



Tribiwnlys y Gymraeg
Welsh Language Tribunal

The Welsh Language Tribunal

Consultation – summary of responses

The Welsh Language Tribunal Rules

Date of issue: **April 2015**

The Welsh Language Tribunal Rules

Audience	Members of the public, the organisations that will be subject to the first set of Welsh language standards, and anyone else with an interest in the Rules.
Overview	This document summarises responses received to the consultation on the proposed Welsh Language Tribunal Rules, which was conducted between 24 November 2014 and 19 January 2015.
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Huw Williams Welsh Language Tribunal Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ e-mail: tyg@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.gov.wales/consultations
Related documents	The Welsh Language Tribunal Rules 2015 Welsh Language (Wales) Measure 2011

Contents

Introduction and overview	2
Responses to the consultation - breakdown	3
Responses to the consultation and WLT response to comments	5

Introduction and overview

This document summarises the responses received by the Welsh Language Tribunal to the consultation on the Welsh Language Tribunal Rules. The consultation took place between 24 November 2014 and 19 January 2015.

The consultation sought views on the draft Welsh Language Tribunal Rules. The function of the Tribunal is to determine appeals from, and challenges to, decisions of the Welsh Language Commissioner in relation to the imposition and enforcement of duties under the Welsh Language Standards. The purpose of establishing these operational rules is to ensure that every case which appears before the Tribunal is treated fairly and consistently. Everybody who appears before the Tribunal must understand exactly which actions they need to take in order to present the facts of the dispute and their arguments effectively to the Tribunal. They and any other party involved with the case must also be aware which other arguments will be considered by the Tribunal.

We invited comments from range of organisations including the Welsh Language Commissioner, organisations that are subject to the first set of Welsh Language Standards (County Borough and County Councils in Wales, National Park Authorities in Wales, and Welsh Ministers); and members of the public with an interest in the Tribunal Rules.

The consultation was published on the Welsh Government website and publicised through the Welsh Government's social media feeds. The President of the Tribunal presented a series of seminars across Wales as part of the consultation on the Rules.

Draft Rules referred to in this report are the Rules consulted upon which can be found in this document:

<http://wales.gov.uk/docs/dcells/consultation/141124-tribunal-rules-en.pdf>

Responses to the consultation – breakdown

A total of 6 written responses to the consultation were received.

Organisations (2):

- Comisiynydd y Gymraeg
- Flintshire County Borough Council

Lobby/Interest Groups (2):

- Cymdeithas yr Iaith
- Committee for Administrative Justice & Tribunals Wales (CAJTW)

Individuals (2):

- Catrin Fflur Huws
- Anonymous member of the Law Society Wales

Respondents were asked to consider 9 specific questions. They were also given an opportunity to comment on related issues which may not have been specifically addressed in the consultation document. The 9 specific questions were:

Q.1 – Are there any provisions in the draft Rules which are, in your opinion, unclear in terms of their effect and, if so, which provisions?

Q.2 – Are there any provisions in the draft Rules which would, in your opinion, be ineffective (if measured against the overriding objective) and, if so, which provisions?

Q.3 – In your opinion, how useful is the duty under Rule 7 to draw the parties' attention to alternative procedures for resolving a dispute, when appropriate to do so?

Q.4 – Do you agree or disagree that requests for permission to submit an application for a review, under section 103 of the Measure, of a decision by the Commissioner should be considered by the Tribunal 'on paper' in the first instance, that is, without conducting a hearing?

Q. 5 – Do you agree or disagree that a prospective applicant should have the right to reconsideration, in a hearing, of the Tribunal's decision to reject permission to submit an application for a review, under section 103 of the Measure?

Q.6 – Rules 18, 20 and 21 prescribe 20 working days as the standard deadline for submitting case statements. In your opinion, is this appropriate and, if not, what should the permitted deadline be?

Q.7 – Rule 48 gives a party the right to a review of the Tribunal's decision under certain circumstances (which are listed in paragraph (1)). Is this list appropriate and, if not, under which circumstances would a review be justified?

Q.8 – Rule 63 permits, in general, the following methods of sending documents: first class post, facsimile or e-mail. Is it necessary to include every one of these methods and, if not, which ones could be omitted?

Q.9– Under Rule 63(6) a party which receives a document electronically has the right to request a hard copy of the document also. Is this necessary in your opinion?

The format of the responses varied – 1 organisation and 1 individual responded by using the questionnaire supplied. The Law Society Wales forwarded one specific comment from a member that wished to remain anonymous. 1 organisation and the two lobby/interest groups responded using a letter/document to respond to the consultation.

