



Welsh Language (Wales) Measure 2011

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PART 5

ENFORCEMENT OF STANDARDS

CHAPTER 1

INVESTIGATING FAILURE TO COMPLY WITH STANDARDS ETC

Preventing continuation or repetition of D's failure

79 Requirement to prepare action plan or take steps

- (1) This section applies if the Commissioner—
 - (a) determines that D has failed to comply with a relevant requirement, and
 - (b) decides to require D to do either or both of the following—
 - (i) to prepare an action plan for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement;
 - (ii) to take steps for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement.
- (2) The relevant decision notice must set out what the Commissioner requires D to do.
- (3) If the Commissioner requires D to prepare an action plan, the relevant decision notice must specify the period within which D must—
 - (a) produce a first draft plan, and
 - (b) give that draft to the Commissioner.
- (4) The relevant decision notice must inform D of—
 - (a) the consequences if D does not comply with a requirement included in the notice by virtue of this section; and

(b) the right to appeal under section 95.

(5) This section is subject to section 85.

(6) In this section “relevant decision notice” means the decision notice which the Commissioner is required by section 73 to give to D.

80 Action plans

(1) This section applies if the Commissioner gives D a decision notice which requires D to prepare an action plan.

(2) D must give a first draft plan to the Commissioner within the period specified in the decision notice.

(3) After receiving a first draft plan from a person the Commissioner must—

(a) approve it, or

(b) give the person a notice which—

(i) states that the draft is not adequate,

(ii) requires the person to give the Commissioner a revised draft by a specified time, and

(iii) may make recommendations about the content of the revised draft.

(4) Subsection (3) applies in relation to a revised draft plan as it applies in relation to a first draft plan.

(5) An action plan comes into force—

(a) at the end of the period of six weeks beginning with the date on which a first draft or revised draft is given to the Commissioner, if that period expires without the Commissioner—

(i) giving a notice under subsection (3)(b), or

(ii) applying for an order under subsection (6)(b), or

(b) upon a court’s declining to make an order under subsection (6)(b) in relation to a revised draft of the plan.

(6) The Commissioner may apply to a county court—

(a) for an order requiring a person to give the Commissioner a first draft plan by a time specified in the order; or

(b) for an order requiring a person who has given the Commissioner a revised draft plan to prepare and give to the Commissioner a further revised draft plan—

(i) by a time specified in the order, and

(ii) in accordance with any directions about the plan’s content specified in the order.

(7) An action plan may be varied by agreement between the Commissioner and the person who prepared it.

(8) Paragraphs 5 to 12 of Schedule 10 apply in relation to consideration by the Commissioner of the adequacy of a draft action plan as they apply in relation to the conduct of an investigation.