



# Welsh Language Act 1993

## 1993 CHAPTER 38

### PART II

#### WELSH LANGUAGE SCHEMES

##### *Duty to prepare schemes*

#### **5 Duty of notified public bodies to prepare schemes**

- (1) Every public body to which a notice is given under section 7 below and which—
- (a) provides services to the public in Wales, or
  - (b) exercises statutory functions in relation to the provision by other public bodies of services to the public in Wales,

shall prepare a scheme specifying the measures which it proposes to take, for the purpose mentioned in subsection (2) below, as to the use of the Welsh language in connection with the provision of those services, or of such of them as are specified in the notice.

- (2) The purpose referred to in subsection (1) above 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 and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality.
- (3) In preparing a scheme under this Part of this Act a public body shall have regard to any guidelines issued by the Board under section 9 below.

#### **6 Meaning of “public body”**

- (1) In this Part of this Act “public body” means—
- (a) a county council, district council or community council;
  - (b) a joint committee of two or more bodies within paragraph (a) above;
  - (c) a joint board of which the members are two or more bodies within paragraph (a) above;

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*Status: This is the original version (as it was originally enacted).*

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- (d) a police authority;
- (e) a fire authority constituted by a combination scheme under the Fire Services Act 1947;
- (f) a health authority within the meaning of the National Health Service Act 1977;
- (g) a National Health Service trust constituted under Part I of the National Health Service and Community Care Act 1990;
- (h) a Family Health Services Authority;
- (i) a Community Health Council established in accordance with section 20 of the National Health Service Act 1977;
- (j) the Further Education Funding Council for Wales;
- (k) the Higher Education Funding Council for Wales;
- (l) the governors of a county school, voluntary school, maintained special school or grant-maintained school (within the meaning of the Education Acts 1944 to 1992);
- (m) a further education corporation established under section 15 or 16 of the Further and Higher Education Act 1992;
- (n) a higher education corporation established under section 121 or 122 of the Education Reform Act 1988;
- (o) any person (whether or not a body corporate or unincorporate)—
  - (i) who appears to the Secretary of State to be exercising functions of a public nature, or
  - (ii) all or substantially all of whose activities appear to the Secretary of State to be conducted under an agreement, or in accordance with arrangements, made with a public body within paragraphs (a) to (n) or sub-paragraph (i) above or a person acting as servant or agent of the Crown,
 and who is specified, or is of a description of persons specified, by order made by the Secretary of State for the purposes of this Part of this Act.

- (2) The power to make an order under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 7 Notices to public bodies

- (1) The Board may give a notice in writing under this section to any public body.
- (2) A notice under subsection (1) above shall—
  - (a) state that the public body to which the notice is given is required to prepare a scheme in accordance with section 5 above;
  - (b) specify a date before which that body is required to submit the scheme to the Board;
  - (c) inform that body of its rights of objection under section 8(1) below.
- (3) The Board shall give a copy of the current guidelines issued under section 9 below to any public body to which it gives a notice under subsection (1) above.
- (4) Different notices may be given to a public body under this section in respect of different services.

## **8 Objections to time limits for submitting schemes**

- (1) A person to whom the Board has given a notice under section 7 above may by notice in writing to the Board object to the date specified in the notice under section 7 as the date before which the scheme is to be submitted to the Board.
- (2) A notice under this section shall be given within such time as may be specified by the Board in the notice given by it under section 7 above.
- (3) A notice under this section shall give the reasons for any objection to which it relates.
- (4) On considering an objection made in accordance with this section, the Board may either dismiss it or propose an extension of the time limit concerned.
- (5) If the Board proposes an extension of the time limit and the objector agrees to the proposal, the notice under section 7 above shall have effect with the substitution of the agreed date.
- (6) If the Board dismisses the objection or the objector does not agree to a proposal made by the Board and, in either case, the objection is not withdrawn, the Board shall refer the objection to the Secretary of State.
- (7) The Board shall, on referring an objection to the Secretary of State, send him—
  - (a) a copy of the notice under section 7,
  - (b) a copy of the notice given by the objector under this section, and
  - (c) a statement of the Board's reasons for its decisions on the objection.
- (8) On a reference under this section the Secretary of State may confirm a decision of the Board to dismiss the objection, or may direct that the notice under section 7 above shall have effect with the substitution of a later date for the date referred to in subsection (1) above (and that later date may be the same as or later than any date proposed by the Board under this section).