

Mesur yr Iaith Gymraeg (Cymru) 2011
Welsh Language (Wales) Measure 2011

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Statws cyfreithiol y Gymraeg

Legal status of Welsh



Laws in Wales Act 1536

‘Also be it enacted by the Authority aforesaid,

- (1) that all Justices, Commissioners, Sheriffs, Coroners, Escheators, Stewards, and their Lieutenants, and all other Officers and Ministers of the Law, shall proclaim and keep the Sessions Courts, Hundreds, Leets, Sheriffs Courts, and all other Court in the English Tongue;
- (2) and all Oaths of Officers, Juries and Inquests, and all other Affidavits, Verdicts and Wagers of Law, to be given and done in the English Tongue;
- (3) and also that from henceforth no Person or Persons that use the Welsh Speech or Language, shall have or enjoy any manner Office or Fees within this Realm of England, Wales, or other the King's Dominion, upon Pain of forfeiting the same Offices or Fees, unless he or they use and exercise the English Speech or Language.

Statws cyfreithiol y Gymraeg

Legal status of Welsh



Welsh Courts Act 1942

1. Whereas doubt has been entertained whether section seventeen of the (Laws in Wales Act 1536) unduly restricts the right of Welsh speaking persons to use the Welsh language in courts of justice in Wales, now, therefore, the said section is hereby repealed, and it is hereby enacted that the Welsh language may be used in any court in Wales by any party or witness who considers that he would otherwise be at any disadvantage by reason of his natural language of communication being Welsh.



Welsh Language Act 1967

‘Whereas it is proper that the Welsh language should be freely used by those who so desire in the hearing of legal proceedings in Wales and Monmouthshire; that further provision should be made for the use of that language, with the like effect as English, in the conduct of other official or public business there;’

‘In any legal proceeding in Wales or Monmouthshire the Welsh language may be spoken by any party, witness or other person who desires to use it...’

‘Where any enactment passed either before or after this Act specifies the form of any document or any form of words ...to be ...used for an official or public purpose, the appropriate Minister may by order prescribe a version of the document or words in Welsh, or partly in Welsh and partly in English, for use for that purpose..’

‘Nothing in this Act shall prejudice the use of Welsh in any case in which it is lawful apart from this Act.’



Welsh Language Act 1993

5.- (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.**

(NB S.-3 (1) The (Welsh Language) Board shall have the function of promoting and facilitating the use of the Welsh language.)



Government of Wales Act 2006

35.-(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**.

78.-(1) The Welsh Ministers must adopt a strategy (“the Welsh language strategy”) setting out how they propose to **promote and facilitate** the use of the Welsh language.

(2) The Welsh Ministers must adopt a scheme (“the Welsh language scheme”) specifying measures which they propose to take, for the purpose mentioned in subsection (3), as to the use of the Welsh language in connection with the provision of services to the public in Wales by them, or by others who—

(a) are acting as servants or agents of the Crown, or

(b) are public bodies (within the meaning of Part 2 of the Welsh Language Act 1993 (c. 38)).

(3) The purpose referred to in subsection (2) 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 in Wales the English and Welsh languages should be treated on a basis of equality.**

Statws cyfreithiol y Gymraeg / *Legal status of Welsh*



Mesur y Gymraeg (Cymru) 2011

Dim datganiad trosgynnol o statws y Gymraeg, ond:

Teitl hir: “...i wneud darpariaeth ynglŷn â *hybu a hwyluso* defnyddio’r Gymraeg ac ynglŷn â pheidio â thrin y Gymraeg yn llai ffafriol na’r Saesneg...” a gweler (isod) pwrpas ‘safonau’.

Welsh Language (Wales) Measure 2011

No overarching statement of the status of Welsh, but:

Long title: “...to make provision about promoting and facilitating the use of the Welsh language and treating the Welsh language no less favourably than the English language...” and see (below) the purpose of ‘standards’.



