



Welsh Language (Wales) Measure 2011

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PART 4

STANDARDS

CHAPTER 6

COMPLIANCE NOTICES

Giving compliance notices

45 Giving compliance notices to any person

- (1) The Commissioner may give a person (P) a compliance notice only if P is liable to be required to comply with standards (see Chapter 3).
- (2) A compliance notice given to P may set out, or refer to, a particular standard specified by the Welsh Ministers under section 26(1) only if the standard—
 - (a) is potentially applicable to P (see Chapter 4), and
 - (b) is specifically applicable to P (see Chapter 5).
- (3) If the Commissioner gives P a compliance notice, the Commissioner must also—
 - (a) give P a copy of any relevant code of practice issued under section 68, and
 - (b) inform P of the right of challenge under Chapter 7.
- (4) For provision about giving compliance notices to contractors, see section 48.

46 Imposition days

- (1) This section applies as respects each standard specified in a compliance notice given to a person.
- (2) The notice must state the imposition day or imposition days.

Status: This is the original version (as it was originally enacted).

- (3) The imposition day, or the earliest of the imposition days, must fall after the end of the period of 6 months beginning with the day on which the notice is given.
- (4) In this section “imposition day”, in relation to a standard, means—
 - (a) the day from which a person is to be required to comply with the standard, or
 - (b) the day from which a person is to be required to comply with the standard in a respect.
- (5) For provision about giving compliance notices to contractors, see section 48.

47 Consultation

- (1) The Commissioner must consult a person before giving the person a compliance notice.
- (2) But subsection (1) does not require the Commissioner to consult a person on any matter if the Commissioner is satisfied that the person has already been consulted, or given the opportunity to be consulted, on that matter in connection with a standards investigation (see Chapter 8).
- (3) The failure of a person to participate in a consultation does not prevent the Commissioner from giving the person a compliance notice.

48 Giving compliance notices to contractors

- (1) This section applies (in addition to sections 45 and 46) in relation to a qualifying person who provides the public with services (the “relevant services”) provided under an agreement, or in accordance with arrangements, made with a public authority (the “relevant contract”).
- (2) A compliance notice given to the qualifying person may set out, or refer to, a particular standard (the “relevant standard”) in relation to the provision of the relevant services under the relevant contract only if—
 - (a) the public authority is required to comply with the relevant standard in providing the public with the relevant services (or would be so required if it provided the public with those services),
 - (b) the relevant contract was entered into on or after the public authority’s imposition day, and
 - (c) the qualifying person’s imposition day falls on or after the public authority’s imposition day.
- (3) The Commissioner must secure that the requirement for the qualifying person to comply with the relevant standard (which arises by virtue of the compliance notice being given in accordance with subsection (2)) is the same as, or no greater than, the requirement for the public authority to comply with the standard.
- (4) Expressions used in this section and in Schedule 8 have the same meanings in this section as in Schedule 8.
- (5) In this section—

“public authority’s imposition day” (*“diwrnod gosod yr awdurdod cyhoeddus”*) means the day, or the earliest of the days, on which the public authority is required to comply with the relevant standard;

“qualifying person’s imposition day” (“*diwrnod gosod y person neilltuedig*”) means the day, or the earliest of the days, stated in the compliance notice given to the qualifying person as a day when the qualifying person is to be required to comply with the relevant standard in relation to the provision of the relevant services under the relevant contract.