



Welsh Language (Wales) Measure 2011

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PART 5

ENFORCEMENT OF STANDARDS

CHAPTER 8

GENERAL

Obstruction and contempt

107 Obstruction and contempt

- (1) If the Commissioner is satisfied that the condition in subsection (2) is met in relation to a person, the Commissioner may issue a certificate to that effect to the High Court.
- (2) The condition is that the person—
 - (a) without lawful excuse, has obstructed the discharge of any of the Commissioner's functions under this Part, or
 - (b) has done an act in relation to an investigation under section 71 which, if the investigation were proceedings in the High Court, would constitute contempt of court.
- (3) If the Commissioner issues a certificate under subsection (1), the High Court may inquire into the matter.
- (4) If the High Court is satisfied that the condition in subsection (2) is met in relation to the person, it may deal with the person in any manner in which it could have dealt with the person if the person had committed contempt in relation to the High Court.

*Enforcement policy document***108 Enforcement policy document**

- (1) The Commissioner must produce an enforcement policy document.
- (2) The Commissioner may amend the enforcement policy document.
- (3) An enforcement policy document is a document setting out advice and information on the Commissioner's intended approach to the exercise of the Commissioner's functions under this Part.
- (4) The Commissioner may not produce or amend the enforcement policy document without the approval of the Welsh Ministers.
- (5) The Commissioner must—
 - (a) ensure that a copy of the enforcement policy document is available for inspection at the Commissioner's office, and
 - (b) ensure that copies of the document are made available at such other places and by such other means (including by electronic means) as he or she thinks appropriate.
- (6) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the enforcement policy document are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the document.

*Register of enforcement action***109 Register of enforcement action**

- (1) The Commissioner must create and maintain a register of enforcement action.
- (2) The register of enforcement action must include all of the following—
 - (a) a description of every investigation undertaken by the Commissioner;
 - (b) as respects each investigation undertaken, the following information as included in the investigation report—
 - (i) the Commissioner's findings on the investigation;
 - (ii) the Commissioner's determination of whether or not D had failed to comply with the relevant requirement;
 - (iii) the statement of whether the Commissioner took further action;
 - (iv) if the Commissioner took further action, the statement of that action;
 - (c) as respects each investigation undertaken, details of any decision notice given;
 - (d) details of appeals made to the Tribunal under Chapter 4 (including, but not limited to, the decisions made by the Tribunal).
- (3) The Commissioner must keep the register of enforcement action up to date.
- (4) The Commissioner must—
 - (a) ensure that a copy of the register of enforcement action is available for inspection at the Commissioner's office, and

- (b) ensure that copies of the register of enforcement action are made available at such other places and by such other means (including by electronic means) as he or she thinks appropriate.
- (5) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the register of enforcement action are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the register.
- (6) In this section “investigation” means an investigation under section 71.

Interpretation

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In this Part—

“enforcement action” (*“camau gorfodi”*), in relation to an investigation under section 71, means one or more of the following—

- (a) requiring D to prepare an action plan for the purpose of preventing the continuation or repetition of D’s failure;
- (b) requiring D to take steps for the purpose of preventing the continuation or repetition of D’s failure;
- (c) publicising D’s failure;
- (d) requiring D to publicise the failure;
- (e) imposing a civil penalty on D;

“interested person” (*“person a chanddo fuddiant”*), in relation to an investigation under section 71, means—

- (a) D, and
- (b) if the investigation follows a complaint under section 93, the person who made the complaint.