



# Welsh Language (Wales) Measure 2011

## 2011 nawm 1

### PART 8

#### GENERAL

### CHAPTER 1

#### INTEGRITY

#### **134 Register of interests**

- (1) Each relevant office holder must create and maintain a register of interests.
- (2) A relevant office holder's register of interests must include all of his or her registrable interests.
- (3) A relevant office holder must produce his or her register of interests in Welsh and in English.
- (4) A relevant office holder must keep his or her register of interests up to date.
- (5) That includes, but is not limited to, a duty to include a registrable interest in the register of interests within 4 weeks of—
  - (a) the interest arising, or
  - (b) the relevant office holder becoming aware of the interest (if that occurs after the interest arises).

#### **135 Publication of registers of interests**

- (1) The Commissioner must—
  - (a) ensure that a copy of the register of interests of each relevant office holder is available for inspection at the Commissioner's office, and

- (b) ensure that copies of the register of interests of each relevant office holder are made available at such other places and by such other means (including by electronic means) as he or she thinks appropriate.
- (2) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of relevant office holders' registers of interests 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 registers.
- (3) The Deputy Commissioner must give the Commissioner—
  - (a) such copies of the Deputy Commissioner's register of interests, and
  - (b) such other assistance,
 as the Commissioner may require to enable him or her to comply with the duty under subsection (1).

### **136 Conflicts of interest**

- (1) A relevant office holder must not exercise a function if he or she has a registrable interest which relates to the exercise of the function.
- (2) In a case where subsection (1) prevents the Commissioner from exercising a function, he or she must delegate that function (so far as necessary to enable that exercise of it to be carried out) to—
  - (a) the Deputy Commissioner, or
  - (b) another member of the Commissioner's staff.
- (3) In a case where subsection (1) prevents the Deputy Commissioner from exercising a function, the Commissioner must make arrangements for the function to be exercised otherwise than by the Deputy Commissioner.

### **137 Validity of acts**

The validity of an act of a relevant office holder is not affected by a failure to comply with any provision of, or made under, this Chapter.

### **138 Regulations**

- (1) The Welsh Ministers may, by regulations—
  - (a) specify what interests are registrable interests for the purposes of this Chapter, and
  - (b) make other provision for the purposes of this Chapter.
- (2) Registrable interests may, among other things, include interests of persons with whom relevant office holders have a connection (whether familial, financial or of any other kind).
- (3) In this section “interest” means an interest of any kind (including, but not limited to, financial interests, and all activities and occupations).

### **139 Interpretation of this Chapter**

In this Chapter—

“registrable interest” (“*buddiant cofrestradwy*”) means a registrable interest specified in regulations made under section 138;

“relevant office holder” (“*deiliad swydd perthnasol*”) means—

- (a) the Commissioner, or
- (b) the Deputy Commissioner.

## CHAPTER 2

### DEFAMATION

#### 140 Absolute privilege

- (1) For the purposes of the law of defamation, the following are absolutely privileged—
- (a) the publication of a matter by the Commissioner in the exercise of any of his or her functions;
  - (b) the publication of a matter by a member of the Advisory Panel in the exercise of any of his or her functions;
  - (c) the publication of a matter by a person in compliance with a requirement in a decision notice;
  - (d) the publication, in a communication between—
    - (i) the Commissioner, and
    - (ii) a protected person,
 of a matter in connection with an inquiry or investigation;
  - (e) the publication, in a communication between—
    - (i) the complainant or a person acting on behalf of the complainant, and
    - (ii) a representative,
 of a matter in connection with an investigation under Part 5 or Part 6.
- (2) In this section a reference to the Commissioner includes the following persons—
- (a) the members of the Commissioner’s staff;
  - (b) any person acting on the Commissioner’s behalf or assisting in the exercise of the Commissioner’s functions.

#### 141 Interpretation of this Chapter

In this Chapter—

“complainant” (“*achwynydd*”) means—

- (a) in relation to an investigation under Part 5, the person (if any) referred to as “P” in section 93;
  - (b) in relation to an investigation under Part 6—
    - (i) the person referred to as “P” in section 111; and
    - (ii) the person referred to as “R” in section 111;
- “inquiry” (“*ymholiad*”) means an inquiry under section 7;
- “investigation” (“*ymchwiliad*”) means any of the following—
- (a) a standards investigation under Chapter 8 of Part 4;
  - (b) an investigation under Part 5 (compliance with relevant requirements);

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

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(c) an investigation under Part 6 (interference with the freedom to communicate in Welsh);

“protected person” (“*person a ddiogelir*”), in relation to an inquiry or investigation, means any of the following persons—

- (a) a member of the Advisory Panel;
  - (b) a representative;
  - (c) a person who is the subject of the inquiry or investigation;
  - (d) a person with whom the Commissioner is communicating for the purpose of obtaining information in connection with an inquiry or investigation;
  - (e) the complainant;
  - (f) a person acting on behalf of a person falling within paragraph (c) to (e);
- “representative” (“*cynrychiolydd*”) means any of the following persons—
- (a) a member of a community council, county borough council or county council in Wales;
  - (b) a Member of the National Assembly for Wales;
  - (c) a Member of Parliament;
  - (d) a member of the House of Lords;
  - (e) a Member of the European Parliament.

### CHAPTER 3

#### RESTRICTIONS

#### 142 Restrictions

- (1) This Measure does not authorise or require the Commissioner to exercise a prescribed function which by virtue of an enactment is also exercisable by a prescribed person.
- (2) In this section “prescribed” means prescribed in an order made for the purposes of this section by the Welsh Ministers.