All the comments from the 6 respondents, including their responses to the questionnaire, can be seen in Table 1. Also provided in Table 1 is Keith Bush QC's, President of the Welsh Language Tribunal, response to each of the respondents' comments. Quotes taken from consultation responses are in the language in which they were provided, and are attributed to organisations / individuals, where that organisation or individual has given their permission.

Responses to the consultation and WLT response to comments

Rule	Response/Comments	Organisation / Individual	Response of the WLT to the comments
3	<p>Credwn y dylid ychwanegu'r canlynol at y rhestr fel nad oes modd i bartïon ddadlau bod parti sy'n mynnu defnydd o'r Gymraeg yn ymddwyn yn annheg:</p> <p>"(f) parchu statws swyddogol y Gymraeg;</p> <p>(g) hawliau partïon i ddefnyddio, gweld a chlywed y Gymraeg"</p>	Cymdeithas yr Iaith (Welsh Language Society)	We agree that the overriding objective should include a specific reference to parity between the two languages with regards to the Tribunal's proceedings. Rule 3(2)(d) achieves this. This provision will reinforce the entitlement under Rule 6(2). Note that Rule 5 places a duty on parties to support the Tribunal in promoting the overriding objective.
6	<p>Croesewir y cyfeiriad at ieithoedd y Tribiwnlys yn rheol 6. Mae cyfeirio at y Gymraeg yn y rheolau yn bwysig er mwyn gosod sail gref i'r Gymraeg yng ngwaith y Tribiwnlys. Gall hefyd gyfrannu tuag at gynyddu ymwybyddiaeth partion a thystion o'u hawl i ddefnyddio'r Gymraeg yn nhrefodion y Tribiwnlys. Mae'n bosib maes o law, y bydd angen trafodaeth gyda chi (y Llywydd) ynghylch rhoi'r rheol hwn ar waith yn arbennig os oes bwriad i ymhelaethu ar y rheol yn y cyfarwyddiadau ymarfer a gyhoeddir maes o law.</p>	The Welsh Language Commissioner	It is evident that the practical arrangements for applying Rule 6 will need to be considered in detail in order to ensure that they are effective and appropriate. This will be done via the drafting process for the Practice Guidance in accordance with the requirements of Rule 6(3) and section 124 of the Measure. Public consultation will be central to that process
6	<p>Mater arwyddocaol nas ystyrir yma o gwbl yw tegwch ieithyddol yn y tribiwnlys. Mewn nifer o achosion bydd</p>	Catrin Fflur Huws	See above response

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	<p>un parti yn gweithredu drwy gyfrwng y Gymraeg a'r llall yn gweithredu drwy gyfrwng y Saesneg. Yng nghyd-destun dogfennaeth ysgrifenedig, rhaid ystyried pwy sydd yn cyfieithu'r ddogfennaeth – ai'r parti sydd yn ei gyflwyno ynteu tribiwnlys. oS yw parti, a yw hynny yn ymyrryd a rheol 6. Os y tribiwnlys, beth yw oblygiadau hyn o ran cost, a chyflymder. Y mae rheol 6 yn cyfeirio at yr ieithoedd a ddefnyddir gan y tribiwnlys, ond nid yw hyn yn cyfeirio at yr ieithoedd priodol ar gyfer y partiön. Gan hynny, petai'r naill barti neu'r llall yn cyflwyno dogfennaeth ond mewn un iaith, rhaid ystyried beth sydd yn ymateb priodol. Er enghraifft petai y Comisiynydd iaith ond yn cyflwyno'r dystiolaeth yn Gymraeg (fel sydd yn ragweladwy o ystyried fod y Comisiynydd iaith yn ystyried – yn unol a'r safonau iaith – fod y corff cyhoeddus yn gallu cynnig gwasanaeth dwyieithog) a all y corff cyhoeddus fynnu ar fersiwn Saesneg? Ar y llaw arall, os yw'r corff cyhoeddus yn gwrthwynebu i'r safonau iaith, a allen nhw gyflwyno fersiwn uniaith Saesneg – ac a oes modd i'r Comisiynydd fynnu ar fersiwn Gymraeg? Nid yw mynegi beth yw iaith weithredol y tribiwnlys felly yn ddigonol – rhaid mynegi hefyd pa iaith/ieithoedd ddylai'r partiön ddefnyddio ar gyfer dogfennau</p>		

