



Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 4

STANDARDS

CHAPTER 9

GENERAL

Exception for broadcasting

67 Exception for broadcasting

(1) This Measure—

- (a) does not require, and
- (b) does not authorise a person to require,

a person to comply with a standard if, and to the extent that, the standard relates to broadcasting.

(2) In this section—

- (a) “broadcasting” means the commissioning, production, scheduling, transmission or distribution of programmes (including advertisements, subtitles, continuity announcements and teletext), access services, interactivity, online content and other output of a similar nature for television, radio, the internet or other online or wireless platforms;
- (b) but references to broadcasting do not include any activity that is carried out in connection with broadcasting (unless the activity is itself broadcasting).

*Codes of practice***68 Codes of practice**

- (1) The Commissioner may issue codes of practice for the purpose of providing practical guidance with respect to the requirements of any standards specified by the Welsh Ministers under section 26(1) (“standards codes of practice”).
- (2) The Commissioner may revise or withdraw standards codes of practice.
- (3) The Commissioner must not issue, revise or withdraw a standards code of practice without the consent of the Welsh Ministers.
- (4) Before seeking that consent, the Commissioner must consult—
 - (a) persons who are required to comply with the standard or standards to which the code of practice relates, and
 - (b) the Advisory Panel.
- (5) Where a code of practice is issued or revised by the Commissioner, the Commissioner must also issue a notice in writing—
 - (a) identifying the code in question and stating the date of issue, and
 - (b) specifying to which standard or standards the code relates.
- (6) Where the Commissioner withdraws a code of practice, the Commissioner must issue a notice in writing identifying the code in question and stating the date on which the code is to cease to have effect.

69 Failure to comply with codes

- (1) A person’s failure to comply with a provision of an approved code of practice does not render that person liable to enforcement action of any kind.
- (2) But if any action under this Measure is taken in respect of a failure of a person (P) to comply with a standard (“the alleged standards failure”)—
 - (a) a failure by P to comply with a relevant provision of an approved code of practice may be relied upon as tending to establish that P is liable for the alleged standards failure, and
 - (b) compliance with a relevant provision of an approved code of practice may be relied upon as tending to establish that P is not liable for the alleged standards failure.
- (3) References in this section to an approved code of practice are references—
 - (a) to a standards code of practice as it has effect for the time being, and
 - (b) where a standards code of practice has been revised, to that code as revised as it has effect for the time being.

*Interpretation***70 Interpretation**

- (1) In this Part—
 - (a) references to a person being liable to be required to comply with standards are to be read in accordance with section 33;

- (b) references to a person’s entry in the Schedule 6 table or the Schedule 8 table are to be read in accordance with section 34;
- (c) references to a standard being potentially applicable to a person are to be read in accordance with sections 36 and 37;
- (d) references to a standard being specifically applicable to a person are to be read in accordance with section 39.

(2) In this Part—

“Schedule 5 table” means the table in Schedule 5;

“Schedule 6 table” means the table in Schedule 6;

“Schedule 7 table” means the table in Schedule 7;

“Schedule 8 table” means the table in Schedule 8.