
WELSH STATUTORY INSTRUMENTS

2015 No. 1028

The Welsh Language Tribunal Rules 2015

PART C

COMMENCING APPLICATIONS

Commencing an application

10. An application to the Tribunal must be commenced by submitting to the Tribunal, in accordance with these Rules, a written document referred to as a notice of application.

Period allowed for making an application

11.—(1) A notice of application must be received by the Tribunal no later than the first working day after the expiry of the period of 28 days beginning with the date when the applicant was given written notice of the decision of the Commissioner which is disputed.

(2) Subject to rule 14, the Tribunal may not consider an application unless it was commenced in accordance with paragraph (1).

Notice of application

12.—(1) The notice of application must state—

- (a) the name and address of the applicant and, if available, that person's telephone number, fax number and email address,
- (b) the name and address of any representative appointed by the applicant and if available, that representative's telephone number, fax number and email address,
- (c) an address and if available, an email address, where notices and documents for the applicant should be sent,
- (d) the date on which the applicant received written confirmation of the disputed decision,
- (e) the reason or reasons for making the application,
- (f) the result sought by the applicant, and
- (g) the language in which the applicant, or the applicant's representative if there is one, wishes to receive communications from the Tribunal.

(2) The notice of application must be accompanied by a copy of the notice of the disputed decision.

(3) The notice of application must be signed by the applicant, or by that person's representative, if there is one.

(4) If the applicant wishes to ask the Tribunal to exercise the power under rule 14 to consider the application even though received by the Tribunal after the period specified by rule 11(1), the notice of application must—

- (a) make this clear, and

- (b) include a statement of the reasons why the Tribunal should exercise that power.

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.

Application made out of time

14.—(1) The Tribunal may consider any application which was received by the Tribunal after the end of the period specified by rule 11(1) if the Tribunal is satisfied that there was good reason—

- (a) for the failure to make the application before the end of that period, and
- (b) if there was further delay before requesting permission to make the application after the end of that period, for that further delay.

(2) The Tribunal may seek further information from the applicant before making a decision under paragraph (1).

Sufficiency of reasons

15.—(1) If the notice of application does not include, or is not accompanied by, a statement of the reasons for making the application which the Tribunal considers sufficient to enable the Commissioner to respond to the application, the Tribunal must direct the applicant to send details, or further details, of those reasons to the Secretary of the Tribunal within 10 working days of the giving of the direction.

(2) Rule 33 applies to a direction under paragraph (1).

(3) Any reasons sent in response to a direction made under paragraph (1) are to be treated as part of the notice of application.

Giving or refusing permission to apply for a review of a decision by the Commissioner

16.—(1) If the Tribunal receives a notice of application which includes an application for a review, under section 103 of the Measure, of a decision by the Commissioner, that application is not to be treated, for the purposes of rule 13, as having been received until the Tribunal has decided—

- (a) that the application would have a reasonable prospect of success, or

(b) that there is some other compelling reason why the application should be heard.

(2) If the Tribunal considers that either paragraph (1)(a) or (1)(b) applies, the Tribunal must give permission for the application to be made and it must then be treated as having been received, for the purposes of rule 13, and considered further in accordance with these Rules.

(3) Subject to paragraph (4), if the Tribunal does not consider that either paragraph (1)(a) nor (1)(b) applies, the Tribunal must refuse permission for the application to be made and the application will not be considered further.

(4) If the application is based on more than one ground, and if the Tribunal decides that the requirements of paragraph (2) have been satisfied in relation to one or more of those grounds, but not in relation to the other grounds, the Tribunal must give permission for the application to be made on condition that further consideration of it will be limited to the relevant ground or grounds.

(5) The Secretary of the Tribunal must, as soon as practicable—

(a) notify the applicant and the Commissioner of the Tribunal's decision under paragraph (1), and

(b) record that decision in the Register.

(6) Notification given under paragraph (5) must—

(a) include the Tribunal's reasons for coming to its decision, and

(b) be accompanied by guidance, in a form approved by the President, about—

(i) the circumstances under which there is a right to appeal against the decision, and

(ii) the procedure to be followed.

(7) The Tribunal's function under paragraph (1) may be exercised—

(a) by the President, or by a legally qualified member of the Tribunal who has been authorised by the President to exercise that function, and

(b) without a hearing.

(8) If permission to make an application—

(a) has been refused under paragraph (3), or

(b) has been given conditionally under paragraph (4),

the applicant may require that the decision be reconsidered by a tribunal panel at a hearing.

(9) A requirement under paragraph (8) must be notified in writing and must be received by the Tribunal within 14 days of the day on which the applicant is to be taken, in accordance with rule 62, to have received notification under paragraph (5).

(10) Paragraphs (1) to (4), and rules 36 (except for paragraph (4)(b)(ii)), 38, 39(1), (2) and (5), 43, 44, 45, 46 and 47 apply to a hearing under paragraph (8).

(11) If a tribunal panel, after a hearing under paragraph (8), is of the opinion—

(a) that the application would have no reasonable prospect of success, and

(b) that there is no other compelling reason why the application should be heard,

the panel must give formal permission to make the application but must then dismiss that application.

Appointment of representatives

17.—(1) Without prejudice to rule 12(1)(b), any party may, by giving written notice to the Secretary of the Tribunal at any later time—

(a) appoint a representative,

- (b) appoint another representative to replace the representative previously appointed, whose appointment is cancelled by the later appointment,
 - (c) state that no person is acting as that party's representative, which cancels any previous appointment.
- (2) Where an appointment is made under paragraph (1), the party in question must give the name, address and contact details of the appointed representative.