



Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 8

GENERAL

CHAPTER 2

DEFAMATION

140 Absolute privilege

- (1) For the purposes of the law of defamation, the following are absolutely privileged—
- (a) the publication of a matter by the Commissioner in the exercise of any of his or her functions;
 - (b) the publication of a matter by a member of the Advisory Panel in the exercise of any of his or her functions;
 - (c) the publication of a matter by a person in compliance with a requirement in a decision notice;
 - (d) the publication, in a communication between—
 - (i) the Commissioner, and
 - (ii) a protected person,of a matter in connection with an inquiry or investigation;
 - (e) the publication, in a communication between—
 - (i) the complainant or a person acting on behalf of the complainant, and
 - (ii) a representative,of a matter in connection with an investigation under Part 5 or Part 6.
- (2) In this section a reference to the Commissioner includes the following persons—
- (a) the members of the Commissioner's staff;
 - (b) any person acting on the Commissioner's behalf or assisting in the exercise of the Commissioner's functions.

141 Interpretation of this Chapter

In this Chapter—

“complainant” (“*achwynnydd*”) means—

- (a) in relation to an investigation under Part 5, the person (if any) referred to as “P” in section 93;
- (b) in relation to an investigation under Part 6—
 - (i) the person referred to as “P” in section 111; and
 - (ii) the person referred to as “R” in section 111;

“inquiry” (“*ymholiad*”) means an inquiry under section 7;

“investigation” (“*ymchwiliad*”) means any of the following—

- (a) a standards investigation under Chapter 8 of Part 4;
- (b) an investigation under Part 5 (compliance with relevant requirements);
- (c) an investigation under Part 6 (interference with the freedom to communicate in Welsh);

“protected person” (“*person a ddiogelir*”), in relation to an inquiry or investigation, means any of the following persons—

- (a) a member of the Advisory Panel;
- (b) a representative;
- (c) a person who is the subject of the inquiry or investigation;
- (d) a person with whom the Commissioner is communicating for the purpose of obtaining information in connection with an inquiry or investigation;
- (e) the complainant;
- (f) a person acting on behalf of a person falling within paragraph (c) to (e);

“representative” (“*cynrychiolydd*”) means any of the following persons—

- (a) a member of a community council, county borough council or county council in Wales;
- (b) a Member of the National Assembly for Wales;
- (c) a Member of Parliament;
- (d) a member of the House of Lords;
- (e) a Member of the European Parliament.