.

(3) In section 153(5)(c) and paragraphs 23(1) and (2), 24(1) and 29(2)(c) of Schedule 9, for “Advocate General” substitute “Attorney General”.

## The Supreme Court

66 (1) Until the coming into force of section 23(1) of the Constitutional Reform Act 2005 (c. 4) this Act has effect subject to the following modifications.

(2) In section 96, for “Supreme Court” substitute “Judicial Committee of the Privy Council”.

(3) In section 98(6)(a), for “the Supreme Court decides” substitute “the Judicial Committee of the Privy Council decide”.

(4) In the following provisions, for “Supreme Court” substitute “Judicial Committee of the Privy Council”—

(a) the title to section 99,

(b) subsection (1) of that section,

(c) section 100(1)(b),

(d) section 101(4)(c), and

(e) section 102(2)(b).

(5) In section 102(3)(a), for “the Supreme Court has” substitute “the Judicial Committee of the Privy Council have”.

(6) In section 111(6)(a), for “the Supreme Court decides” substitute “the Judicial Committee of the Privy Council decide”.

(7) In the following provisions, for “Supreme Court” substitute “Judicial Committee of the Privy Council”—

(a) the title to section 112,

(b) subsection (1) of that section,

(c) section 113(1)(b),

(d) section 114(4)(c), and

(e) section 115(2)(b).

(8) In section 115(3)(a), for “the Supreme Court has” substitute “the Judicial Committee of the Privy Council have”.

(9) In section 148(1)(f), for “Senior Courts” substitute “Supreme Court”.

(10) In paragraph 1(2) of Schedule 9 after “Schedule” insert “—

(a) “the Judicial Committee” means the Judicial Committee of the Privy Council, and

(b)”.

(11) In paragraphs 7(2)(a), 9, 15 and 25 of that Schedule, for “Supreme Court” substitute “House of Lords”.

(12) In the following provisions of that Schedule—

(a) paragraph 10 and the heading before it,

(b) paragraph 18 and the heading before it,

(c) paragraph 19,

(d) paragraph 20 and the heading before it,

(e) paragraph 27 and the heading before it,

(f) sub-paragraph (1) of paragraph 29 and the heading before it, and

(g) paragraph 30(1),



for “Supreme Court” substitute “Judicial Committee”.

(13) In paragraph 11 of that Schedule—

- (a) for “Supreme Court”, in both places, substitute “Judicial Committee”,
  - (b) for “permission”, in the first two places, substitute “leave”, and
  - (c) for “permission”, in the third place, substitute “special leave”,
- and in the heading before it, for “Supreme Court” substitute “Judicial Committee”.

(14) In paragraph 21 of that Schedule—

- (a) for “Supreme Court apart from this paragraph” substitute “House of Lords”,
- (b) for “Supreme Court”, in the second and third places, substitute “Judicial Committee”,
- (c) for “permission”, in the first two places, substitute “leave”, and
- (d) for “permission”, in the third place, substitute “special leave”.

(15) In paragraph 28 of that Schedule—

- (a) for “Supreme Court”, in both places, substitute “Judicial Committee”,
  - (b) for “permission”, in the first two places, substitute “leave”, and
  - (c) for “permission”, in the third place, substitute “special leave”,
- and in the heading before it, for “Supreme Court” substitute “Judicial Committee”.

(16) Before paragraph 29 of that Schedule insert—

*“Proceedings in the House of Lords*

28A Any devolution issue which arises in judicial proceedings in the House of Lords is to be referred to the Judicial Committee unless the House considers it more appropriate, having regard to all the circumstances, that it should determine the issue.”

67 (1) This paragraph has effect until the coming into force of section 23(1) of the Constitutional Reform Act 2005 (c. 4).

(2) Any decision of the Judicial Committee in proceedings under this Act—

- (a) must be stated in open court, and
- (b) is binding in all legal proceedings (other than proceedings before the Judicial Committee).

(3) The only members of the Judicial Committee who may sit and act as members of the Judicial Committee in proceedings under this Act are those who hold or have held—

- (a) the office of a Lord of Appeal in Ordinary, or
- (b) high judicial office as defined in section 25 of the Appellate Jurisdiction Act 1876 (c. 59) (ignoring for this purpose section 5 of the Appellate Jurisdiction Act 1887 (c. 70)).

(4) Her Majesty may by Order in Council—

- (a) confer on the Judicial Committee in relation to proceedings under this Act such powers as appear to be appropriate,
- (b) apply the Judicial Committee Act 1833 (c. 41) in relation to proceedings under this Act with exceptions and modifications, and
- (c) make rules for regulating the procedure with respect to proceedings under this Act before the Judicial Committee.

(5) An Order in Council under sub-paragraph (4) may make such modifications of—

- (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
- (b) any other instrument or document,

as Her Majesty considers appropriate in connection with the provision made by the Order in Council.

