



Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 5

ENFORCEMENT OF STANDARDS

CHAPTER 1

INVESTIGATING FAILURE TO COMPLY WITH STANDARDS ETC

Civil penalties

83 Civil penalties

- (1) The Commissioner must have regard to the matters set out in subsection (2) when determining—
 - (a) whether to impose a civil penalty on any person, and
 - (b) the amount of any civil penalty.
- (2) Those matters are—
 - (a) the seriousness of the matter in respect of which the civil penalty is to be imposed;
 - (b) the circumstances of the person on whom the civil penalty is to be imposed;
 - (c) the need to prevent the continuation or repetition of the matter in respect of which the civil penalty is to be imposed.
- (3) Subsection (1) does not prevent the Commissioner from having regard to other matters.
- (4) A civil penalty must not exceed £5,000.
- (5) A civil penalty is recoverable by the Commissioner as a debt due to the Commissioner.
- (6) The Commissioner must pay all civil penalties received by him or her into the Welsh Consolidated Fund.

- (7) The Welsh Ministers may, by order, substitute a different amount for the amount that is specified for the time being in subsection (4).
- (8) In this section “civil penalty” means any civil penalty that may be imposed by the Commissioner.

84 Imposition of civil penalty

- (1) This section applies if the Commissioner—
 - (a) determines that D has failed to comply with a relevant requirement, and
 - (b) decides to impose a civil penalty on D.
- (2) The relevant decision notice must—
 - (a) set out the civil penalty which the Commissioner has decided to impose;
 - (b) set out how the civil penalty may be paid;
 - (c) set out the period within which the civil penalty must be paid (which must be a period of not less than 28 days).
- (3) The relevant decision notice must also inform D of—
 - (a) the consequences if D does not pay the civil penalty; and
 - (b) the right to appeal under section 95.
- (4) This section is subject to section 85.
- (5) In this section “relevant decision notice” means the decision notice which the Commissioner is required by section 73 to give to D.