



# Welsh Language (Wales) Measure 2011

2011 nawm 1

## PART 5

### ENFORCEMENT OF STANDARDS

#### CHAPTER 1

##### INVESTIGATING FAILURE TO COMPLY WITH STANDARDS ETC

*Preventing continuation or repetition of D's failure*

**79 Requirement to prepare action plan or take steps**

- (1) This section applies if the Commissioner—
  - (a) determines that D has failed to comply with a relevant requirement, and
  - (b) decides to require D to do either or both of the following—
    - (i) to prepare an action plan for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement;
    - (ii) to take steps for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement.
- (2) The relevant decision notice must set out what the Commissioner requires D to do.
- (3) If the Commissioner requires D to prepare an action plan, the relevant decision notice must specify the period within which D must—
  - (a) produce a first draft plan, and
  - (b) give that draft to the Commissioner.
- (4) The relevant decision notice must inform D of—
  - (a) the consequences if D does not comply with a requirement included in the notice by virtue of this section; and

**Changes to legislation:** *There are currently no known outstanding effects for the Welsh Language (Wales) Measure 2011, Cross Heading: Preventing continuation or repetition of D's failure. (See end of Document for details)*

- (b) the right to appeal under section 95.
- (5) This section is subject to section 85.
- (6) In this section “relevant decision notice” means the decision notice which the Commissioner is required by section 73 to give to D.

**Commencement Information**

**II** S. 79 in force at 7.7.2015 by S.I. 2015/1413, art. 3(c)

**80 Action plans**

- (1) This section applies if the Commissioner gives D a decision notice which requires D to prepare an action plan.
- (2) D must give a first draft plan to the Commissioner within the period specified in the decision notice.
- (3) After receiving a first draft plan from a person the Commissioner must—
  - (a) approve it, or
  - (b) give the person a notice which—
    - (i) states that the draft is not adequate,
    - (ii) requires the person to give the Commissioner a revised draft by a specified time, and
    - (iii) may make recommendations about the content of the revised draft.
- (4) Subsection (3) applies in relation to a revised draft plan as it applies in relation to a first draft plan.
- (5) An action plan comes into force—
  - (a) at the end of the period of six weeks beginning with the date on which a first draft or revised draft is given to the Commissioner, if that period expires without the Commissioner—
    - (i) giving a notice under subsection (3)(b), or
    - (ii) applying for an order under subsection (6)(b), or
  - (b) upon a court's declining to make an order under subsection (6)(b) in relation to a revised draft of the plan.
- (6) The Commissioner may apply to a county court—
  - (a) for an order requiring a person to give the Commissioner a first draft plan by a time specified in the order; or
  - (b) for an order requiring a person who has given the Commissioner a revised draft plan to prepare and give to the Commissioner a further revised draft plan—
    - (i) by a time specified in the order, and
    - (ii) in accordance with any directions about the plan's content specified in the order.
- (7) An action plan may be varied by agreement between the Commissioner and the person who prepared it.

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- (8) Paragraphs 5 to 12 of Schedule 10 apply in relation to consideration by the Commissioner of the adequacy of a draft action plan as they apply in relation to the conduct of an investigation.

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**Commencement Information**

**I2** [S. 80](#) in force at 7.7.2015 by [S.I. 2015/1413](#), [art. 3\(e\)](#)

**Changes to legislation:**

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