



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.

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.

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
 - (c) the public, except—
 - (i) if, or
 - (ii) to the extent that

the 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;

Status: This is the original version (as it was originally enacted).

- (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.