
WELSH STATUTORY INSTRUMENTS

2015 No. 1028

The Welsh Language Tribunal Rules 2015

PART A
GENERAL

Title, commencement and application

- 1.—(1) The title of these Rules is the Welsh Language Tribunal Rules 2015.
- (2) They come into force on 30 April 2015.
- (3) They apply to all cases before the Tribunal.

Interpretation

2. In these Rules, unless the context otherwise requires—

“applicant” (“*ceisydd*”) means a person who makes an application to the Tribunal;

“application” (“*cais*”) means—

- (a) an appeal to the Tribunal under section 58, 95(2), 95(4) or 99 of the Measure against a decision by the Commissioner, or
- (b) an application to the Tribunal under section 103 of the Measure to review a decision by the Commissioner;

“case” (“*achos*”) means proceedings relating to an application to the Tribunal;

“case statement” (“*datganiad achos*”) means statement submitted in accordance with rule 19, 20 or 21;

“case statement period” (“*cyfnod datganiad achos*”) means the period specified in rule 18, 20 or 21;

“Chair” (“*Cadeirydd*”) means a person who has been appointed to chair a tribunal panel under rule 9;

“Commissioner” (“*Comisiynydd*”) means the Welsh Language Commissioner;

“disputed decision” (“*penderfyniad sy’n cael ei herio*”) is the decision, or failure to make a decision, in relation to which the application has been brought;

“document” (“*dogfen*”) means anything in which information of any description is recorded;

“electronic signature” (“*llofnod electronig*”) has the meaning given to it by section 7 of the Electronic Communications Act 2000(1);

a person’s “email address” (“*cyfeiriad e-bost*”) means that person’s personal electronic mail address;

“evidence” (“*tystiolaeth*”) includes material of any description recorded in any form;

“hearing” (“*gwrandawriad*”) means a hearing before the Tribunal for the purpose of enabling the President, a Chair or a tribunal panel to reach a decision on an application or on any question or matter at which the parties are entitled to attend and be heard; it includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication;

references, in rules 51 and 52, to “the High Court” (“*yr Uchel Lys*”) include, in relation to any further appeals from the High Court or the Court of Appeal, the Court of Appeal or the Supreme Court, as the case may be;

“languages of the Tribunal” (“*ieithoedd y Tribiwnlys*”) has the meaning given by rule 6;

“the Measure” means the Welsh Language (Wales) Measure 2011;

“notice of application” (“*hysbysiad cais*”) has the meaning given by rule 10;

“oral representations” (“*sylwadau llafar*”) includes evidence which by reason of an impairment of speech or hearing, a person gives using sign language;

“party” (“*parti*”) means the applicant, the Commissioner or a party joined under rule 35;

“practice directions” (“*cyfarwyddiadau ymarfer*”) has the meaning given by rule 4;

“President” (“*Llywydd*”) means the President of the Tribunal appointed under section 120 of the Measure;

“Register” (“*Cofrestr*”) means the register which must be kept under rule 58;

“Secretary of the Tribunal” (“*Ysgrifennydd y Tribiwnlys*”) means the person who for the time being acts as the Secretary of the office of the Tribunal;

“the Tribunal” (“*y Tribiwnlys*”) means the Welsh Language Tribunal or any person exercising the functions of the Tribunal in accordance with these Rules;

“tribunal panel” (“*panel tribiwnlys*”) means a panel of Tribunal members who have been appointed under rule 9;

“witness summons” (“*gwŷs tyst*”) means a document issued by the Tribunal requiring a witness to attend at a hearing to give evidence or produce documents in relation to an application to the Tribunal;

“working day” (“*diwrnod gwaith*”) means any day other than—

- (a) a Saturday,
- (b) a Sunday,
- (c) any day from 25 December to 1 January inclusive,
- (d) Good Friday, or
- (e) a day which is a bank holiday in Wales under section 1 of the Banking and Financial Dealings Act 1971(2).

The overriding objective

3.—(1) The overriding objective of these Rules (“the overriding objective”) is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

- (a) dealing with the case in ways which are proportionate to the importance of the case and the complexity of the issues,
- (b) avoiding unnecessary formality, as far as the Tribunal considers appropriate,

- (c) ensuring, so far as practicable, that the parties are on an equal footing procedurally and are able to participate fully in the proceedings, including facilitating any party to present any claim or appeal, but without advocating the course that party should take,
 - (d) treating the languages of the Tribunal equally,
 - (e) using the special expertise of Tribunal effectively, and
 - (f) avoiding delay, so far as compatible with proper consideration of the issues.
- (3) The Tribunal must seek to give effect to the overriding objective when —
- (a) exercising any function under these Rules, or
 - (b) interpreting any rule.
- (4) In particular, the Tribunal must manage cases actively in accordance with the overriding objective.

Practice Directions

4.—(1) For the purposes of these Rules, “practice directions” (*“cyfarwyddiadau ymarfer”*) means practice directions given by the President under section 124 of the Measure in order to provide practical advice on how to interpret and apply these Rules.

(2) Practice directions under paragraph (1) may vary or revoke existing practice directions.

(3) The Tribunal must publish practice directions made under paragraph (1), and any variation or revocation of a practice direction, in such manner as the President considers appropriate.

(4) The provisions of any practice direction are subject, in any particular case, to any directions given under rule 26 in relation to that case.

Parties’ obligation to co-operate

5.—(1) Parties must—

- (a) co-operate with each other for the purposes of progressing the case,
- (b) co-operate in giving documents or information to each other to enable each party to prepare a case statement,
- (c) help the Tribunal to further the overriding objective, and
- (d) co-operate with the Tribunal generally.

(2) The Tribunal may draw such adverse inferences as the Tribunal thinks fit from a party’s failure to comply with any of the obligations specified in paragraph (1).

(3) Where the Tribunal has made an adverse inference under paragraph (2), the Tribunal may serve notice on the party in default that the tribunal panel is proposing to make an order to strike out—

- (a) the application, where the party in default is the applicant,
- (b) the case statement and written evidence, where the party in default is the Commissioner or any other party.

(4) The notice in paragraph (3) must invite representations and the Tribunal must consider any representations made.

(5) For the purposes of this rule—

- (a) a notice inviting representations must inform the party in default that the party may, within a period (no later than 10 working days) specified in the notice, either make written representations or request an opportunity to make oral representations,
- (b) representations are made if—

- (i) in the case of written representations, they are made within the specified period, and
- (ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the specified period.

(6) The Tribunal may, after considering any representations made by the party in default, order that that party's case be struck out.

The languages of the Tribunal

6.—(1) The languages of the Tribunal are the English and Welsh languages.

(2) Every party or witness has the right to use either language in the proceedings of the Tribunal and when communicating with the Tribunal a party or witness may use one of them on a particular occasion or for a particular purpose and the other on other occasions or for other purposes.

(3) The President must make practice directions under rule 4 in relation to the operation of this rule.

(4) When a document is issued by the Tribunal under these Rules in both languages, the English and Welsh texts must be treated equally.

(5) Paragraph (4) is without prejudice to the power of the Tribunal to correct clerical mistakes and other errors under rule 60(3).

Alternative dispute resolution

7.—(1) The Tribunal must, where appropriate, bring to the attention of the parties any available appropriate alternative procedure for the resolution of the dispute.

(2) If the parties wish to use the alternative dispute resolution procedure the Tribunal may, provided that it is compatible with the overriding objective, stay the application.