

WELSH LANGUAGE (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 94 – Notification if no investigation etc

178. Where the Commissioner, having received a complaint from P under section 93, makes a decision that is a decision falling within any of the five cases listed below, the Commissioner is under a duty to notify P of the decision, the reasons for the decision and of the right to apply to the Tribunal under section 103 to review the decision.
- Case 1 is a case where a complaint which satisfies the conditions in section 93(3)-(6) is made and the Commissioner is under a duty to consider whether to carry out an investigation but decides not to carry out an investigation.
 - Case 2 is a case where the Commissioner is not under a duty to consider whether to carry out an investigation as the complaint is of a kind that falls within section 93(7) and the Commissioner makes the decision not to consider whether to carry out an investigation.
 - Case 3 is a case where a complaint is made and the Commissioner decides that the duty under section 93 to consider whether to carry out an investigation does not apply.
 - Case 4 is a case where a complaint is made and the duty under section 93 to consider whether to carry out an investigation of the alleged conduct does not apply and the Commissioner decides not to consider whether to carry out an investigation of the alleged conduct under section 93(8) or, having considered whether to carry out an investigation under that section, decides not to carry out the investigation.
 - Case 5 is a case where a complaint is made and the Commissioner having originally decided to carry out an investigation then decides to discontinue the investigation.