



Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 11

SUPPLEMENTARY

150 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales—
 - (a) an order under section 20(4)(a) or (b) (application of section 20 to persons other than Public Services Ombudsman for Wales etc) that amends provision of primary legislation;
 - (b) an order under section 21(7) (amendment of definition of “ombudsman”);
 - (c) an order under section 21(8) (provision in connection with order under section 21(7)) that amends primary legislation;
 - (d) an order under section 22(10) (amendment of definition of “permitted person”);
 - (e) regulations under section 26(1) or (2) (specification of standards etc);
 - (f) an order under section 35 or 38 (amendment of Schedule 6 or 8), apart from an order containing provision under that section all of which is of the kind referred to in subsection (4);
 - (g) regulations under section 39 (standards that are specifically applicable);
 - (h) an order under section 42 (amendment of Schedule 9);
 - (i) regulations under section 68 (supply of information to Commissioner);
 - (j) an order under section 83(7) (alteration of maximum amount of civil penalty);
 - (k) an order under section 154 (transitional and consequential provision etc) that contains a provision amending, repealing or otherwise modifying an enactment (other than an enactment contained in subordinate legislation);

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- (l) regulations under paragraph 7(1) of Schedule 1 (provision about the appointment of the Commissioner);
 - (m) an order under paragraph 8(1) of Schedule 1 (exercise of Commissioner's functions by Welsh Ministers) that amends this Measure;
 - (n) an order under paragraph 1 of Schedule 5 (alteration of amount of public money specified in the Schedule 5 table).
- (3) Any other statutory instrument containing an order or regulations under this Measure, apart from an instrument containing only an order under section 156 (commencement), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) The provision mentioned in subsection (2)(f) is provision amending a reference to a person in the person's entry in the Schedule 6 table or Schedule 8 table in consequence of a change in that person's name.
- (5) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power—
- (a) to make different provision for different cases, different purposes, or different geographical areas;
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make such transitional, transitory, consequential, saving, incidental and other provision as the Welsh Ministers think necessary or appropriate.
- (6) The power of the Welsh Ministers under section 155(3) also includes, in the case of the commencement of the repeal of provision in the Welsh Language Act 1993, power to provide for different commencement for different jurisdictions.
- (7) In this section “primary legislation” means an Act of Parliament or a Measure or Act of the Assembly.

151 Directions

Any direction given by the Welsh Ministers under this Measure—

- (a) may be varied or revoked by a later direction;
- (b) must be given in writing;
- (c) may make provision generally or in relation to specific cases; and
- (d) may make different provision for different cases, different purposes or different geographical areas.

152 Notices etc

- (1) This section applies in relation to notices and other documents required or authorised to be given under this Measure.
- (2) A notice or document that is required or authorised to be given to the Commissioner may be given—
- (a) by delivering it to the Commissioner,
 - (b) by sending it by post to the principal office of the Commissioner, or
 - (c) subject to subsection (3), by transmitting it electronically.

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- (3) A notice or document may be given to the Commissioner by transmitting it electronically only if it has been transmitted in such manner as the Commissioner may require.
- (4) A notice or document that the Commissioner is required or authorised to give to another person may be given—
 - (a) by delivering it to the person,
 - (b) by sending it by post to the person's last known address, or
 - (c) subject to subsection (5), by transmitting it electronically.
- (5) The Commissioner may give a notice or document to a person by transmitting it electronically only if the following requirements are met—
 - (a) the person to whom the notice or document is to be given must have—
 - (i) indicated to the Commissioner that person's willingness to receive the notice or document by transmission by electronic means, and
 - (ii) provided the Commissioner with an address suitable for that purpose, and
 - (b) the Commissioner must send the notice or document to the address provided by that person.
- (6) A person may give, for the purposes of subsection (4), an indication of willingness to receive—
 - (a) notices or documents generally by transmission by electronic means, or
 - (b) notices or documents of particular descriptions by electronic means.
- (7) This section does not exclude any method of giving or sending a notice or other document not expressly provided for by this section.
- (8) A requirement of this Measure for a notice or document to be in writing does not prevent this section from applying in relation to it.
- (9) A requirement for the Commissioner to give a notice or other document to a person does not apply if the Commissioner thinks that it is not practicable to give that notice or document to that person in accordance with subsection (4).
- (10) The Welsh Ministers may by order make provision about the date upon which a notice or document is deemed to have been given.

153 Interpretation of this Measure

- (1) In this Measure—

“Advisory Panel” (“*Panel Cyngtori*”) means the Advisory Panel to the Welsh Language Commissioner (see Part 3);

“Commissioner” (“*Comisiynydd*”) means the Welsh Language Commissioner (see Part 2);

“Deputy Commissioner” (“*Dirprwy Gomisiynydd*”) means the Deputy Welsh Language Commissioner (see section 12);

“enactment” (“*deddfiad*”) includes an Assembly Measure, an Act of the Assembly, subordinate legislation and any future enactment;

“President” (“*Llywydd*”) means the President of the Welsh Language Tribunal (see Part 7);

“Tribunal” (“*Tribiwnlys*”) means the Welsh Language Tribunal (see Part 7);

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“Tribunal Rules” (“*Rheolau'r Tribiwnlys*”) means Welsh Language Tribunal Rules (see Part 7).

- (2) In this Measure references to the Commissioner's staff are to be construed in accordance with section 12(2).

154 Transitional and consequential provision etc

- (1) The Welsh Ministers may, by order, make such transitional, transitory, consequential, saving, incidental and other provision as they think necessary or appropriate in connection with, or to give full effect to, this Measure.
- (2) The provision that may be made under this section includes, but is not limited to, provision that amends, repeals or otherwise modifies an enactment.

155 Extent

- (1) This Measure extends to England and Wales only.
- (2) But that is subject to subsection (3).
- (3) A repeal of a provision of the Welsh Language Act 1993 has the same extent as the provision repealed.

156 Commencement

- (1) The following provisions come into force on the day on which this Measure is approved by Her Majesty in Council—
- (a) Part 1;
 - (b) this Part.
- (2) Subject to subsection (1), this Measure comes into force in accordance with provision made by the Welsh Ministers by order.

157 Short title

This Measure may be cited as the Welsh Language (Wales) Measure 2011.

Changes to legislation:

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