‘Safonau’ / ‘Standards’

- ‘Safon’ = safon ymddygiad (mewn perthynas â’r Gymraeg) a bennir gan Weinidogion Cymru mewn is-ddeddfwriaeth;
- Yn medru cael eu cymhwyso i gyrff cyhoeddus penodol neu gyrff penodol sy’n cyflenwi gwasanaethau cyhoeddus;
- Comisiynydd y Gymraeg yn gyfrifol am gymhwyso safonau i gyrff penodol ac am eu gorfodi (trwy, er enghraifft, gosod cosb sifil am beidio â chydumffurfio â safon).
- *‘Standard’ = a standard of conduct (in relation to Welsh) fixed by the Welsh Ministers in subordinate legislation;*
- *Can be applied to public bodies or to bodies providing public services;*
- *Welsh Language Commissioner is responsible for applying standards to particular bodies and for enforcing them (for example by imposing a civil penalty for failing to conform to a standard).*



Mathau o Safon

Types of Standard

5 math o safon – pob un yn ymwneud â math gwahanol o weithgarwch:

- Safonau cyflenwi gwasanaeth;
- Safonau llunio polisi;
- Safonau gweithredu (gweithgareddau person wrth gyflawni swyddogaethau);
- Safonau hybu (defnyddio'r Gymraeg);
- Safonau cadw cofnodion.

5 types of standard – each relating to a different kind of activity:

- *Service delivery standards;*
- *Policy making standards;*
- *Operational standards (activities of a person when carrying out functions);*
- *Promotion (of the use of Welsh) standards;*
- *Record keeping standards.*



Pwrpas Safonau

The purpose of Standards

Rhywfaint o amrywiaeth rhwng gwahanol fathau o safon, ond yn fras:

- 'hybu neu hwyluso' defnyddio'r Gymraeg;
- sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg.

Some variation between different types of standard, but broadly:

- 'to promote or facilitate' the use of Welsh;
- *to ensure that Welsh is treated no less favourably than English.*

Gosod Safonau - *Imposing Standards*



Hysbysiadau cydymffurfio:

- yn cael eu rhoi gan y Comisiynydd;
- yn pennu nifer o safonau y bydd yn rhaid i gorff cydymffurfio â hwy;
- yn pennu'r dyddiad ('diwrnod gosod') pan fydd y gofyniad i gydymffurfio yn dod i rym (dim llai na 6 mis ar ôl rhoi'r hysbysiad);
- hawl gan y sawl sy'n derbyn hysbysiad i ofyn i'r Comisiynydd i ddyfarnu a yw gofyniad i gydymffurfio â safon yn 'af-resymol neu'n anghymesur' (a 56) – os felly, bydd rhaid diwygio'r hysbysiad;
- rhaid gwneud cais i'r Comisiynydd cyn y diwrnod gosod (oni bai fod newid sylweddol yn yr amgylchiadau wedi digwydd ers hynny).

Compliance notices:

- *given by the Commissioner;*
- *specify a number of standards with which a body will have to comply;*
- *fix the date ('imposition day') when the requirement to comply comes into force (at least 6 months after giving notice)*
- *a person who receives a notice has right to ask the Commissioner to determine whether the requirement to comply with a standard is 'unreasonable or disproportionate' (s 56) – if so the notice will need to be varied;*
- *an application to the Commissioner must be made before the imposition date (unless there has been a material change in circumstances since then).*

Tribiwnlys y Gymraeg

The Welsh Language Tribunal



- Tribiwnlys annibynnol a sefydlwyd o dan Ran 7 o'r Mesur;
- Llywydd, aelodau cyfreithiol ac aelodau lleyg;
- Cynhaliaeth gweinyddol gan Lywodraeth Cymru;
- Gwefan:
<http://tribiwnlysygymraeg.llyw.cymru/?lang=cy>
- *An independent Tribunal established under Part 7 of the Measure;*
- *President, legal members and lay members;*
- *Administrative support provided by the Welsh Government:*
- *Website:*
<http://tribiwnlysygymraeg.llyw.cymru/?skip=1&lang=en>

