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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1028**

**The Welsh Language Tribunal Rules 2015**

**PART C**

**COMMENCING APPLICATIONS**

**Action by the Secretary of the Tribunal**

- 13.**—(1) Upon receiving the notice of application, the Secretary of the Tribunal must—
- (a) enter its particulars in the Register, and
  - (b) send to the applicant—
    - (i) an acknowledgement of its receipt and a note of the case number entered in the Register,
    - (ii) a note of the address to which notices and communications for the Tribunal should be sent,
    - (iii) notification that advice about the procedures of the Tribunal may be obtained from the Tribunal office,
    - (iv) subject to rule 18(2) and (3), a notice stating the time allowed under rule 18 for submitting the applicant’s case statement and evidence, and
    - (v) a statement of the possible consequences for the application if a party fails to comply with rule 5 (parties’ obligation to co-operate).
- (2) At the same time as the notice referred to in paragraph (1)(b)(iv) is sent to the applicant, the Secretary of the Tribunal must send to the Commissioner—
- (a) a copy of the notice of application and any accompanying documents,
  - (b) a note of the address to which notices and communications for the Tribunal should be sent,
  - (c) a notice stating the time for submitting the Commissioner’s case statement and evidence under rule 20(1) and the consequences of failing to do so,
  - (d) a statement of the possible consequences for the case if a party fails to comply with rule 5 (parties’ obligation to co-operate), and
  - (e) in the case of an appeal under sections 95(2) or 99 of the Measure, a request to the Commissioner to disclose to the Tribunal the contact details of the person or persons who made the relevant complaint (in the case of an appeal under section 95(2)) or those of the person to whom the investigation related (in the case of an appeal under section 99).
- (3) Where the Tribunal is of the opinion, on the basis of the notice of application, that the applicant is asking the Tribunal to consider a matter which is outside the Tribunal’s powers, the Secretary of the Tribunal may, instead of giving notice to the applicant under paragraph (1), give notice to the applicant—
- (a) stating the reasons for that opinion, and
  - (b) informing the applicant—

- (i) that the application will not be entered in the Register unless the applicant makes a written application to the Tribunal for permission to proceed with the claim, and the Tribunal has given permission, and
- (ii) that the notice of application will be struck out unless the applicant has, within 3 months of receiving notice under this paragraph, made an application for permission to proceed with the claim, or that application has been rejected.

(4) The Tribunal may, before deciding any application under paragraph (3), invite written submissions, or further written submissions, from the applicant, the Commissioner, or any other person who, in the opinion of the Tribunal, has a sufficient interest in the case.

(5) If the Tribunal after considering an application under paragraph (3), has given permission to proceed with the claim, the Secretary of the Tribunal must treat the notice of application as having been received for the purpose of paragraph (1), and must record it in the Register in accordance with that paragraph.

(6) The Secretary of the Tribunal may correct any obvious error in the notice of application if it appears to the Secretary that the error in question has been caused by an accidental slip or omission.

(7) Where an error has been corrected in accordance with paragraph (6), the Secretary of the Tribunal must notify the applicant of the correction and state the effect of paragraph (8).

(8) Unless the applicant informs the Secretary of the Tribunal, within 10 working days of the giving of notification under paragraph (7), of an objection to the correction, the notice of application must be treated, for the purposes of these Rules, as so amended.

(9) Subject to paragraphs (10) and (11), the Secretary of the Tribunal must send all documents and notices concerning the application to the applicant.

(10) This paragraph applies if the applicant has notified the Secretary of the Tribunal that all documents and notices concerning the application must be sent to the representative instead of the applicant.

(11) If paragraph (10) applies, references in these Rules (however expressed) to sending documents to, or giving notice to, the applicant must be construed as references to sending documents to, or giving notice to, the representative.

(12) If the contact details of any person are received by the Secretary of the Tribunal in response to a request to the Commissioner under paragraph (2)(e), the Secretary of the Tribunal must, as soon as possible, send a copy of the notice of application to the person in question and give that person notice of the right to apply to be added as a party under rule 35.