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	<p>ysgrifenedig – a ddylid cyflwyno pob dim yn ddwyieithog ynteu yn yr iaith ddewis neu'r iaith a ddefnyddir ar gyfer gwrandawiadau ar lafar?</p> <p>Rhaid hefyd ystyried beth yw oblygiadau cyfieithu ar gyfer parhad y broses, yn enwedig felly os bydd e yn effeithio ar y dyddiadau cyflwyno.</p> <p>Mewn gwrandawiadau llafar, rhaid ystyried natur a rôl cyfieithu. Y tueddiad yn y gorffennol yw i gyfieithu un ffordd yn unig – o'r Gymraeg i'r Saesneg. Fodd bynnag, y mae cyfieithu yn y modd hyn yn peri i'r Gymraeg fod yn llai rhugl na'r Saesneg, ac felly yn trin y siaradwr Cymraeg yn llai ffafriol. Rhaid ystyried felly a yw'n briodol i gael cyfieithu ddwy ffordd, fel fod y naill barti a'r llall yn derbyn gwrandawriad yn Gymraeg.</p> <p>Rhaid hefyd ystyried oblygiadau cyfansoddiad y tribiwnlys. O ran gwrandawriad teg, rhaid ystyried</p> <ul style="list-style-type: none"> -pa iaith fydd y tribiwnlys yn ddeall -pa iaith fydd y tribiwnlys yn gweithredu ynddi -beth yw oblygiadau penderfynu pa iaith a ddefnyddir yn gyntaf <p>Mater arall i'w ystyried yw y bydd safonau yn dod i fodolaeth mewn amser a fydda yn rheoleiddio</p>		

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	<p>gweithdrefn y tribiwnlys. O ystyried hynny, rhaid ystyried materion o weithrediad dwyieithog gan y tribiwnlys ei hunan. Fodd bynnag, rhaid hefyd sicrhau nad dim ond y Gymraeg gaiff ei thrin yn anffafriol, ond hefyd y gall prosesau sydd yn manteisio y parti cyfrwng Cymraeg effeithio yn andwyol ar y parti nad yw yn siarad Cymraeg.</p> <p>Rhaid ystyried beth yw effaith y broses ar apeliadau. Er fod modd i apeliadau i'r Uchel Lys gael eu clywed yn Gymraeg yng Nghymru, rhaid ystyried beth fydd yr oblygiadau o safbwynt achosion gerbron llysoedd uwch. Er nad yw hynny yn briodol i'w gynnwys yn uniongyrchol yn y rheolau gan fod y tu hwn i bwerau'r tribiwnlys, rhaid ystyried yr oblygiadau o ran iaith y deunydd a gyflwynnir i'r tribiwnlys – gan na bydd y llysoedd uwch o reidrwydd yn darllen yr un fersiwn o'r dystiolaeth a'r tribiwnlys. Hefyd, y mae hyn yn berthnasol i weithdrefnau'r tribiwnlys o ran yr iaith a ddefnyddir ar gyfer eu penderfyniadau.</p>		
6(1)	<p>Sylwadau Cyffredinol</p> <p>Credwn fod y rheol iaith fel y'i hamlinellir yn Rheol 6(1) yn anghyfreithlon gan ei bod yn groes i brif egwyddorion Mesur y Gymraeg 2011, sef mai'r Gymraeg yw'r iaith swyddogol yng Nghymru yn</p>	Cymdeithas yr Iaith (Welsh Language Society)	The Rules are based on the principle that the Welsh and English languages should be treated equally. This is consistent with the provisions of the Welsh Language Measure (Wales) 2011.

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	<p>hytrach nag unrhyw iaith arall. Credwn ymhellach fod y rheol honno yn methu â chydabod yr hawliau i'r Gymraeg wrth ymdrin ag achosion gerbron y Tribiwnlys, y mae'r Tribiwnlys ei hunan i fod i'w gwarchod. Dylai fod hawl i dderbyn yr holl bapurau a gwybodaeth wrth ymdrin â'r Tribiwnlys yn Gymraeg, ac mae'n syndod nad oes cydnabyddiaeth o'r hawl sylfaenol honno yn y rheolau.</p> <p>Dylai'r rheolau annog cyfranogaeth yn Gymraeg, gan wneud darpariaeth i bobl sy'n hyderus wrth siarad Cymraeg ond yn llai hyderus gyda themau technegol neu wrth ysgrifennu - o bosib gan ddarparu cyfaill iaith Gymraeg i ddysgwyr neu bobl sy'n llai hyderus eu Cymraeg yn ôl yr angen.</p> <p>Sylwadau Manwl</p> <p>Credwn fod y rheol iaith hon yn anghyfreithlon, gan ei bod yn anwybyddu egwyddorion sylfaenol Mesur y Gymraeg (Cymru) 2011, megis statws swyddogol y Gymraeg, yr egwyddor na ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg, a'r bwriad i'r Mesur sefydlu hawliau i'r Gymraeg ym mhob rhan o fywyd. Dydy Mesur y Gymraeg ddim ond yn sefydlu un iaith swyddogol yng Nghymru, sef y Gymraeg, felly nid oes sail gyfreithiol i osod iaith arall ar un lefel. Os yw'r</p>		<p>As stated above, implementing this principle effectively would require detailed consideration of all its practical implications. Further discussion will be welcomed as part of the Practice Guidance development process.</p>

