

WELSH LANGUAGE (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 140 – Absolute privilege

275. The publication of matters falling within paragraphs (a) to (e) of subsection (1) have a complete defence in law (called an “absolute privilege”) against a claim of defamation. The effect of absolute privilege is that persons publishing the matter are protected from any liability for defamation in the circumstances defined below:
- the publication of a matter by the Commissioner in the exercise of any of his or her functions;
 - the publication of a matter by a member of the Advisory Panel in the exercise of any of his or her functions;
 - the publication of a matter by a person in compliance with a requirement in a decision notice;
 - the publication, in a communication between the Commissioner and a protected person of a matter in connection with an inquiry or investigation;
 - the publication, in a communication between the complainant or person acting on behalf of the complainant and a representative with an investigation under Part 5 (Enforcement) or Part 6 (Freedom to use Welsh).
276. Subsection (2) provides that a reference to the Commissioner in this section includes the members of the Commissioner’s staff or any person acting on the Commissioner’s behalf or assisting in the exercise of the Commissioner’s functions.