



Welsh Language (Wales) Measure 2011

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PART 4

STANDARDS

CHAPTER 8

STANDARDS INVESTIGATIONS AND REPORTS

Standards investigations

61 Standards investigations

- (1) In this Measure “standards investigation” means an investigation carried out in relation to a person (P) for the purpose of determining one or more of the following questions—
- (a) whether P should be — or should continue to be — liable to be required to comply with standards;
 - (b) if P is within Schedule 6, what standards (if any) should be — or should continue to be — potentially applicable to P;
 - (c) if P is within Schedule 8, what services (if any) should be — or should continue to be — specified in column (2) of P's entry in the Schedule 8 table;
 - (d) what standards (if any) should be — or should continue to be — specifically applicable to P (whether or not the standards are already specified by the Welsh Ministers under section 26(1));
 - (e) any other question which the Commissioner considers to be relevant to the extent to which P may be subject to the duty in section 25(1) to comply with standards.
- (2) A particular standards investigation may be carried out in relation to—
- (a) a particular person, or
 - (b) a group of persons.

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Changes to legislation: *There are currently no known outstanding effects for the Welsh Language (Wales) Measure 2011, CHAPTER 8. (See end of Document for details)*

Commencement Information

II S. 61 in force at 1.4.2012 by S.I. 2012/969, art. 2(i)(ii)

62 Power to carry out standards investigations

- (1) The Commissioner may carry out standards investigations.
- (2) But the Commissioner may not carry out a standards investigation unless he or she has given an exploration notice to each relevant person, at least 14 days before beginning the investigation.
- (3) An exploration notice is a notice in writing which—
 - (a) states that the Commissioner is proposing to carry out a standards investigation, and
 - (b) specifies the subject matter of the standards investigation.
- (4) In this section “relevant person” means—
 - (a) in the case of a standards investigation relating to a particular person, that person;
 - (b) in the case of a standards investigation relating to a group of persons, such persons—
 - (i) who appear to the Commissioner to be members of the group, and
 - (ii) to whom the Commissioner thinks it appropriate to give exploration notices.

Commencement Information

I2 S. 62 in force at 1.4.2012 by S.I. 2012/969, art. 2(i)(ii)

63 Requirements when carrying out standards investigations

- (1) In carrying out a standards investigation, the Commissioner must have regard to the need to secure that requirements for persons to comply with standards by virtue of section 25(1) are not unreasonable or disproportionate.
- (2) If the Commissioner decides, or is directed, that a standards investigation is to consider whether service delivery standards should be specifically applicable to P, the investigation must—
 - (a) consider whether, in respect of each of the activities specified in Schedule 9 which P carries out, it is reasonable and proportionate for service delivery standards to be specifically applicable to P, and
 - (b) as respects each such activity, if it is reasonable and proportionate for service delivery standards to be specifically applicable to P, conclude that service delivery standards should be specifically applicable to P in relation to that activity.
- (3) In carrying out a standards investigation, the Commissioner must consult—
 - (a) each relevant person,
 - (b) the Advisory Panel, and

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- (c) the public, except—
 - (i) if, or
 - (ii) to the extent thatthe Commissioner considers that it is inappropriate to do so.
- (4) The failure of a person to participate in the Commissioner's consultation does not prevent the Commissioner from carrying out the standards investigation.
- (5) In this section “relevant person” means—
 - (a) in the case of a standards investigation relating to a particular person, that person;
 - (b) in the case of a standards investigation relating to a group of persons, such persons—
 - (i) who appear to the Commissioner to be members of the group, and
 - (ii) whom the Commissioner thinks it appropriate to consult.

Commencement Information

I3 S. 63 in force at 1.4.2012 by S.I. 2012/969, art. 2(i)(ii)

Standards reports

64 Standards report

- (1) After carrying out a standards investigation, the Commissioner must produce a standards report.
- (2) A standards report is a document that sets out—
 - (a) the conclusions of the standards investigation, and
 - (b) the Commissioner's reasons for reaching those conclusions.
- (3) If—
 - (a) the conclusions of the investigation are (in whole or in part) that any standards should be specifically applicable to P, and
 - (b) any or all of those standards are not specified by the Welsh Ministers under section 26(1),the report must set out the standards that are not specified.
- (4) As soon as reasonably practicable after preparing a standards report, the Commissioner—
 - (a) must send a copy of the report to—
 - (i) each relevant person,
 - (ii) the Advisory Panel,
 - (iii) each person who participated in the Commissioner's consultation under section 63, and
 - (iv) the Welsh Ministers, and
 - (b) may send a copy of the report to any other person whom the Commissioner considers to have an interest in the report.
- (5) In this section “relevant person” means—

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- (a) in the case of a standards investigation relating to a particular person, that person;
- (b) in the case of a standards investigation relating to a group of persons, such persons—
 - (i) who appear to the Commissioner to be members of the group, and
 - (ii) to whom the Commissioner thinks it appropriate to give a copy of the report.

Commencement Information

I4 S. 64 in force at 1.4.2012 by S.I. 2012/969, art. 2(i)(ii)

Welsh Ministers' power of direction

65 Direction to carry out standards investigation

- (1) This section applies if the Welsh Ministers exercise their powers under section 16 to direct the Commissioner so as to direct him or her to carry out a standards investigation in respect of a person or group of persons.
- (2) The direction must specify the following matters—
 - (a) the person or group of persons in respect of which the investigation is to be carried out;
 - (b) the subject matter of the investigation;
 - (c) the reasons why the Welsh Ministers consider that the Commissioner should conduct the standards investigation;
 - (d) the period (which must be no shorter than six months) within which the Commissioner must carry out the standards investigation.
- (3) Subsection (2) does not prevent the direction from specifying other matters.

Commencement Information

I5 S. 65 in force at 1.4.2012 by S.I. 2012/969, art. 2(i)(ii)

Regard to be had to standards report

66 Welsh Ministers to have due regard to report

- (1) This section applies if the Commissioner has carried out a standards investigation and produced a standards report (whether or not at the direction or request of the Welsh Ministers).
- (2) The Welsh Ministers must have due regard to the standards report in deciding whether, and how, to exercise the powers conferred on them by this Part.

Commencement Information

I6 S. 66 in force at 1.4.2012 by S.I. 2012/969, art. 2(i)(ii)

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