



# Welsh Language (Wales) Measure 2011

## 2011 nawm 1

### PART 5

#### ENFORCEMENT OF STANDARDS

#### CHAPTER 4

#### APPEALS

#### 95 Appeals to the Tribunal

- (1) This section applies if the Commissioner—
  - (a) undertakes an investigation under section 71, and
  - (b) determines that D has failed to comply with a relevant requirement.
- (2) D may appeal to the Tribunal on the grounds that D did not fail to comply with the relevant requirement.
- (3) But D may not appeal to the Tribunal under subsection (2) if the Commissioner has been directed, following an appeal under section 99 or 101, or any further appeal, to determine that D did fail to comply with the relevant requirement.
- (4) If the Commissioner takes enforcement action in connection with D's failure to comply with the relevant requirement, D may appeal to the Tribunal on the grounds that the enforcement action is unreasonable or disproportionate.
- (5) An appeal under this section must be made before the end of the relevant 28 day period.
- (6) But the Tribunal may, on a written application by D, allow an appeal to be made after the end of the relevant 28 day period if the Tribunal is satisfied that there is a good reason—
  - (a) for the failure to appeal before the end of that period, and
  - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.

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*Status: This is the original version (as it was originally enacted).*

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- (7) An application under subsection (6) may be made before or after the end of the relevant 28 day period.
- (8) D may appeal under subsection (4) whether or not D also appeals under subsection (2).
- (9) This section is subject to Tribunal Rules (which may, amongst other things, make provision about the manner in which appeals under this section may be brought).
- (10) In this Chapter “relevant 28 day period” means the period of 28 days beginning with the day on which the Commissioner gives D the decision notice in relation to the investigation.