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	<p>Tribiwnlys am geisio rheoleiddio'n gyson ag egwyddorion Mesur y Gymraeg, bydd rhaid ailystyried sut mae'r rheol hon wedi ei llunio. Os nad oes ailystyriaeth ac ail-lunio, byddwn yn ystyried unrhyw gamau cyfreithiol y gallwn ni eu cymryd er mwyn sicrhau cydymffurfiaeth ag egwyddorion y ddeddfwriaeth sylfaenol. Awgrymwn felly y dylid ail-lunio'r rheol fel a ganlyn:</p> <p><i>"6 (1) Iaith swyddogol y Tribiwnlys yw'r Gymraeg</i></p> <p><i>(2) Mae gan bob parti neu dyst yr hawl i ddefnyddio'r Gymraeg yn nhrefodion y Tribiwnlys, wrth gyfathrebu gyda'r Tribiwnlys, a'r hawl i dderbyn yr holl wybodaeth ynghylch achosion a thrafodion y Tribiwnlys yn Gymraeg</i></p> <p><i>(3) Bydd y Tribiwnlys yn gweithio yn unol â'r egwyddor na ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg yn ei weithdrefnau ac wrth arfer ei swyddogaethau"</i></p>		
6(2)	<p>"Every party or witness has the right to use both languages..." Should be the right to use both languages – must they use either one exclusively?</p>	CAJTW	The final version of rule 6(2) makes it clear that a party can use different languages for different purposes.
7	<p>(Responding to Q3) This is very useful and will encourage both parties to explore alternative methods</p>	Flintshire	Noted

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	for agreeing a resolution without resorting to the Tribunal. The Tribunal should only be used as a final means to resolve any disagreements about compliance and fairness of investigations. This will help organisations and individuals avoid unnecessary costs, both time and money, that will be associated with Tribunals.		
7	Er bod hyn yn fanteisiol o ran arbed costau ac amser, rhad ystyried eu heffeithlonrwydd o safbwynt natur asgwrn y gynnen yn yr achosion ddaw gerbron y tribiwnlys. Mewn achosion gerbron y tribiwnlys, y mae'r dewis i weithredu drwy gyfrwng y Gymraeg yn yn sydd yn gweithio yn naturiol. Fodd bynnag nid yw hyn mor llwyddiannus mewn cyd-destunau eraill, yn enwedig lle mae cymodwr annibynnol yn y mater, achos bod hyn yn effeithio ar batrwm gweithrediad gweinyddol y mater. Yn ddiweddar mae twf wedi bod mewn achosion lle mae datrys anghydfod yn digwydd arlein. Fodd bynnag, nid yw hyn yn debygol o weithio oherwydd fod achosion sydd yn mynd at dribiwnlys yr iaith Gymraeg yn mynd i olygu un person sydd yn gweithredu drwy gyfrwng y Gymraeg (y Comisiynydd) a pherson arall nad yw yn gweithredu drwy gyfrwng y Gymraeg.	Catrin Fflur Huws	Noted. As this duty will only arise when it is "appropriate", rule 7 will not be changed.

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7(1)	Nodwn fod rheol 7(1) yn gwneud darpariaethau ar gyfer gweithdrefnau amgen er mwyn datrys anghydfodau. Credwn nad oes angen rhoi cymaint o bwyslais ar y elfen hon gan fod natur y drefn cyn apêl i'r Tribiwnlys yn cynnig nifer o gyfleoedd i ddatrys anghydfod drwy weithdrefn amgen eisoes. Fodd bynnag, nid yw'n glir a oes angen diwygio'r rheolau drafft. Un posibiliad yw cyfeirio at unrhyw gyfleoedd a oedd gan y partion i ddatrys anghydfod cyn i'r achos ddod gerbron y Tribiwnlys fel ffactor i'w hystyried wrth ddefnyddio'r pwerau o dan y rheol hon.	Cymdeithas yr Iaith (Welsh Language Society)	Noted (and see above)
9	Mae'r amodau yn ymddangos yn rhai safonol, ond ni chyfeirir at yr angen am brofiad a gwybodaeth briodol er mwyn bod yn aelod. Dylid ystyried er enghraifft i ba raddau y byddai profiad neu wybodaeth ynghylch sefyllfa'r Gymraeg yn fanteisiol ar gyfer bod yn aelod a dylid adlewyrchu hynny yn y rheolau.	The Welsh Language Commissioner	The Tribunal's operational Rules cannot cover competency for Tribunal membership as this is a matter for Welsh Ministers under the Measure. They made Regulations – Welsh Language Tribunal (Appointment) Regulations 2013 – which cover (amongst other things) the Tribunal members' knowledge of Welsh.
11(1) & 12(d)	Refers to "...the date when the applicant was given notice" however, 12(d) refers to "...the date on which the person making the application..." Should 12(d) also refer to the "applicant"?	CAJTW	Accepted – this and a number of similar revisions have been made.

