

# WELSH LANGUAGE (WALES) MEASURE 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 12 – Abolition of the Welsh Language Board: other provision*

#### *Paragraph 5 – Continuation of legal proceedings, validity of acts etc*

430. This paragraph makes provision about the continuation of anything (including legal proceedings) which relates to a function of the Board transferred under the Measure to the Commissioner or Welsh Ministers (referred to collectively as “the transferee”) that was in the process of being done by, or in relation to the Board, immediately prior to the time of the transfer of the function. With regard to such transferred functions, whatever was being done by, or in relation to, the Board immediately before the transfer may be continued by, or in relation to, the transferee.
431. Similar provision is made regarding any instruments, contracts or legal proceedings that relates to a function of the Board which transfers to the transferee under the Measure. In any such instruments, contracts or legal proceedings made or commenced before the time of the transfer of the Board function, the transferee is substituted for the Board.
432. In addition, anything which was done by, or in relation to the Board for the purpose of, or in connection with, a function transferred from the Board to the transferee under this Measure and which is in effect immediately before the transfer of the function has effect after the transfer as if done by, or in relation to the transferee.
433. *Paragraph 5* also addresses the continuation of anything (including legal proceedings) which relates to the Board’s property, rights and liabilities transferred to the transferee under this Measure. Anything which relates to such property, rights and liabilities immediately before their transfer and which is in the process of being done by, or in relation to, the Board may be continued by, or in relation to, the transferee.
434. In addition, anything which was done by, or in relation to the Board for the purpose of, or in connection with, property, rights and liabilities transferred to the transferee under this Measure and which is in effect immediately before the transfer of the property, rights or liabilities has effect after the transfer as if done by, or in relation to the transferee.
435. Where the Board’s property, rights or liabilities are transferred to the transferee, in any instruments, contracts or legal proceedings relating to the transferred property, rights or liabilities that are made or commenced before the transfer the transferee is substituted for the Board.
436. However the provisions in this paragraph do not apply in relation to rights and liabilities under the employment contracts of the staff of Board.