

WELSH LANGUAGE (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 113 – Interference with freedom to use Welsh

Case 3

229. Subsection (4)(a) allows the Commissioner to investigate cases of interference in which D, or someone acting at D's instigation, has already subjected P or R to a detriment because they have undertaken a particular communication in Welsh that falls within the definition of a Welsh communication.
230. Subsection (4)(b) performs an equivalent role to subsections (2)(b) and (3)(b) which have been explained above. It allows the Commissioner to investigate instances where D's (or someone else's at D's instigation) imposition of a detriment relates to the use of Welsh more generally, but catches communications which fall within the definition of Welsh communication.
231. Subsection (5) provides that in cases where more general indications catch communications which fall within the definition of Welsh communications, the Commissioner is only able to consider and reach a conclusion about D's action to the extent that it affects Welsh communications.
232. Subsection (6) has been explained above in the note dealing with subsection (2).
233. Subsection (7) provides that the Commissioner's power to investigate an indication by D that a communication in Welsh must not be undertaken or that a detriment will be imposed, is in no way dependent on D or anyone else having the ability to carry through what has been indicated.
234. Subsection (8) makes it clear that being intimidated, bullied, harassed or humiliated is being subjected to a detriment for the purposes of this section.