

Explanatory Memorandum to The Welsh Language and Education (Wales) Act 2025 (Commencement No. 1 and Transitional and Transitory Provisions) Order 2026.

This Explanatory Memorandum has been prepared by the Education, Culture and Welsh Language Group for laying before Senedd Cymru alongside The Welsh Language and Education (Wales) Act 2025 (Commencement No. 1 and Transitional and Transitory Provisions) Order 2026. This is 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 and Education (Wales) Act 2025 (Commencement No. 1 and Transitional and Transitory Provisions) Order 2026.

Mark Drakeford MS

Cabinet Secretary for Finance and Welsh Language

10 March 2026

1. Purpose and overview

- 1.1. Article 2 of this commencement order brings into force the following provisions of the Welsh Language and Education (Wales) Act 2025 (“the Act”) on 1 April 2026:
 - a. section 3(1) to (3) (calculating the number of Welsh speakers);
 - b. section 4 (reviewing the Welsh language standards);
 - c. section 6 (Code to describe Welsh language ability);
 - d. section 7 (publishing and reviewing the Code);
 - e. section 24 (National Framework for Welsh Language Education and Learning Welsh);
 - f. section 25 (National Framework: further provision on the education workforce);
 - g. section 26(2)(b) (implementing the National Framework);
 - h. section 27 (National Framework: further provision about content, review and amendment);
 - i. section 28(1)(a) and (c) to (g), (2) and (3) (consultation and publication of the National Framework);
 - j. section 37 (interpretation).
- 1.2. Article 3 of this commencement order brings section 28(1)(b) (consultation on the National Framework with the National Institute for Learning Welsh) of the Act into force on 1 August 2027. This is the same date as the date the provision establishing the National Institute for Learning Welsh comes into force under section 56(3) of the Act.
- 1.3. Article 4 of this commencement order brings into force Part 3 (Welsh language education) for the purposes only of section 37(e) of the Act. It does not bring the duties under Part 3 into force. This means that Part 3 will be brought into force for the purpose of the interpretation of “Primarily Welsh Language”, “Dual Language” and “Primarily English Language, partly Welsh” language categories in section 37(e) of the Act only. Part 3 will be brought into force for other purposes at a later date by a subsequent commencement order.
- 1.4. This is the first commencement order made to commence provisions within the Act, following Royal Assent.

Transitional and transitory provision

- 1.5. Article 5 of this commencement order makes a transitional and transitory provision in relation to section 24 of the Act (National Framework for Welsh Language Education and Learning Welsh), which is brought into force by article 2.
- 1.6. Under section 24 of the Act the Welsh Ministers must prepare a framework (“the Framework”), that sets out how the Welsh Ministers will implement the Welsh language strategy’s proposals in relation to Welsh language

education, Welsh language provision in tertiary education and in relation to acquiring and lifelong learning of the Welsh language.

1.7. Section 24(2) of the Act states that:

“(2) In this Part references to the “Welsh language strategy” are to the strategy on promoting and facilitating the use of Welsh adopted by the Welsh Ministers in accordance with section 78 of the Government of Wales Act [2006 \(c. 32\)](#) (and see section 1 on what the strategy must contain).”

1.8. The effect of the transitional and transitory provision in article 5 is that references to “the Welsh language strategy” in section 24 are to be read from the commencement date, and until such time as section 1 of the Act comes fully into force, as if they were references to a draft Welsh language strategy containing the matters set out in section 1(1) of the Act and prepared by Welsh Ministers for the purpose of consultation.

1.9 Section 1 (in so far as not already in force) will be brought into force at a later date by a subsequent commencement order and until then the current Welsh language strategy adopted by the Welsh Ministers in 2017 will remain in place. The Framework is to set out how it will implement the proposals in a strategy that contains the matters set out in section 1(1) and until such time as section 1 is brought fully into force this will be a draft strategy that will be prepared by Welsh Ministers for consultation.

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

2.1. None.

3. Legislative background

3.1. This commencement order is made under sections 56(4) and 56(5) of the Act.

3.2. Section 56(4) of the Act enables the Welsh Ministers to appoint, by order, a day when provisions come into force. Section 56(5) of the Act enables such an order to appoint different days for different purposes and to make transitional, transitory or saving provision in connection with the coming into force of a provision of the Act.

3.3. Although this commencement order does not follow a Senedd procedure, it is still required to be laid before Senedd Cymru under section 37F of the Legislation (Wales) Act 2019.

4. Regulatory Impact Assessment (RIA)

4.1. An RIA has not been completed for this commencement order. This is in line with the exemption in section 3.2 of the Welsh Ministers’ code of practice for carrying out regulatory impact assessments for subordinate legislation.