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13(4)	Nid wyf yn deall sut gall ceisydd barhau ag achos sydd y tu hwnt i bwerau'r tribiwnlys.	Catrin Fflur Huws	The procedure under rule 13 has been reviewed and strengthened in response to this comment.
13(5)	A yw hyn yn cyfeirio at wall o ran proses (e.e. cam adnabod yr atebydd), gwall sillafu, ynteu wall o ran sylwedd yr achos?	Catrin Fflur Huws	A change has been made in order to clarify that this refers to clerical errors etc.
13(7)	The Committee suggests that the time period should be 10 days (see also the typo "an wish" in this paragraph)	CAJTW	Accepted
15	Beth os na dderbynnir y cyfarwyddid mewn pryd. A yw rheol 14 yn parhau i fod un berthnasol?	Catrin Fflur Huws	Rule 53 would be the relevant rule.
16(1)	Nid yw'n glir pam nad oes prawf tebyg i bob math o achos a fydd yn cael ei ystyried gan y Tribiwnlys. Heb brawf o'r fath, ymddengys y bydd unigolion yn gorfod bodloni trothwy uwch na chyrrff a chwmnïau.	Cymdeithas yr Iaith (Welsh Language Society)	The difference stems from the different approaches the Measure prescribes for cases under section 103.
17(1)	Gwall: mewnosod 'caiff' yn lle 'saiff'	Cymdeithas yr Iaith (Welsh Language Society)	Noted
18(1)	The applicant's case statement period of 20 working days starts when notice is given under 13(1), but the tribunal may subsequently rule it is outside its	CAJTW	The applicant's claimant's case statement period does not begin until notice has been given under rule 13(1)(b)(iv). The revised rule 13 makes it

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	jurisdiction under 13(3) by which time significant work may have been done and cost incurred. The Committee asks whether it would not be better and fairer for the case statement period to begin once the tribunal signals that it considers the case is within its jurisdiction? That need not take much time, especially if very few cases are brought.		clear that such notice is not to be given if a notice is given under 13(3) and until the issues relating to such a notice have been resolved.
18 & 20	Mae rheolau 18 & 20 yn delio gyda chyfnodau datganiad achos a thystiolaeth y ceisydd a'r Comisiynydd. Nid yw'r cyfnod yn datganiad achos a gynhigir, sef 20 diwrnod gwaith, yn ddigonol. Bydd y Comisiynydd yn barti ymhob achos a gaiff ei ystyried gan y Tribiwnlys ac mae'n bosibl y bydd mwy nag un achos ar fynd ar unrhyw un adeg. Gall hynny roi pwysau sylweddol ar amser ac adnoddau'r Comisiynydd. Nodaf mai 30 diwrnod gwaith yw cyfnod datganiad Tribiwnlys Anghenion Addysgol Arbennig Cymru, ac argymhellaf fod Tribiwnlys y Gymraeg yn caniatáu cyfnod tebyg.	The Welsh Language Commissioner	20 working days means at least 4 weeks. Every case which appears before the Tribunal will be an appeal against a decision already made by the Commissioner. The Commissioner's task will be to respond to the applicant's case statement by summarising the reasons for the decision rather than collating any new evidence or preparing new arguments. It is believed that 4 weeks is sufficient for what will need to be done unless there are exceptional circumstances. If there are exceptional circumstances, the Commissioner (or any other party) can ask the Tribunal to extend this period.
18, 20 & 21	(Responding to Q6) No - Would appreciate 28 working days to ensure relevant officers are available to prepare statements and adequate time for	Flintshire	The 20 working day period corresponds to at least 4 weeks. All cases before the Tribunal will concern an appeal in relation to a decision

