



Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 5

ENFORCEMENT OF STANDARDS

CHAPTER 5

APPEALS BY THE COMPLAINANT

Appeals against a determination that D has not failed to comply with a standard

101 Appeals from Tribunal

- (1) This section applies if the Tribunal has decided an appeal under section 99.
- (2) The Commissioner or P may, with the permission of the Tribunal or High Court, appeal to the High Court on a question of law arising out of the decision.
- (3) If the High Court finds that the Tribunal has made an error on a point of law, the High Court—
 - (a) may set aside the decision of the Tribunal, and
 - (b) if it sets the decision aside, must either—
 - (i) remit the case to the Tribunal with directions for its reconsideration, or
 - (ii) re-make the decision.
- (4) The directions that the High Court may give under subsection (3)(b)(i) include, but are not limited to, either or both of the following—
 - (a) a direction that the persons who are to reconsider the case must not be the persons who made the decision that has been set aside,
 - (b) procedural directions in connection with the reconsideration of the case.
- (5) In re-making the decision in accordance with subsection (3)(b)(ii), the High Court—

Status: This is the original version (as it was originally enacted).

- (a) may make any decision which the Tribunal could make if the Tribunal were making the decision, and
 - (b) may make such findings of fact as the High Court thinks appropriate.
- (6) An application for permission to appeal must be made to the Tribunal or High Court within the period of 28 days beginning with the day when the Tribunal notified the person making the application of its decision on the appeal under section 99.
- (7) But the Tribunal or High Court may, on a written application by the Commissioner or P, allow an appeal to be made after the end of that period if the Tribunal or High Court is satisfied that there is a good reason—
 - (a) for the failure to apply for permission to appeal before the end of that period, and
 - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.
- (8) This section is subject to Tribunal Rules.