

SCHEDULE 1

PART 3

INTERPRETING THE STANDARDS

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- 23** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 24** The standards only apply to the extent that a body —
- (a) delivers services to a person, or
 - (b) deals with any other person in connection with delivering services—
 - (i) to that other person, or
 - (ii) to a third person.
- 25** A body is not required to produce, to display or to send material in Welsh to the extent that another enactment has specified the wording of a document, a sign or a form which would run contrary to that requirement.
- 26** For the purposes of the standards —
- (a) a requirement to produce, to send, to publish, to display, to make available or to issue any written material in Welsh does not mean that the material should be produced, sent, published, displayed, made available or issued in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard);
 - (b) requirement to provide a service in Welsh does not mean that that service should only be provided in Welsh (unless that is specifically stated in the standard).
- 27**
- (1) A body is not required to translate into Welsh any text that it has not produced (“text A”).
 - (2) A body will not be treating the Welsh language less favourably if it does not translate text A into Welsh but see sub-paragraph (3).
 - (3) A body must use the Welsh version of text A if another person has produced text A in Welsh in accordance with —
 - (a) its Welsh Language Scheme;
 - (b) a duty to comply with standards;
 - (c) Standing Orders of the Assembly;
 - (ch) section 35(1C) of the 2006 Act; or
 - (d) the Assembly Commission’s Official Languages Scheme.
 - (4) In this paragraph—
 - (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993(1);
 - (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;
 - (c) “the 2006 Act” means the Government of Wales Act 2006(2);

(1) 1993 c.38.
(2) 2006 c.32.

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- (ch) “Standing Orders of the Assembly” means standing orders made under section 31 of the 2006 Act;
- (d) “the Assembly Commission’s Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.

28

(1) If the conditions in sub-paragraphs (a) to (c) are met or the condition in paragraph (2) is met, a person or body listed in Schedule 1 to the Civil Contingencies Act 2004⁽³⁾ (“the 2004 Act”) is not required to comply with any of the standards in respect of an activity or a service referred to in sub-paragraph (b)

- (a) The first condition is that an emergency has occurred, is occurring or is about to occur.
- (b) The second condition is that the activity being carried out or the service being provided by the person or body is necessary for the purpose of preventing, controlling or mitigating an aspect or effect of an emergency.
- (c) The third condition is that the need for the activity or the service referred to in sub-paragraph (b) is urgent.

(2) The condition is that the person or body is undertaking an emergency drill.

(3) In this paragraph, “emergency” has the same meaning given to it in section 1 of the 2004 Act subject to paragraph (4).

(4) If the condition in paragraph (2) is met, then the reference to “an emergency” in sub-paragraph (1)(b) is to be read as “the simulated emergency situation”.

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For the purposes of standards 2, 3 and 21, a body corresponds with an individual or makes a telephone call to an individual for the first time when it corresponds or makes a telephone call for the first time after the date on which a compliance notice has required the body to comply with the standard.

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In standard 22 an “automated” telephone system means a system that answers telephone calls and guides persons through a set procedure with a recorded message which, for example, asks a person to press different numbers in order to choose different options.

31

Standard 32 does not apply to—

- (a) performances of music;
- (b) artistic or dramatic productions;
- (c) seminars or oral presentations relating to the performance or production;
- (ch) any recording of the performance, production, seminar or oral presentation.

32

Standards 32 and 83 do not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.

33

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 48 to 53 (websites and apps), 54 and 55 (social media) and 72 (invitations to tender)), references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst

(3) 2004 c.36.

other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —

- (a) the visual presentation of material (for example in relation to the colour or font of any text);
- (b) the size of the material;
- (c) the position and prominence of the material in any public place;
- (ch) when and how the material is published, provided or exhibited;
- (d) the publication format of material.

