



Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 5

ENFORCEMENT OF STANDARDS

CHAPTER 3

NON-COMPLIANCE WITH STANDARDS: COMPLAINTS BY PERSONS AFFECTED

93 Consideration of whether to investigate if conduct complained about

- (1) The Commissioner must consider whether to carry out an investigation under section 71 of whether the conduct of a person (D) (“the alleged conduct”) amounts to a failure to comply with a standard if—
 - (a) a person (P) makes a complaint to the Commissioner about that conduct, and
 - (b) that complaint is valid.
- (2) A complaint made by P to the Commissioner is a valid complaint if the conditions in subsections (3) to (6) are met.
- (3) P must be—
 - (a) a person who appears to the Commissioner to have been directly affected by the alleged conduct, or
 - (b) a person acting on behalf of such a person.
- (4) The complaint must be made in writing, unless P’s personal circumstances are such that it would not be reasonable for P to make the complaint in writing.
- (5) The complaint must give an address at which the Commissioner may contact P (whether the address is postal, electronic or of another description).
- (6) The complaint must identify—
 - (a) D, and
 - (b) the alleged conduct.

Status: This is the original version (as it was originally enacted).

- (7) But, if those conditions are met, the Commissioner need not consider whether to carry out the investigation of the alleged conduct if—
- (a) the complaint is made more than 1 year after the affected person became aware of the alleged conduct,
 - (b) the Commissioner considers that the complaint is frivolous or vexatious or is one that has already been made repeatedly, or
 - (c) the complaint is withdrawn.
- (8) This section does not prevent the Commissioner from considering whether to carry out the investigation of the alleged conduct if—
- (a) any of the conditions in subsections (3) to (6) is not met, or
 - (b) subsection (7) applies.
- (9) If a complaint is made under this section by a person acting on behalf of another person, in the provisions of this Measure which relate to appeals or further appeals connected with the complaint, a reference to the person who made the complaint (including a case where that person is referred to as “P”) is to be read as a reference to the other person (and not as a reference to the person who made the complaint).
- (10) In this section “affected person” means the person who appears to the Commissioner to have been directly affected by the alleged conduct.