



Procedure Committee

Mike Hedges AS/MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru/Welsh Parliament
Via email only

Wednesday, 17 September 2025

Dear Mike,

Laying of bilingual Statutory Instruments

Thank you for your letter dated 6 March concerning the laying of bilingual Statutory Instruments before the UK Parliament. Given the importance of the subject matter, and in the interests of providing as comprehensive a response as possible, I hope you will accept my apologies for the delay in responding to you.

I note the points you have raised, as well as the correspondence you have received from my predecessor and the Secretary of State for Wales on this matter. Given your Committee's continued interest in this subject, it may be helpful if I set out in more detail the position of the House that bilingual Statutory Instruments may only be laid in the House of Commons if the relevant Act requires it.

As we have previously advised, there is no procedural bar on a bilingual statutory instrument, or indeed on an instrument containing text that is not in English, being laid before the House of Commons if the relevant enabling Act requires it to be. This reflects the long-established principle that the form and content of subordinate legislation is determined by the enabling legislation passed by Parliament, together with the wider statutory framework that governs Statutory Instruments. From the House's perspective, the determining factor is therefore always the relevant legislation. Provided that an instrument is drafted in compliance with the powers conferred by its enabling Act and with the general law on Statutory Instruments, the House will accept it for laying.

In addition, it is open to Ministers, should they wish, to lay a Welsh translation of a monolingual Statutory Instrument 'by Command'. This provides a mechanism for Ministers to make available translations where they consider it appropriate to do so, for example, in order to support wider accessibility of the law. However, it is important to emphasise that there is no expectation from the House that this should be done, nor is there any procedural requirement that it be done, even where a translation has in fact been prepared. The option is available, but it is a matter entirely for Ministers whether they choose to exercise it.

For the avoidance of doubt, the House will not accept the laying of any standalone document that is not in English. The reason for this is straightforward: English is the working language of the UK Parliament, and proceedings must be capable of being conducted with certainty on the basis of texts in that language. That said, there is no difficulty where an English version of the text is also laid, whether as part of the same document or alongside it. In such cases, additional

text in another language does not present an obstacle, provided the English text is authoritative and available to the House.

This position has been applied consistently and remains the settled understanding of the House authorities. It ensures clarity for the conduct of parliamentary business while leaving scope for bilingual or translated provision where either the enabling legislation requires it, or Ministers choose to provide it. In short, the House does not create barriers where the law allows bilingual instruments, but it does not impose requirements where Parliament itself has not legislated for them.

I trust that you understand that this is the complete position of the House of Commons and I have nothing additional to add on the subject.

Yours ever,

A handwritten signature in dark ink that reads "Cat Smith". The signature is written in a cursive, slightly slanted style.

Cat Smith MP
Chair of the Procedure Committee