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	translation if required.		already made by the Commissioner and the task of a party, when drafting a case statement, will therefore be to summarise evidence and arguments that have already been formulated rather than to collect new material. Other than in exceptional cases (in which case application can be made to the Tribunal to extend time) it is believed that four weeks is sufficient for what will need to be done.
18, 20 & 21	(Ymateb i C.6) Nac ydy - Cyfeirir mewn rheolau eraill at gyfnodau gwahanol e.e. 28 diwrnod. Er mwyn cysoni'r broses, dylid sicrhau fod y cyfnodau yn gyson.	Catrin Fflur Huws	Noted. Time periods of 28 days have been specified in the Measure. 20 working days (which generally corresponds to 28 days) is the standard time period in the Rules unless a shorter period is appropriate.
19(5)	Gwall: Pedwaredd linell - mewnosod 'gwrandawriad' yn lle 'gwrandaw'	Cymdeithas yr Iaith (Welsh Language Society)	Noted and revised.
21(2)	Gwall: mewnosod 'dod i law' yn lle 'dod u law'	Cymdeithas yr Iaith (Welsh Language Society)	Noted and revised.
22(1)(c)	Gwall: mewnosod 'parti' yn lle 'party'	Cymdeithas yr Iaith (Welsh Language Society)	Noted and revised.

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24(a)(i)	Gellid ychwanegu i'r rhestr o ystyriaethau hyn a yw'r parti yn siaradwr Cymraeg a fyddai'n elwa o gymorth gydag iaith ysgrifenedig neu dechnegol yn Gymraeg.	Cymdeithas yr Iaith (Welsh Language Society)	The purpose of rule 24 is to allow the Tribunal to collate information that will facilitate the practical arrangements for the hearing. The parties involved will not need to give notice of their intention to use Welsh – the arrangements for this will be made automatically. It would be inappropriate for the Tribunal to interfere in the way a party presents its case.
24(a)(iii)	The Committee is not clear about the reason for asking for the occupation of a witness who is not an expert witness	CAJTW	Accepted – the requirement has been deleted.
24(v)	Should this not also ask what reasonable adjustments are sought?	CAJTW	Accepted and revised.
28	Mae risg gall gwasanaeth y Tribiwnlys gael ei gamddefnyddio. Dylid osgoi i'r graddau sy'n bosib cynnal achosion sydd heb seiliau rhesymol neu wacsaw ac yn flinderus. Rwy'n croesawu felly'r cyfeiriad penodol at hynny yn rheol 28 ar y pŵer i ddileu cais.	The Welsh Language Commissioner	Noted. The revisions to rule 13 should also be useful.
30(3)	Gellid geirio hyn yn well. Beth yw ystyr "pa un a fyddai'r dystiolaeth yn dderbyniadwy ai peidio mewn	Catrin Fflur Huws	The meaning is clear i.e. that the "strict rules of evidence" do not apply. However, the wording

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	treial sifil yng Nghymru a Lloegr. Tybiaf mai'r hyn a olygir gan hyn yw bod modd i'r tribiwnlys dderbyn tystiolaeth "boed y dystiolaeth hwnnw yn dderbyniol ai pheidio". Beth yw oblygiadau hyn o ran dilysrwydd y dystiolaeth o ran credadwyedd (e.e. derbyn tystiolaeth eilaidd) a thegwch y broses o ganfod yr wybodaeth hwnnw.		has been improved.
38	Mae rheol 38 yn ymrwmo'r Tribiwnlys i gynnal pob un o'i wrandawiadau yn gyhoeddus. Mae'n bosibl na fyddai'n briodol gwneud hynny ymhob achos fodd bynnag, er enghraifft gwrandawriad sy'n deillio o gwyn gan berson ble fo amgylchiadau'r gwyn yn sensitif. Argymhellaf bod yr ymrwymiad yn rheol 38 yn cael ei addasu i ganiatáu gwrandawiadau preifat (neu rannau o wrandawiadau yn breifat) o dan rhai amgylchiadau.	The Welsh Language Commissioner	Accepted. The wording has been revised.
40	(Ymateb i C.2) Rhaid hefyd ystyried beth fydd oblygiadau cyfieithu y tribiwnlys. Cyfeiria nifer o'r rheolau e.e. rheol 40 at dystiolaeth ond ni fynegir pa iaith dylsid cyflwyno y dystiolaeth hynny. Os cyflwynir ef mewn un iaith yn unig, ai'r tribiwnlys fydd yn gyfrifol am y gwaith o gyfieithu'r ddogfennau, a beth yw oblygiadau hyn o safbwynt datrys yr anghydfod.	Catrin Fflur Huws	(See above in relation to rule 6)
40	Cyfeirir at hawl partïon yng nghwrs gwrandawiadau i	The Welsh	Rule 30 has been strengthened – see 30(1)(c).