(6) No recommendation is to be made to Her Majesty in Council to make an Order in Council under sub-paragraph (4) which contains provisions in the form of amendments or repeals of enactments contained in an Act unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.

(7) A statutory instrument containing an Order in Council which makes provision falling within sub-paragraph (4)(a) or (b) is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

Section 163

## SCHEDULE 12 REPEALS AND REVOCATIONS

<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
Copyright, Designs and Patents Act 1988 (c. 48)	Section 163(1A).
Official Secrets Act 1989 (c. 6)	Section 12(2)(aa).
Town and Country Planning Act 1990 (c. 8)	Section 321B(5).
Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)	In Schedule 3, paragraph 8(5).
Planning (Hazardous Substances) Act 1990 (c. 10)	In the Schedule, paragraph 8(5).
Government of Wales Act 1998 (c. 38)	Sections 1 to 26. Section 27(1) to (5) and (8) to (10). Sections 29 to 103. Section 104(5). Sections 106 to 124. Section 144(6) and (8A). In section 145(3), the words “(or, before the first ordinary election, the views of the Secretary of State)”. In section 154— (a) in subsection (3), paragraph (a) and, in paragraph (b), the words “96(5), 117,” and the words “144(1) or (4),”, (b) subsection (4), (c) in subsection (6), in paragraph (a), the words from “3” to “118(1)(f),”, the words “144(1) or (4),” and the words “or paragraph 17(9) of Schedule 9” and paragraph (b) and the word “and” preceding it, and (d) subsection (7). In section 155— (a) in subsection (1), the definitions of “Community law” and “delegate”, (b) subsection (2), and (c) in subsection (3), the words from “; and the” to the end. Section 156. Schedules 1 to 3. Schedule 5.

<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
	Schedule 8.
	Schedule 11.
	In Schedule 12—
	(a) paragraph 2,
	(b) paragraph 7,
	(c) paragraph 8(2)(a), (3) and (4),
	(d) paragraph 12,
	(e) paragraph 13,
	(f) paragraph 15,
	(g) paragraph 17(3)(a),
	(h) paragraph 28, and
	(i) paragraph 30
Northern Ireland Act 1998 (c. 47)	In Schedule 13, paragraph 8(2) to (4).
Pollution Prevention and Control Act 1999 (c. 24)	In Schedule 2, paragraph 20.
Care Standards Act 2000 (c. 14)	In Schedule 1, paragraph 27(a).
Government Resources and Accounts Act 2000 (c. 20)	In Schedule 1, paragraphs 22, 23(a) and 24.
Learning and Skills Act 2000 (c. 21)	In Schedule 9, paragraph 93.
Political Parties, Elections and Referendums Act 2000 (c. 41)	In Schedule 3, paragraphs 8 to 16.  In Schedule 21, paragraph 12.
House of Commons (Removal of Clergy Disqualification) Act 2001 (c. 13)	In Schedule 1, paragraph 3.
European Parliamentary Elections Act 2002 (c. 24)	In Schedule 3, paragraph 6.
Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 7, paragraphs 3, 6 and 9.
Health (Wales) Act 2003 (c. 4)	In Schedule 3, paragraph 10.
Local Government Act 2003 (c. 26)	In Schedule 7, paragraph 67.
Criminal Justice Act 2003 (c. 44)	In Schedule 26, paragraph 50.
Copyright and Related Rights Regulations 2003 (S.I. 2003/2498)	In Schedule 1, paragraph 11(a).
Planning and Compulsory Purchase Act 2004 (c. 5)	Section 60(7).
Public Audit (Wales) Act 2004 (c. 23)	Section 2.  Sections 6 to 11.  Section 65(2).  In Schedule 2, paragraphs 43 and 45.
Local Authorities (Capital Finance) (Consequential, Transitional and Saving Provisions) Order 2004 (S.I. 2004/533)	Article 6.
Companies Act 1985 (Inter—national	In Schedule 7, paragraph 13.

<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
Accounting Standards and Other Accounting Amendments) Regulations 2004 (S.I. 2004/2947)	
Constitutional Reform Act 2005 (c. 4)	In Schedule 9, paragraphs 87 to 92.
Public Services Ombudsman (Wales) Act 2005 (c. 10)	Section 12(9).
	Section 16(9).
	Section 21(11).
	Section 23(6).
	In section 24—
	(a)
	in subsection (2), paragraph (b) and the word “and” preceding it, and subsection (3).
	(b)
	In section 41(1), the definition of “Assembly Cabinet”.
	Section 44(3).
	In Schedule 1, in paragraph 15(3), the words “to it”.
	In Schedule 6, paragraphs 62 to 64.
Inquiries Act 2005 (c. 12)	In section 1(2), the words following paragraph (c).