

*Changes to legislation:* There are currently no known outstanding effects for the  
Welsh Language (Wales) Measure 2011, PART 1. (See end of Document for details)

## SCHEDULE 10

### COMMISSIONER'S INVESTIGATION OF FAILURE TO COMPLY WITH STANDARDS ETC

#### PART 1

#### GENERAL

##### *Introduction*

1 This Schedule applies to investigations under section 71.

##### **Commencement Information**

**II** Sch. 10 para. 1 in force at 7.7.2015 by S.I. 2015/1413, art. 3(h)

##### *Terms of reference*

- 2 (1) Before conducting an investigation, the Commissioner must prepare the terms of reference of the investigation.
- (2) The terms of reference must specify—
- (a) the person who is being investigated (“D”),
  - (b) the suspected failure to comply with a relevant requirement.
- (3) Before settling the terms of reference, the Commissioner must—
- (a) give notice of the proposed terms to—
    - (i) D, and
    - (ii) any other interested person,
  - (b) give each person who is given notice of the proposed terms an opportunity to make representations about the proposed terms, and
  - (c) consider any representations made.
- (4) After settling the terms of reference (having complied with sub-paragraph (3)), the Commissioner must—
- (a) publish the terms of reference of the investigation in a manner that the Commissioner thinks is likely to bring the investigation to the attention of persons whom it concerns or who are likely to be interested in it, and
  - (b) give notice of the terms of reference to—
    - (i) D, and
    - (ii) any other interested person.
- (5) This paragraph applies to any change in the terms of reference as the paragraph would apply if the change in the terms were the preparation of those terms.

##### **Commencement Information**

**I2** Sch. 10 para. 2 in force at 7.7.2015 by S.I. 2015/1413, art. 3(h)

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### *Representations*

- 3 (1) The Commissioner must make arrangements for giving persons an opportunity to make representations in relation to investigations.
- (2) The arrangements must give the following persons an opportunity to make representations in the course of an investigation—
- (a) D, and
  - (b) any other interested person.
- (3) Arrangements under this paragraph may, amongst other things, include arrangements for oral representations.

#### **Commencement Information**

**I3** Sch. 10 para. 3 in force at 7.7.2015 by S.I. 2015/1413, art. 3(h)

- 4 (1) The Commissioner must consider representations made in relation to an investigation by—
- (a) D, or
  - (b) a legal adviser who is acting on behalf of D.
- (2) The Commissioner must consider representations made in relation to an investigation by any other person, unless the Commissioner thinks it is appropriate to refuse to do so.
- (3) If the Commissioner refuses to consider representations made in relation to an investigation, he or she must give the person who made the representations written notice of—
- (a) the decision to refuse to consider the representations, and
  - (b) the reasons for the decision.
- (4) In this paragraph “legal adviser” means—
- (a) a person who, for the purposes of the Legal Services Act 2007, is an authorised person, or a European lawyer who is an exempt person by virtue of paragraph 7 of Schedule 3 to that Act, in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), or
  - (b) an advocate or solicitor in Scotland.

#### **Commencement Information**

**I4** Sch. 10 para. 4 in force at 7.7.2015 by S.I. 2015/1413, art. 3(h)

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