

*Status: Point in time view as at 10/07/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Welsh Language (Wales) Measure 2011, SCHEDULE 11. (See end of Document for details)*

## SCHEDULE 11

*(introduced by section 120)*

### THE WELSH LANGUAGE TRIBUNAL

#### PART 1

##### NUMBER OF MEMBERS OF THE TRIBUNAL

###### *Legally-qualified members*

- 1 (1) The Welsh Ministers must from time to time determine the number of legally-qualified members which the Tribunal is to have.
- (2) The Welsh Ministers must consult the President before determining that number.
- (3) So far as it is practicable to do so, the Welsh Ministers must secure that the number of persons serving as legally-qualified members of the Tribunal is equal to the number determined under this paragraph.

###### **Commencement Information**

**I1** Sch. 11 para. 1 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

###### *Lay members*

- 2 (1) The Welsh Ministers must from time to time determine the number of lay members which the Tribunal is to have.
- (2) The Welsh Ministers must consult the President before determining that number.
- (3) So far as it is practicable to do so, the Welsh Ministers must secure that the number of persons serving as lay members of the Tribunal is equal to the number determined under this paragraph.

###### **Commencement Information**

**I2** Sch. 11 para. 2 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

#### PART 2

##### APPOINTMENT

###### *The President*

- 3 (1) The Welsh Ministers may appoint a person to be President only if the person satisfies—
- (a) the judicial-appointment eligibility condition on a 10-year basis, and
  - (b) any other conditions applicable to the appointment that are specified in appointment regulations.

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- (2) But the Welsh Ministers may not appoint a person to be President if the person is—
- (a) disqualified from membership of the Tribunal on grounds of employment or unsuitability, or
  - (b) disqualified from appointment as President on grounds of age, previous appointment or previous dismissal.
- (3) Part 2 of the Tribunals, Courts and Enforcement Act 2007 applies for determining whether a person satisfies the judicial-appointment eligibility condition on a 10-year basis as if this paragraph were a statutory provision (within the meaning of section 50 of that Act).

**Commencement Information**

**I3** Sch. 11 para. 3 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Legally-qualified members*

- 4 (1) The Welsh Ministers may appoint a person to be a legally-qualified member only if the person satisfies—
- (a) the judicial-appointment eligibility condition on a 5-year basis,
  - (b) any other conditions applicable to the appointment that are specified in appointment regulations.
- (2) But the Welsh Ministers may not appoint a person to be a legally-qualified member if the person is—
- (a) disqualified from membership of the Tribunal on grounds of employment or unsuitability, or
  - (b) disqualified from appointment as a legally-qualified member on grounds of age, previous appointment or previous dismissal.
- (3) Part 2 of the Tribunals, Courts and Enforcement Act 2007 applies for determining whether a person satisfies the judicial-appointment eligibility condition on a 5-year basis as if this paragraph were a statutory provision (within the meaning of section 50 of that Act).

**Commencement Information**

**I4** Sch. 11 para. 4 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Lay members*

- 5 (1) The Welsh Ministers may appoint a person to be a lay member only if the person satisfies any conditions applicable to the appointment that are specified in appointment regulations.
- (2) But the Welsh Ministers may not appoint a person to be a lay member if the person—
- (a) is disqualified from membership of the Tribunal on grounds of employment or unsuitability,
  - (b) is disqualified from appointment as a lay member on grounds of age, previous appointment or previous dismissal, or

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- (c) may be appointed as a legally-qualified member of the Tribunal.

**Commencement Information**

**I5** Sch. 11 para. 5 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Remuneration etc*

- 6 (1) The Welsh Ministers may pay remuneration to the members of the Tribunal.
- (2) The Welsh Ministers may pay allowances (including, but not limited to, travelling and subsistence allowances) and gratuities to the members of the Tribunal.
- (3) The Welsh Ministers may pay—
- (a) pensions to, or in respect of, persons who have been members of the Tribunal, and
  - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Tribunal.

**Commencement Information**

**I6** Sch. 11 para. 6 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Terms of appointment*

- 7 (1) A member of the Tribunal holds office subject to the terms of his or her appointment.
- (2) But that is subject to the other provisions of this Schedule.

**Commencement Information**

**I7** Sch. 11 para. 7 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Duration of appointment*

- 8 (1) A person appointed to be a member of the Tribunal is a member (by virtue of that appointment) for 5 years.
- (2) But, if the Welsh Ministers think it necessary or expedient, they may appoint a person to be a legally-qualified or lay member of the Tribunal for a period of less than 5 years.
- (3) This paragraph is subject to Part 3 of this Schedule.

**Commencement Information**

**I8** Sch. 11 para. 8 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

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### *Appointment regulations*

- 9 (1) The Welsh Ministers may, by regulations, make provision about the appointment of members of the Tribunal (“appointment regulations”).
- (2) Appointment regulations may, amongst other things, make provision about any of the following matters—
- (a) principles to be followed in making any appointment to the Tribunal;
  - (b) the knowledge of, and proficiency in, the Welsh language which the members of the Tribunal must have.
- (3) Appointment regulations may, amongst other things—
- (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
  - (b) make other provision relating to any such code.
- (4) Appointment regulations may, amongst other things, confer functions on the Welsh Ministers (as well as on any other person), including functions involving the exercise of a discretion.

