



Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 5

ENFORCEMENT OF STANDARDS

CHAPTER 1

INVESTIGATING FAILURE TO COMPLY WITH STANDARDS ETC

Failure to comply: Commissioner's options

77 Failure to comply with a relevant requirement

- (1) This section applies if the Commissioner determines that D has failed to comply with a relevant requirement.
- (2) The Commissioner may—
 - (a) take no further action,
 - (b) act under subsection (3), or
 - (c) act under subsection (4).
- (3) The Commissioner may do one or more of the following things—
 - (a) require D to prepare an action plan for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement;
 - (b) require D to take steps for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement;
 - (c) publicise D's failure to comply with the relevant requirement;
 - (d) require D to publicise the failure to comply with the relevant requirement;
 - (e) impose a civil penalty on D.
- (4) The Commissioner may do one or more of the following things—

Status: This is the original version (as it was originally enacted).

- (a) give D or any other person recommendations;
 - (b) give D or any other person advice;
 - (c) seek to enter into a settlement agreement with D (see Chapter 2), but only if the relevant requirement is a duty to comply with a standard.
- (5) If the Commissioner seeks to enter into a settlement agreement with D—
- (a) D is not obliged to enter into such an agreement;
 - (b) if D declines to enter into a settlement agreement, the Commissioner may, but need not, exercise his or her powers under this section differently.
- (6) If the Commissioner acts under subsection (3), subsections (2) and (3) do not prevent the Commissioner from also doing either or both of the following—
- (a) giving D or any other person recommendations;
 - (b) giving D or any other person advice.
- (7) This section is subject to section 85.