Welsh Language (Wales) Measure 2011

2011 nawm 1

PART 7

WELSH LANGUAGE TRIBUNAL

Practice and procedure etc

123 Welsh Language Tribunal Rules

(1) The President must make rules governing the practice and procedure to be followed in the Tribunal.

(2) The rules are to be known as "Welsh Language Tribunal Rules" (but are referred to in this Measure as "Tribunal Rules").

(3) Tribunal Rules must include the following—

(a) provision about the selection under section 121(2) of the three members of the Tribunal to deal with proceedings;

(b) provision about the selection under section 121(5) of the legal member to chair proceedings;

(c) provision about conflicts of interest that arise—

(i) in relation to the participation of members of the Tribunal in the determination of proceedings, or

(ii) in relation to the exercise of the President's functions under section 121.

(4) Tribunal Rules may, amongst other things, include provision about the following matters—

(a) the exercise by the President, or by the member chairing any proceedings, of any functions which relate to matters that are preliminary or incidental to the proceedings;

(b) the conduct of proceedings in the absence of any member other than the member chairing them;

(c) the disclosure or inspection of documents, and such right to further particulars as might be granted by a county court;

(d) the determination of proceedings without a hearing in circumstances prescribed in Tribunal Rules;

(e) frivolous and vexatious proceedings;

(f) the award of costs (including, but not limited to, punitive costs) or expenses;

(g) assessing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be assessed in the county court);

(h) the publication of reports of the Tribunal's decisions;

(i) the Tribunal's powers to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with Tribunal Rules;

(j) the date upon which a notice is deemed to have been given by the Tribunal.

(5) The power to make Tribunal Rules includes power—

(a) to make different provision for different purposes, and

(b) to confer functions on the President or the Welsh Ministers (as well as on any other person), including functions involving the exercise of a discretion.

(6) The President must submit Tribunal Rules to the Welsh Ministers.

(7) The Welsh Ministers may allow or disallow Tribunal Rules submitted to them.

(8) Rules allowed by the Welsh Ministers—

(a) come into force on such day that the Welsh Ministers direct, and

(b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by the Welsh Ministers.

(9) A statutory instrument containing rules made by the President is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Commencement Information

I1 S. 123 in force at 7.1.2014 by S.I. 2013/3140, **art. 2(d)**

124 Practice directions

[[F1](1) The President may give directions as to the practice and procedure of the Tribunal.

(2) But the President may not give practice directions unless they have been approved by the Welsh Ministers.

(3) Subsection (2) does not apply to practice directions to the extent that they relate to—

(a) the application or interpretation of the law, or

(b) the making of decisions by members of the Tribunal.

(4) The power under this section to give practice directions includes—

(a) power to vary or revoke practice directions given in exercise of the power, and

(b) power to make different provision for different purposes.**]**

Textual Amendments

F1 S. 124 omitted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 92** (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]

Commencement Information

I2 S. 124 in force at 7.1.2014 by S.I. 2013/3140, **art. 2(e)**

125 Guidance, advice and information

(1) The President may give guidance to other members of the Tribunal in relation to the exercise of their functions as members of the Tribunal.

(2) A member of the Tribunal must have regard to such guidance in exercising such functions.

(3) The President may give advice and information in respect of the Tribunal and its functions (including, but not limited to, its practice and procedure).

(4) The President may give such advice—
- (a) to particular persons, or
- (b) more generally.

Commencement Information

I3 S. 125 in force at 7.1.2014 by S.I. 2013/3140, **art. 2(f)**

126 Supplementary powers

(1) In relation to the matters mentioned in subsection (2), the Tribunal has the same powers, rights, privileges and authority as the High Court.

(2) The matters are—
- (a) the attendance and examination of witnesses,
- (b) the production and inspection of documents, and
- (c) all other matters incidental to the Tribunal's functions.

(3) Subsection (1)—
- (a) does not limit any power to make Tribunal Rules, or
- (b) is not limited by anything in Tribunal Rules, except an express limitation.

(4) The Tribunal may direct that a party or witness is to be examined on oath or affirmation.

(5) The Tribunal may administer any oath, or take any affirmation, that is necessary for that purpose.

Commencement Information

I4 S. 126 in force at 30.4.2015 by S.I. 2015/1217, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Welsh Language (Wales) Measure 2011, Cross Heading: Practice and procedure etc.