



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;

Status: This is the original version (as it was originally enacted).

- (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.

124 Practice directions

- (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.

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.

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.