

EXPLANATORY MEMORANDUM TO
THE LICENSING ACT 2003 (WELSH LANGUAGE FORMS) ORDER 2007
2007 No. 805

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The Order prescribes the Welsh and bilingual forms which may be used instead of the forms prescribed by the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, the Licensing Act 2003 (Personal licences) regulations 2005 and the Licensing Act (Permitted Temporary Activities)(Notices) Regulations 2005.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 The Licensing Act 2003 required the Secretary of State to prescribe the forms of applications made under it. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 prescribe forms to be used to apply for, seek variations of and initiate other procedures in connection with premises licences and club premises certificates. The Licensing Act 2003 (Personal licences) Regulations 2005 prescribe forms to be used to apply for or renew a personal licence. The Licensing Act 2003 (Permitted Temporary Activities)(Notices) Regulations 2005 prescribe forms to be used for temporary event notices given by premises users, for licensing authorities to acknowledge receipt of temporary event notices and for counter notices given by licensing authorities.
 - 4.2 Where an Act of Parliament confers a power to specify the form of any document to be used for an official or public purpose, section 26 of the Welsh Language Act 1993 provides that the power shall include power to prescribe separate forms of the document in Welsh and English or a form partly in Welsh and partly in English.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England and Wales only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Regulations made in January and October 2005 prescribed the forms and other documents to be used by applicants and licensing authorities when engaging in the licensing regime. Following representations in 2005, in particular from Welsh MPs, the Welsh Assembly, the Welsh Language Board and some Welsh speaking businesses, DCMS Ministers agreed in principle that Welsh forms should be given the same statutory status as English forms. A public consultation was held 31 March–28 April 2006 to elicit views on this.

7.2 The consultation responses showed unanimous support for prescribing the forms in Welsh to recognise the principle set out in the Welsh Language Act that the English and Welsh languages should be treated on a basis of equality in the conduct of public business and the administration of justice in Wales. Prescribing the forms in Welsh will allow Welsh licensing authorities to decide whether to accept forms in Welsh, in line with their Welsh Language Schemes.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

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