

WELSH LANGUAGE (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 113 – Interference with freedom to use Welsh

Case 1

223. Subsection (2)(a) allows the Commissioner to investigate cases of interference in which D has indicated to P or R that they must not undertake a particular communication in Welsh that falls within the definition of a Welsh communication.
224. The effect of subsection (2)(b) is that the Commissioner will also be able to investigate instances where D, rather than indicating that a particular communication should not take place,
- has indicated more generally that Welsh should not be used, and
 - that D's more general indication catches within it communications which fall within the definition of "Welsh communication".
225. Subsection (2) is to be read with subsection (6), the purpose of which is to recognise that there are a number of different ways in which D could indicate to P and R that they should not a particular communication or a category of communications. Subsection (6) makes it clear that giving an instruction is one such way, as is indicating that P or R will be subjected to a detriment (either imposed by D or by someone else) if they undertake the communication or category of communications. A further way is by D, or someone else at D's instigation, subjecting P or R to a detriment in connection with them having undertaken the communication or category of communications.
226. Subsection (6) is not intended to be an exhaustive list of the ways in which D could indicate that P and R should not undertake a particular communication or a category of communications. The indication could be made in a different way which is not one of those listed.