Swyddogaethau Tribiwnlys y Gymraeg

Functions of the Welsh Language Tribunal



- Apeliadau yn erbyn dyfarniadau'r Comisiynydd nad yw safonau'n 'afresymol neu'n anghymesur' (a 58);
- Adolygiadau o benderfyniadau gan y Comisiynydd i beidio â chynnal ymchwiliad i gwyn bod corff wedi peidio â chydymffurfio â safon (a 103);
- Apeliadau yn erbyn dyfarniadau y Comisiynydd fod cyrff wedi methu â chydymffurfio â safon (a 95(2));
- Apeliadau yn erbyn dyfarniad y Comisiynydd nad yw corff wedi methu â chydymffurfio â safon (a 99);
- Apeliadau gan gyrff yn erbyn camau gorfodi (ee cosb sifil) a osodwyd gan y Comisiynydd am fethu â chyd-ymffurfio â safon (a 95(4)).
- *Appeals from Commissioner's determinations that standards not 'unreasonable or disproportionate' (s 58);*
- *Reviews of decisions by the Commissioner not to undertake an investigation into a complaint that a body has failed to comply with standard (s 103);*
- *Appeals against the Commissioner's determination that bodies have failed to comply with standards (s. 95(2));*
- *Appeals against Commissioner's determinations that body has not failed to comply with standard (s 99);*
- *Appeals by bodies against enforcement action (eg a civil penalty) imposed by the Commissioner for failing to comply with a standard (s 95(4)).*

Hanes safonau hyd yma - *The history of standards so far*



Rheoliadau Safonau'r Gymraeg (Rhif 1) 2015 (m. grym 31.3.15) yn gymwys i Weinidogion Cymru, Cyngorau Sir, Awdurdodau Parciau Cenedlaethol.

Hysbysiadau Cydymffurfio'n cael eu rhoi gan y Comisiynydd i bob un o'r cyrff uchod (30.9.15);

Y rhan fwyaf o'r safonau (sy'n amwrywio rywfaint rhwng gwahanol gyrff) yn dod i rym 30.3.16 (mwy o amser i gydym-ffurfio yn achos rhai safonau);

Rheoliadau Safonau'r Gymraeg (Rhif 2) 2016 (daeth i rym 16 Chwefror 2016) yn gymwys i 32 o gyrff cyhoeddus amrywiol. (Dim hysbysiadau cydymffurfio eto.)

The Welsh Language Standards (No.1) Regulations 2015 (in force 31.3.15) applicable to Welsh Ministers, County Councils, National Park Authorities.

Compliance notices given by the Commissioner to all of the above bodies (30.9.15).

Most standards (which vary to some extent between different bodies) come into force 30.3.16 (more time to comply in the case of some standards);

The Welsh Language Standards (No. 2) Regulations 2016 (came into force on 16 February 2016) applicable to 32 miscellaneous public bodies. (No compliance notices yet.)



Hanes safonau hyd yma - *The history of standards so far*

15 Mawrth 2016

Cynulliad Cenedlaethol Cymru'n:

- Cymeradwyo Rheoliadau Safonau'r Gymraeg (Rhif 4) (tribiwnlysodd datganoledig yng Nghymru) a (Rhif 5) (Heddluoedd a Gwasan-aethau Tân & Achub Cymru) (i ddod i rym 22.3.16) ond yn
- Gwrthod Rheoliadau Safonau'r Gymraeg (Rhif 3) (prifysgolion a cholegau addysg bellach).

Y Dyfodol?

Ail-ystyried safonau colegau a phrifysgolion?

Safonau ar gyfer meysydd eraill, gan gynnwys y Gwasanaeth Iechyd?

Sawl apêl fydd i'r Tribiwnlys (ac apeliadau pellach i'r Llysoedd)?

15 March 2016

National Assembly for Wales:

- *Approves the Welsh Language Standards (No.4) Regulations (devolved tribunals in Wales) and (No.5) (Police forces and Fire & Rescue Services) (come into force 22.3.16) but*
- *Rejects the Welsh Language Standards (No.3) Regulations (universities and colleges of further education).*

The Future?

Re-think of the standards for colleges and universities?

Standards for other fields, including the Health Service?

How many appeals will there be to the Tribunal (and further appeals to the Courts)?