#### **Commencement Information**

**I9** Sch. 11 para. 9 in force at 1.4.2012 by [S.I. 2012/969](#), **art. 2(1)**

## [<sup>F1</sup>PART 2A

### CROSS-DEPLOYMENT OF TRIBUNAL MEMBERS

#### **Textual Amendments**

**F1** Sch. 11 Pt. 2A inserted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by [Wales Act 2017 \(c. 4\)](#), **ss. 62(7)(b), 71(4)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/351](#), **reg. 2** [Editorial note: S.I. 2017/1282 was made under 2017 c. 4, Sch. 5 para. 7(1) and comes into force on 12.12.2017]

- 9A A member of a tribunal listed in section 59 of the Wales Act 2017 (the Welsh tribunals) who is not a member of the Tribunal may, at the request of the President and with the approval of the President of Welsh Tribunals, act as a member of the Tribunal.]

## PART 3

### END OF APPOINTMENT

#### *Resignation*

- 10 (1) The President may resign from the Tribunal if he or she gives the Welsh Ministers not less than 3 months' notice in writing of his or her intention to do so.

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- (2) A legally-qualified or lay member of the Tribunal may resign from the Tribunal if he or she gives the Welsh Ministers not less than 2 months' notice in writing of his or her intention to do so.

**Commencement Information**

**I10** Sch. 11 para. 10 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Disqualification from membership*

- 11 A person ceases to be a member of the Tribunal if the person is disqualified from membership of the Tribunal on grounds of employment or unsuitability.

**Commencement Information**

**I11** Sch. 11 para. 11 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Dismissal*

- 12 (1) The Welsh Ministers may dismiss a member of the Tribunal if the Welsh Ministers are satisfied that he or she—
- (a) is unfit to continue as a member of the Tribunal, or
  - (b) is unable or unwilling to exercise his or her duties as a member of the Tribunal.
- (2) The Welsh Ministers must consult the President before dismissing any other member of the Tribunal.

**Commencement Information**

**I12** Sch. 11 para. 12 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

**PART 4**

**DISQUALIFICATION FROM MEMBERSHIP OR APPOINTMENT**

*Disqualification from membership: employment*

- 13 (1) A person is disqualified from membership of the Tribunal on grounds of employment if the person is—
- (a) a Member of Parliament;
  - (b) a Member of the National Assembly for Wales;
  - (c) a member of the staff of the Welsh Assembly Government;
  - (d) a member of the staff of the National Assembly for Wales Commission;
  - (e) the Commissioner;
  - (f) the Deputy Commissioner;
  - (g) any other member of the staff of the Commissioner; or

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- (h) the husband or wife or civil partner of a person falling within paragraph (e), (f) or (g).

**Commencement Information**

**I13** Sch. 11 para. 13 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Disqualification from membership: unsuitability*

- 14 (1) A person is disqualified from membership of the Tribunal on grounds of unsuitability if the person—
- (a) has been adjudged bankrupt and remains bankrupt;
  - (b) has been granted a debt relief order (within the meaning of Part VIIA of the Insolvency Act 1986), and the moratorium period under that order is continuing;
  - (c) has made an arrangement with his or her creditors and the arrangement remains in force;
  - (d) has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine has been imposed;
  - (e) is disqualified from being a member of a county borough council or county council in Wales; or
  - (f) is disqualified from being a director of a company.
- (2) For the purposes of sub-paragraph (1)(a) a person remains bankrupt until such time as—
- (a) the person is discharged from bankruptcy, or
  - (b) the bankruptcy order made against that person is annulled.
- (3) For the purposes of sub-paragraph (1)(c) an arrangement with a person's creditors remains in force until—
- (a) the person pays his or her debts in full, or
  - (b) if later, the end of the period of five years beginning with the day on which the terms of the arrangement are fulfilled.
- (4) If the question of whether a person is disqualified from membership of the Tribunal on grounds of unsuitability arises in relation to the appointment of the person to be a member of the Tribunal, any conviction which that person received more than five years before the date of the appointment is to be disregarded.

**Commencement Information**

**I14** Sch. 11 para. 14 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Disqualification from appointment: age*

- 15 A person is disqualified from appointment as President or as a legally-qualified or lay member of the Tribunal if the person has already reached the age of 70 at the date of the appointment.

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**Commencement Information**

**I15** Sch. 11 para. 15 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Disqualification from appointment: previous appointment*

- 16 (1) A person is disqualified from appointment as President on grounds of previous appointment if the person has already been President for a period of 10 years or more (whether in consecutive or non-consecutive appointments).
- (2) A person is disqualified from appointment as a legally-qualified member of the Tribunal on grounds of previous appointment if the person has already been a legally-qualified member for a period of 10 years or more (whether in consecutive or non-consecutive appointments).
- (3) A person is disqualified from appointment as a lay member of the Tribunal on grounds of previous appointment if the person has already been a lay member for a period of 10 years or more (whether in consecutive or non-consecutive appointments).

**Commencement Information**

**I16** Sch. 11 para. 16 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

*Disqualification from appointment: previous dismissal from office*

- 17 A person is disqualified from appointment as President or as a legally-qualified or lay member of the Tribunal on grounds of previous dismissal if the Welsh Ministers have previously dismissed the person from the Tribunal under paragraph 12.

**Commencement Information**

**I17** Sch. 11 para. 17 in force at 7.1.2014 by [S.I. 2013/3140](#), [art. 2\(k\)](#)

**PART 5**

**GENERAL**

*Interpretation*

- 18 In this Schedule “appointment regulations” means regulations made under paragraph 9.

**Commencement Information**

**I18** Sch. 11 para. 18 in force at 1.4.2012 by [S.I. 2012/969](#), [art. 2\(l\)](#)

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