

Explanatory Memorandum to The Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2026

This Explanatory Memorandum has been prepared by the Education, Culture and Welsh Language Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2026.

Mark Drakeford MS
Cabinet Secretary for Finance and Welsh Language
10 February 2026

1. Description

- 1.1 The Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2026 ('the Order') amends Schedule 6 to the Welsh Language (Wales) Measure 2011 ('the Measure') which sets out:
- (i) the bodies (referred to as "persons" in the Measure) who are liable to be required to comply with Welsh language standards ('standards'), and
 - (ii) which classes of standards are potentially applicable to each body.
- 1.2 The Order deals with inserting an additional body to Schedule 6 to the Measure.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 An order to amend Schedule 6 to the Measure ('Schedule 6') is likely to be made from time to time to capture changes in status of bodies, delete bodies that no longer exist or insert new bodies, to ensure that the Welsh Ministers may make standards specifically applicable to them.
- 2.2 As stated in paragraph 3.1 below, the Welsh Ministers can only amend Schedule 6 to include a body (or category of person) if that body (or category of persons) falls within one or more of the categories in Schedule 5 to the Measure. Community Housing Cymru is being added to Schedule 6 via the Order, as a body that Welsh Ministers consider falls within category (8) to Schedule 5 of the Measure - Persons who consent to being specified in Schedule 6.

3. Legislative background

- 3.1 Section 35 of the Measure enables the Welsh Ministers, by order, to amend the Schedule 6 table so that column 1 of the table includes:
- (i) a person who falls within one or more of the Schedule 5 categories, or
 - (ii) a category of persons, all of whom fall within one or more of the Schedule 5 categories.
- 3.2 Section 38 of the Measure enables the Welsh Ministers, by order, to amend the Schedule 6 table so that column 2 of a body's entry (or "a category of persons" entry) includes a reference to one or more of the following:
- (i) service delivery standards,
 - (ii) policy making standards,
 - (iii) operational standards, and
 - (iv) record keeping standards.
- 3.3 The Order amends Schedule 6 by inserting Community Housing Cymru and specifying classes of standards in column 2.
- 3.4 The Order is subject to the approval of Senedd Cymru .

4. Purpose and intended effect of the legislation

- 4.1 The Measure confirmed the official status of the Welsh language in Wales and created a new legislative framework for the language. A key step in giving effect to the Measure is specifying standards and authorising the Welsh Language Commissioner ('the Commissioner') to require bodies to comply with those standards.
- 4.2 Schedule 6 sets out the bodies and categories of persons who are liable to comply with standards. The Measure also provides that persons who consent can be included in Schedule 6.
- 4.3 As part of the process of preparing this Order the Welsh Ministers have considered whether Community Housing Cymru falls into one or more of the categories in Schedule 5 and the appropriateness of including the body in Schedule 6. The Welsh Ministers are satisfied that they do.
- 4.4 The Order inserts Community Housing Cymru into Schedule 6 and will update the list of persons in Schedule 6 to reflect the changes.
- 4.5 The Order does not place any duties directly on the body. Before a body is required to comply with standards a number of conditions must be met. These are set out in section 25 of the Measure. One such condition is that the Welsh Ministers have to make standards specifically applicable to the body or category of persons by Regulations. Furthermore, the Commissioner will have to give the body a compliance notice setting out with which standards (and in which circumstances or areas) the body has to comply. The compliance notice will also set out the date from which the body has to comply. The body cannot be required to comply with standards until the conditions set out in section 25 of the Measure are met, and consultation on the compliance notice (in accordance with section 47) has been undertaken.
- 4.6 The Order will enable the Welsh Ministers to amend The Welsh Language Standards (No.2) Regulations 2016 via The Welsh Language Standards (No.10) Regulations 2026 so that standards can be made specifically applicable to Community Housing Cymru. Once standards have been made specifically applicable to a body in Regulations the Commissioner is then authorised to give that body a compliance notice setting out which standards it is required to comply with.

Means of appeal

- 4.7 The body will be able to challenge the requirements to comply with a particular standard on the grounds of whether it is reasonable and proportionate to require it to do so. In the first place, the body will be able to present a challenge to the Commissioner. If they wish to challenge the Commissioner's decision, there is a route of appeal available to the Welsh Language Tribunal, and thereafter to the High Court.

Sanctions

4.8 The Commissioner will be responsible for monitoring compliance with the standards. In cases where the Commissioner determines that a body has failed to comply with a standard, the Commissioner may take enforcement action. Enforcement action under the Measure can vary from the making of recommendations or giving advice to a body, to the imposition of a civil penalty not exceeding £5,000.

5. Risks if Order is not made

5.1 Unless a body who falls into one or more of the categories in Schedule 5 to the Measure is also included in Schedule 6 the Welsh Ministers will not be able to make standards specifically applicable to them. This will mean that the Commissioner will not be able to require the body to comply with standards.

5.2 This could lead to the following risks being realised;

- A key component of the Measure not being implemented. That is introducing the standards system and authorising the Commissioner to require a body to comply with standards.
- There will be inconsistency in terms of the duties placed on bodies in the same sectors.
- People will be unsure about which services they can expect to receive in Welsh. This uncertainty will continue if the Order is not made allowing standards to be made specifically applicable to bodies that fall into one or more of the categories in Schedule 5 to the Measure.
- Bodies that have a Welsh Language Scheme introduced under the Welsh Language Act 1993 will not transition to the standards system.

6. Consultation

6.1 The Welsh Ministers consulted on the proposal to add Community Housing Cymru to Schedule 6, at the same time as consulting on proposals in respect of Registered Social Landlords. A public consultation was held between 24 June 2025 and 16 September 2025. A summary of consultation responses document can be accessed via the following link: <https://www.gov.wales/welsh-language-standards-registered-social-landlords-regulations>.

6.2 Schedule 6 sets out the bodies and categories of persons who are liable to comply with standards. The process of requiring a body to comply with standards provides a number of opportunities for a body to engage in the process and raise any concerns it may have.

6.3 Before giving the body a compliance notice the Commissioner must consult with them in accordance with section 47 of the Measure (unless the Commissioner is satisfied that they have already been consulted or given the opportunity to be consulted on that matter in connection with a standards investigation).

6.4 Community Housing Cymru is aware of the process of making standards.

7. Regulatory Impact Assessment (RIA)

7.1 The Order is connected with The Welsh Language Standards (No. 10) Regulations 2026. The Regulations add Community Housing Cymru to the Welsh Language Standards (No. 2) Regulations 2016.

7.2 The Order updates the Measure to include Community Housing Cymru. Updating the Measure does not, in and of itself, result in any additional costs and benefits. It is only through the amending the Welsh Language Standards (No.2) Regulations 2016 and the issuing of a compliance notice the body will be expected to comply with standards, incurring costs and generating benefits. As such, a single regulatory impact assessment has been prepared to accompany the Order and the Welsh Language Standards (No. 10) Regulations 2026. This is in line with the policy set out in the Welsh Ministers' RIA Code for Subordinate Legislation.

7.3 The RIA can be accessed via the following link:
<https://senedd.wales/search/?orderAlias=sortByDateNewestFirst&category=Laid%20Documents>.