Rule	Response/Comments	Organisation / Individual	Response of the WLT to the comments
	<p>alw tystion yn rheol 40. Nid yw'n ymddangos fodd bynnag bod unrhyw gyfyngu ar y nifer o dystion y gellir eu galw mewn gwrandawiadau. Os nad oes rheolaeth dros y nifer o dystion gallai hynny effeithio'n andwyol ar weithrediad gwrandawiadau. Cynigir felly bod cymal yn cael ei ychwanegu sy'n caniatáu cyfyngu ar y nifer o dystion mewn gwrandawriad.</p>	<p>Language Commissioner</p>	
<p>44(2)(b)</p>	<p>This provides “the Chair may announce provisional conclusions reached by the tribunal panel, the provisional conclusions are not a decision of the tribunal panel.” It corresponds with a SENTW rule, and the Committee can understand why that tribunal may wish to share provisional conclusions. But it asks whether it is appropriate for the likely issues and parties which will come to the Welsh Language Tribunal. If that paragraph is to remain, the words after the comma should (as in the case of SENTW’s rules) be a separate sentence.</p>	<p>CAJTW</p>	<p>Accepted. The wording of the rule has been revised.</p>
<p>47(3)</p>	<p>There should be a full stop after “consent” followed by a new sentence. The Committee considers that the practical implementation of this paragraph may be difficult. It is likely to be the case that, after its deliberation, the tribunal panel will come to its decision. Whilst that decision can (as required by the</p>	<p>CAJTW</p>	<p>Accepted. The wording of the rule has been revised and clarified.</p>

Rule	Response/Comments	Organisation / Individual	Response of the WLT to the comments
	draft rule) be recorded immediately in a document, it is doubted whether the reasoned judgement could also be immediately recorded, even if only in its summary form. More likely is that, having reserved judgement, the Chair of the tribunal panel will in due course draft the reasoned judgement and will circulate it to the members for comment and possible revision. Only then will the reserved judgement be in a form ready for signature etc.		
48	(Responding to Q7) Yes - Yes, these are consistent with other Tribunals.	Flintshire	Noted. But the rule has been revised and tightened in order to ensure that an application for a review will only be entertained in appropriate circumstances. Otherwise the aggrieved party will be limited to an appeal to the courts on a question of law.
48	(Ymateb i C.7) Nac ydy - Rhaid ystyried cysondeb efo'r hyn sydd yn ddisgwyliedig mewn tribiwnlysoedd eraill, a gweithredu mewn modd sydd yn gyson. Rhaid hefyd ystyried pa mor deg ydyw fod yr un panel yn ail ystyried y mater, gan eu bod yn debygol o gyrraedd yr un penderfyniad. Byddai yn fwy priodol petai adolygiad yn digwydd gan banel annibynnol.	Catrin Fflur Huws	See above.
55	Section 55 (1) (b) of the draft rules relating to costs	Law Society Wales	Rule 55(1) limits the power to make orders in

Rule	Response/Comments	Organisation / Individual	Response of the WLT to the comments
	<p>does not seem to exempt from costs orders third sector representatives such as Citizens Advice or pro bono solicitors who may not be prepared to give representation given this rule. There is no maximum amount of costs which is a provision in the Employment Tribunal Rules. Costs orders do not appear to be related to ability to pay as in the Employment Tribunal</p>		<p>respect of costs and expenses to exceptional cases, involving "improper, unreasonable or negligent" behaviour, or other avoidable acts or omissions on the part of a party or representative, where that behaviour results in unnecessary expense to other parties. It would, on the face of it, be unfair to other parties to grant one class of party or representative immunity from that sanction unless there is clear evidence that the absence of such immunity is having a real deterrent effect on some classes of party. It is certainly too early to judge whether this might be the case. Rule 55 creates a power and the Tribunal will have discretion whether to use it. Factors such as the means of a party and the basis on which a representative is acting would clearly be relevant to the exercise of that discretion without those factors having to be listed expressly. It would seem to be desirable, however, to stress the fact that even where an order is made, it need not relate to the whole of the costs incurred by the other party and paragraph (2)(a) has been amended accordingly.</p>
60	Mae rheol 60 yn caniatáu'r Tribiwnlys gyhoeddi ei benderfyniadau. Os yw argymhelliad y Comisiynydd	The Welsh Language	Accepted and the wording has been revised to be

