



Welsh Language (Wales) Measure 2011

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PART 4

STANDARDS

CHAPTER 5

STANDARDS THAT ARE SPECIFICALLY APPLICABLE

39 Standards that are specifically applicable

- (1) A standard specified by the Welsh Ministers under section 26(1) is specifically applicable to a person (P) if the Welsh Ministers, by regulations, authorise the Commissioner to give P a compliance notice requiring P to comply with the standard.
- (2) The regulations may provide for a standard to be specifically applicable to P by means of provision that refers to—
 - (a) P in particular, or
 - (b) a group of persons which P is within.
- (3) This section applies for the purposes of this Part.

40 Duty to make standards specifically applicable

- (1) This section applies in relation to each standard that is specified by the Welsh Ministers under section 26(1).
- (2) The Welsh Ministers must secure that regulations under section 39 provide for the standard to be specifically applicable to one or more persons.

41 Different standards relating to particular conduct

- (1) This section applies if regulations under any of paragraphs (a) to (e) of section 26(1) specify a number of standards of the kind referred to in that paragraph in relation to particular conduct.
- (2) Regulations under section 39 may provide for one or more of the following—
 - (a) for one standard to be specifically applicable to one person, to two or more persons, or to a group of persons;
 - (b) for two or more standards to be specifically applicable to one person, to two or more persons, or to a group of persons;
 - (c) for different standards to be specifically applicable to different persons.

42 Duty to make certain service delivery standards specifically applicable

- (1) This section applies if regulations under section 39 provide for any service delivery standard to be specifically applicable to a person (P).
- (2) The Welsh Ministers must secure that regulations under section 39 provide for service delivery standards relating to all of the activities specified in Schedule 9 (so far as such standards have been specified by the Welsh Ministers under section 26(1)) to be specifically applicable to P if, and to the extent that, P carries out those activities.
- (3) But the Welsh Ministers need not secure that regulations provide for service delivery standards to be specifically applicable to P in relation to an activity specified in Schedule 9 if, or to the extent that—
 - (a) a standards report under section 64 indicates that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to P in relation to that activity, or
 - (b) the Welsh Ministers think it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to P in relation to that activity.
- (4) This section does not prevent regulations under section 39 from providing for other service delivery standards to be specifically applicable to P.
- (5) The Welsh Ministers may, by order, amend Schedule 9 by adding, omitting or amending a reference to an activity.

43 Limitation on power to make standards specifically applicable

- (1) Regulations under section 39 may not provide for a standard to be—
 - (a) specifically applicable to a person unless the standard is potentially applicable to that person, or
 - (b) specifically applicable to a group of persons unless the standard is potentially applicable to all the persons in that group.
- (2) Regulations under section 39 may not provide for a standard to be specifically applicable to a Minister of the Crown unless the Secretary of State consents to that provision.
- (3) In a case where—
 - (a) a standard is specifically applicable to a Minister of the Crown, and
 - (b) the standard is modified by provision in regulations under section 26,

the standard as modified is not specifically applicable to the Minister of the Crown unless the Secretary of State consents to that provision in those regulations.

(4) In this section, “Minister of the Crown” has the same meaning as in Schedule 6.