

WELSH LANGUAGE (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 93 – Consideration of whether to investigate if conduct complained about

174. The Commissioner is under a duty to consider whether to carry out an investigation under section 71 into whether D has failed to comply with a standard where a person (referred to as “P”) makes a valid complaint to the Commissioner about D’s conduct.
175. To be a valid complaint, the conditions in subsections (3) to (6) must be met. Even if the complaint is valid, the Commissioner is not under a duty to consider whether to carry out an investigation in the circumstances listed in subsection (7).
176. However, in circumstances where the complaint does not satisfy all of the conditions for a valid complaint, or where subsection (7) applies, the Commissioner has the discretion to consider whether to carry out the investigation.
177. Subsection (9) ensures that if a complaint is made under this section by a person acting on behalf of another, in the provisions of this Measure which relate to appeals or further appeals connected with the complaint, a reference to the person who made the complaint (including a case where that person is referred to as “P”) is to be read as a reference to that other person (and not as a reference to the person who made the complaint on that other person’s behalf).