Hanes safonau hyd yma / *The history of standards so far*



- Ceisiadau gan 9 awdurdod i'r Comisiynydd am ddyfarniadau a yw safonau'n afresymol neu'n anghymesur;
- Nifer o safonau unigol sy'n cael eu herio gan awdurdod yn am-rywio o 2 i 54;
- Effaith gwneud cais yw gohirio'r diwrnod gosod;
- Yn fras iawn mae pob hysbysiad cydymffurfio'n cynnwys tua 150 o safonau unigol – cyfanswm felly o tua 4000 o safonau'n dod i rym ddiwedd y mis a dim ond 118 yn cael eu herio (ar hyn o bryd).
- *Applications by 9 authorities for determinations by the Commissioner whether standards are unreasonable or disproportionate;*
- *The number of individual standards being challenged by an authority varies from 2 to 54;*
- *The effect of making an application is to suspend the imposition day;*
- *Each compliance notice contains roughly 150 standards – therefore a total of over 4000 standards which take effect at the end of the month but only 118 are being challenged (so far).*



Safon nodweddiadol / *A typical standard*

40. Rhaid i unrhyw ddogfennau at ddefnydd y cyhoedd yr ydych yn eu llunio gael eu llunio yn Gymraeg. Rhaid cydymffurfio â safon 40 ymhob amgylchiad, ac eithrio:

- Pan fo'r dogfennau wedi eu llunio at ddefnydd y cyhoedd tu allan i Gymru yn unig;
- Cynhyrchion Ystadegau sy'n ddarostyngedig i God Ymarfer Ystadegau Swyddogol yn unol â'r Ddeddf Ystad-egau a Gwasanaeth Cofrestru 2007;
- Adroddiadau Arolygu gwasanaethau gofal cofrestredig Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru.

Rhaid cydymffurfio â safon 40 mewn perthynas â'r canlynol erbyn 30 Medi 2016: Tywyslyfrau Cadw

40. Any documents that you produce for public use must be produced in Welsh. You must comply with standard 40 in every circumstance, except:

- *Where the documents have been produced for public use outside Wales only;*
- *Statistics Products subject to the Code of Practice for Official Statistics, in accordance with the Statistics & Registration Services Act 2007;*
- *Care and Social Services Inspectorate Wales Inspection Reports for registered care services.*

You must comply with standard 40 in relation to the following by 30 September 2016: Cadw Guidebooks

Cymhariaeth gyda chynllun iaith (Deddf 1993)

Comparison with language scheme (1993 Act)

‘Byddwn yn defnyddio ein methodoleg blaenoriaethu cyfieithiadau er mwyn ein galluogi i benderfynu mewn modd cyson a gwrthrychol pryd y dylid cyhoeddi deunydd yn ddwyieithog neu mewn un iaith yn unig.’

‘Fel rheol, bydd deunydd sydd wedi’i dargedu at y cyhoedd yn gyffredinol yn ddwyieithog. Mae’n fwy tebyg y bydd deunydd sydd wedi’i dargedu at gynulleidfaoedd penodol neu gyfyng iawn yn uniaith.’

Cynllun Iaith Llywodraeth Cymru

‘We will use a translation prioritisation methodology to enable us to decide on a consistent and objective basis when material should be published bilingually, or in one language only.’

‘As a rule, material which is aimed at the general public will be bilingual. Material which is aimed at very specific or limited audiences is more likely to be monolingual.’

Welsh Government Language Scheme



I grynhoi / *To conclude*

- Rydym ar fin gweld Safonau'r Gymraeg yn dod i rym;
- Sylw dwys yn cael ei roi iddynt – heriau gan rhai awdurdodau a hefyd beirniadaeth gan grwpiau sy'n credu nad yw safonau ar gyfer eu maes hwy ddim yn mynd yn ddigon pell;
- Datblygiad arloesol a mentrus – creu hawliau i grwp ieithyddol lleiafrifol o fewn y DU;
- Rhy gynnar eto i farnu faint mor effeithiol y bydd y Mesur a'r Safonau i 'hybu a hwyluso' defnydd o'r Gymraeg.
- *We are on the verge of seeing Welsh Language Standards come into force;*
- *Intense attention is being given to them – challenges from authorities which regard them as too onerous but also criticism by groups who believe that standards for their field do not go far enough;*
- *A novel and adventurous development – creating rights for a minority language group within the UK;*
- *Too early yet to judge how effective the Measure and the Standards are going to be in 'promoting and facilitating' use of Welsh.*