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	ynghylch yr angen i gynnal rhai gwrandawiadau yn breifat cael ei dderbyn, yna gall fod angen golygu rhai penderfyniadau cyn eu cyhoeddi.	Commissioner	consistent with rule 38.
63	(Responding to Q8) Yes	Flintshire	Noted.
63	(Ymateb i C.8) Nac oes - Dylid cyflwyno amryw o ddulliau – yn sicr post ac ebost er mwyn sicrhau tegwch. Gellir hefyd ystyried priodolrwydd cynnig sgôp ar gyfer danfon â llaw. Hyderaf fod e-bost wedi cymryd lle cysylltu â ffacs yn y mwyafrif llethol o sefyllfaoedd, ond rhaid ystyried hefyd fod angen i'r gweithdrefnau yn Nhribiwnlys yr Iaith Gymraeg fod yn gyson o ran disgwyliadaeth a thribiwnlysoedd eraill.	Catrin Fflur Huws	Noted. Delivering by hand has already been included.
63(6)	(Responding to Q9) Yes – Yes this should be allowed; parties should be able to receive any documentation in a format of their choice, as a reasonable adjustment under the Equality Act 2010.	Flintshire	Noted.
63(6)	(Ymateb i C.9) Ydy - Credaf fod hyn yn dderbyniol, ond rhaid mynegi pwy sydd yn darparu y copi caled – y parti ynteu'r tribiwnlys. Y mae'n bwysig oherwydd fe all parti gynnig swmp helaeth o dystiolaeth – ac wrth gwrs bydd angen cyfeirio at y dystiolaeth hwnnw mewn achos llys. Gan hynny, dylai copïau caled gael	Catrin Fflur Huws	The person sending a document electronically should provide a hard copy if the person accepting the document makes such a request. This is a standard provision.

Rule	Response/Comments	Organisation / Individual	Response of the WLT to the comments
	eu darparu.		
	<p>(Responding to Q4) Agree – This will ensure that both parties do not become involved in unnecessary resource intensive activities in preparation for the Tribunal. However, the Tribunal should publish their rationale for why they consider a hearing is not necessary; the Tribunal should also be accountable for its decisions. The ability to appeal against the rejection decision supports the process to be fair, providing opportunities for concerned parties to appeal against the Tribunal’s decision not to hold a hearing.</p> <p>(Responding to Q5) Agree – Yes, this is absolutely essential. This ensures the process is seen to be fair and transparent. Being able to appeal will encourage trust and confidence in both the process and the Tribunal itself.</p>	Flintshire	Noted.
	(Ymateb i C.4) Ddim yn cytuno nac yn anghytuno - Er bod hyn yn addas mewn egwyddor, rhais ystyried a fyddai gwrandawriad yn briodol mewn rhai cyd-destunau e.e. gyda datagniad mai ar bapur byddai'r adolygiad yn digwydd fel arfer oni bai fod rheswm da dros wrandawriad.	Catrin Fflur Huws	Noted. After reconsidering rule 16, a revision was made (see rule 16(11)) in order to ensure that the Rules and the wording of section 105(1) and (2) do not deny the applicant the ability to challenge the Tribunal’s decision to refuse permission for an application to be made under section 103.

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	<p>Ystyriaeth arall yma yw cymodi ystyron disgwyliad rhesymol a reasonable prospect yn fersiynau Cymraeg a Saesneg rheol 16. Gellid ystyried fod disgwyliad rhesymol yn cyflwyno mwy o naws goddrychol, tra bo reasonable prospect yn awgrymu safbwynt mwy gwrthrychol.</p> <p>(Ymateb i C.5) Ddim yn cytuno nac yn anghytuno - Y mae oblygiadau sylweddol i hyn. Ar y naill law, dylid osgoi sefyllfaoedd lle gall broses gyfreithiol fynd o ail-wrandawriad i ail wrandawriad. Serch hynny, mewn materion megis lle byddai'r penderfyniad yn cyflawni yr un amodau a fyddai yn cyfiawnhau adolygiad barnwrol, efallai y dylai fod sgôp er mwyn i'r mater gael ei ail-ystyried.</p>		
	<p>(Ymateb i C.2) - Mater i'w ystyried yw effaith y rheol arferol y gellir clywed achos sifil mewn lleoliad o ddewis y diffynnydd. O ystyried mai'r Comisiynydd Iaith fydd y parti hwn mewn nifer o achosion a yw'n debygol o olygu fod y tribiwnlys yn eistedd yng Nghaerdydd, a beth yw oblygiadau hyn o ran mynediad at gyfiawnder o ystyried y pellter teithio o Ogledd Cymru i Gaerdydd?</p>	<p>Catrin Fflur Huws</p>	<p>The Rules do not give any party the right to decide on the location of the hearing – this is a matter for the Tribunal to decide.</p>