- 34** For the purposes of standards 36, 37, 40, 43 and 46, references to documents or other materials being available to the public or being produced for public use do not include documents or materials that are only available to the public by virtue of the Freedom of Information Act 2000⁽⁴⁾.
- 35** (1) Standards 46, 46A and 46B do not apply to the forms listed in sub-paragraph (3).
(2) For the purposes of standard 2, a body is not required to send a Welsh language version of the forms listed in sub-paragraph (3).
(3) The forms are —
 - (a) forms used by a body to recruit employees (see standards 133A, 134 and 135 in relation to recruitment);
 - (b) forms used when applying for grant assistance from a body (see standards 67 to 71 in relation to applications for grants);
 - (c) forms used when submitting a tender to enter into a contract with a body (see standards 72 to 76 in relation to tendering for a contract).
- 36** Standards 36, 43, 44 and 45 do not apply to an enactment made by a body or to a draft enactment prepared by a body.
- 37** Standards 36, 39, 40 and 43 do not apply to any advertising material contained in a document, brochure, leaflet, pamphlet or card.
- 38** Standard 41 does not apply to rules specified in an enactment or in a draft enactment prepared by a body.
- 39** Standards 48 to 52 (websites) do not apply to —
 - (a) documents to which a link is provided on a website, advertising material on a website, or to video and audio clips on a website (see standards 36 to 45 for specific provision in relation to documents, and standard 33 in relation to advertising material produced by a body);
 - (b) information presented by persons (other than the body) on an interactive page published on a body’s website (for example on a section for comments or on a discussion forum).
- 40** (1) For the purpose of standard 53 an ‘app’ is a software application designed to undertake a specific task on an electronic device.
(2) Standard 53 does not apply to any advertising material on an app (see standard 33 in relation to advertising material produced by a body).
- 41** For the purpose of standards 48 to 53 (websites and apps) and standards 54 and 55 (social media), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition

(4) 2000 c.36

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to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —

- (a) the visual presentation of the material (for example in relation to the colour, size, font and format of any text), or
- (b) when material is published on the website, app or social media;

but it does not mean that Welsh language material must appear on the same page as English language material, or on a page that a person is likely to find before the English language page when searching.

42 (1) Standards 1 to 7 (correspondence) do not apply to correspondence sent by social media (see standards 54 and 55 in relation to social media).

(2) Standards 48 to 53 (websites and apps) do not apply to social media (see standards 54 and 55 in relation to social media).

43 Standards 54 and 55 (social media) do not apply to —

- (a) documents to which a link is provided through social media, or to video and audio clips provided through social media (see standards 36 to 45 for specific provision in relation to documents, and standard 33 in relation to advertising material produced by a body);
- (b) information presented by persons (other than the body) on a body’s social media account (for example on a section for comments).

44 For the purpose of standard 56 (self service machines) reference to treating the Welsh language no less favourably than the English language includes, amongst other matters, treating the Welsh language no less favourably as regards the visual presentation of the material (for example in relation to the colour, size, font and format of any text), but it does not mean that Welsh language material must appear on screen at the same time as English language material.

45 For the purposes of standards 60 to 64 (receiving visitors) —

- (a) “reception” means an area in a body’s offices and service locations where staff are made available for the purpose of welcoming persons;
- (b) “reception service” means a service for welcoming persons to the body’s offices or service locations by staff who are made available for that purpose;
- (c) “service locations” include libraries, leisure centres, arts centres, advice centres and drop in centres.

46 For the purposes of standards 7, 65 and 66 a “notice” means any notice that a body publishes, but it does not include notices prescribed by an enactment.

47 For the purposes of standard 72 (invitation to tender) —

(1) A body is not required to publish an invitation to tender in Welsh in the Official Journal of the European Union.

(2) A reference to treating a Welsh language version no less favourably than an English language version includes, amongst other matters, treating the Welsh language no less favourably as regards—

- (a) the visual presentation of material (for example in relation to the colour or font of any text);
- (b) the size of the material;
- (c) the position and prominence of the material in any public place;
- (ch) when and how the material is published, provided or exhibited;

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(d) the publication format of material;

but a body will not be treating the Welsh language less favourably than the English language by not publishing an invitation to tender in Welsh in the Official Journal of the European Union.

- 48** (1) For the purposes of standard 79, the reference to a body forming or presenting its “corporate identity” includes, amongst other things, the way a body presents itself by means of visual statements, the name or names used by a body, and a body’s branding and slogans (for example, branding and slogans printed on its stationery).
- (2) Standard 79 does not apply to the extent that an enactment requires a body to use a legal name.
- 49** For the purposes of standards 80, 81 and 82 (courses), an “education course” means any seminar, training, workshop or similar provision which is provided in order to educate or to improve the skills of members of the public; but does not include—
- (a) activities or courses provided as part of the curriculum in accordance with any enactment; or
 - (b) seminars or oral presentations relating to a performance or production.
- 50** For the purposes of the standards “enactment” means an enactment (whenever enacted or made) comprised in, or in an instrument made under —
- (a) an Act of Parliament; or
 - (b) a Measure or an Act of the National Assembly for Wales.
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