

Explanatory Memorandum to the Welsh Forms of Oaths and Affirmations (Government of Wales Act 2006) Order 2007

This Explanatory Memorandum has been prepared by the Constitutional Affairs and Legislation Management Department and is laid before the National Assembly for Wales.

(i) Description

The Government of Wales Act 2006 (GOWA 2006) requires certain members of the Welsh Assembly Government, and Assembly Members, to take certain oaths or affirmations. This Order prescribes the Welsh forms of those oaths and affirmations.

(ii) Matters of special interest to the Subordinate Legislation Committee

None.

(iii) Legislative Background

This Order is made under section 26(2) Welsh Language Act 1993. This section contains a power for the appropriate Minister of the Crown to make an order which prescribes the form of words in Welsh that can be used instead of or alongside the English form of words which has been specified by an Act of Parliament to be used for certain official or public purposes.

The power to make such an Order was given to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672, Article 2, Schedule 1). The power was subsequently transferred to the Welsh Ministers by virtue of paragraph 30(1) of Schedule 11 of the Government of Wales Act 2006.

The Order must be laid before the Assembly, but is not subject to either negative or affirmative resolution procedure.

(iv) Purpose and intended effect of the legislation

The purpose of the Order is simply to ensure that there is a prescribed form of words in Welsh for the oaths and affirmations that members of the Welsh Assembly Government and Assembly Members are required to take under the provisions of GOWA 2006.

Section 55(1) of GOWA 2006 provides that the First Minister, Welsh Ministers and Counsel General must take the official oath in the form set out in section 3 of the Promissory Oaths Act 1868, or make the corresponding affirmation. Section 55(2) of GOWA 2006 provides that the First Minister, Welsh Ministers, Deputy Welsh Ministers and Counsel General must also take the oath of allegiance in the form set out in section 2 of the Promissory Oaths Act 1868, or make the corresponding affirmation, unless they have already taken the oath of

allegiance (or made the corresponding affirmation) as an Assembly Member.

Section 23(1) of GOWA 2006 requires Assembly Members to take the oath of allegiance in the form set out in section 2 of the Promissory Oaths Act 1868 (or make the corresponding affirmation).

The Order prescribes Welsh forms of words for each of these oaths and affirmations.

(v) Implementation

The Order was made on 17 July 2007 and is intended to come into force on 18 July 2007.

(vi) Consultation

There has been no consultation on this Order. It merely provides a Welsh form of words for oaths and affirmations that are already required to be taken or made under the Government of Wales Act 2006. There are no new policy issues involved, and the Order does not impose any new requirements on any persons.

(vii) Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared for this Order, as it merely provides a prescribed form of Welsh words for oaths and affirmations which are already required to be taken or made by Members of the Welsh Assembly Government and by Assembly Members.

The Order has no impact on the Welsh Ministers' statutory duties in sections 77-79 of GOWA 2006, but is of course consistent with the principle of promoting and facilitating the use of the Welsh language, and 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. The Order has no impact on the Welsh Assembly Government's statutory partners, as referred to in sections 73-75 of GOWA 2006.