



# National Assembly for Wales (Official Languages) Act 2012

2012 anaw 1

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

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

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

- (1) Paragraph 8 of Schedule 2 to the Act (Principles in accordance with which functions are to be exercised) is amended as follows.
- (2) For sub-paragraph (3), substitute—
  - “(3) The Assembly Commission must, in the exercise of its functions—
    - (a) treat the official languages of the Assembly on a basis of equality,
    - and

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*Status: This is the original version (as it was originally enacted).*

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- (b) make arrangements for enabling effect to be given to section 35(1), (1A), (1B) and (1C).
- (4) The Assembly Commission must—
- (a) adopt, and
  - (b) publish,
- a scheme, to be known as the Assembly Commission’s Official Languages Scheme (“the Scheme”), specifying the measures which it proposes to take in order to comply with its duties under sub-paragraph (3).
- (5) The Scheme must include (amongst other things) provision about—
- (a) simultaneous interpretation from one official language into the other—
    - (i) in all Assembly proceedings,
    - (ii) in public meetings conducted on behalf of the Assembly Commission, and
    - (iii) in such other meetings connected with the functions of the Assembly or the Assembly Commission as may be provided for in the Scheme,
  - (b) publication of documents in both official languages, subject to any exceptions identified in the Scheme,
  - (c) public engagement with—
    - (i) Assembly proceedings, and
    - (ii) other functions of the Assembly and of the Assembly Commission,
 through the medium of either of the official languages,
  - (d) practical measures to foster and continually improve freedom of choice of official language—
    - (i) on the part of those participating in Assembly proceedings, and
    - (ii) in relation to the functions of the Assembly or the Assembly Commission generally,
  - (e) the setting of targets and timescales relating to implementation of the Scheme,
  - (f) the allocation of responsibilities for implementing the Scheme,
  - (g) objective means of measuring progress in implementing the Scheme, and
  - (h) a strategy for ensuring that the staff of the Assembly have, collectively, the language skills necessary to enable the Scheme to be implemented.
- (6) The Scheme must include provision relating to the receipt, investigation and consideration of complaints of failures to give effect to provisions of the Scheme.
- (7) The Scheme must identify those services provided or to be provided in the official languages and explain how those services are to be provided in accordance with paragraph 8(5).

- (8) The Assembly Commission must, in respect of each financial year, lay before the Assembly a report setting out how the Commission has, during the year in question, given effect to the Scheme.
- (9) The report prepared by the Assembly Commission under sub-paragraph (8) must include—
- (a) whether and to what degree the services referred to in sub-paragraph (7) have been provided, and
  - (b) if applicable, the reasons why the Commission has not provided any of the services referred to in sub-paragraph (7) in both official languages.
- (10) The Assembly Commission—
- (a) must review the Scheme as soon as is reasonably practicable after each ordinary general election, or after an extraordinary general election to which section 5(5) applies, and
  - (b) may, at any time, adopt a new Scheme or an amendment to the existing Scheme.
- (11) The Assembly Commission may not adopt a Scheme, or an amendment to a Scheme, unless (whether before or after the coming into force of this paragraph)—
- (a) a draft of the Scheme (or of the amendment) has been—
    - (i) published, and
    - (ii) laid before the Assembly,
  - (b) the Assembly Commission has given—
    - (i) those persons whom the Assembly Commission considers it appropriate to consult in relation to the Scheme, and
    - (ii) the Assembly,reasonable opportunity to make representations in relation to the draft,
  - (c) the Assembly Commission has considered any representations made about the draft Scheme (or draft amendment) by—
    - (i) the persons consulted under sub-paragraph (b)(i), and
    - (ii) the Assembly, and
  - (d) the Scheme (or the amendment) incorporating such modifications as the Assembly Commission may, having considered such representations, make, has been laid before and approved by resolution of, the Assembly.
- (12) The Assembly Commission must give effect to the Scheme.”

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

This Act—

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