

# The Welsh Language Tribunal

Consultation – summary of responses

Practice Directions  
1 and 2

Date of issue: **January 2016**

# Practice Directions 1 and 2

<b>Audience</b>	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 Practice Directions.
<b>Overview</b>	This document summarises responses received to the consultation on the proposed Welsh Language Tribunal Practice Directions 1 and 2, which was conducted between 24 July 2015 and 18 September 2015.
<b>Action required</b>	None – for information only.
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<b>Additional copies</b>	This document can be accessed from the Welsh Government's website at <a href="http://www.gov.wales/consultations">www.gov.wales/consultations</a>
<b>Related documents</b>	The Welsh Language Tribunal Rules 2015 Welsh Language (Wales) Measure 2011

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## **Introduction and overview**

This document summarises the responses received by the Welsh Language Tribunal to the consultation on two Welsh Language Tribunal Practice Directions. The consultation took place between 24 July 2015 and 18 September 2015.

This consultation seeks opinions on two draft Welsh Language Tribunal Practice Directions. 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 the Practice Directions is to provide practical advice on how to interpret and apply the Welsh Language Tribunal Rules 2015 “the Rules”. The purpose of Practice Direction 1 is to publish a form which, when used by an applicant, will assist the applicant to conform with the requirements of Rule 12 of the Rules. The purpose of Practice Direction 2 is to provide practical advice on how to interpret and apply the Rules in accordance with Rule 6 which relates to the languages of the Tribunal.

We invited comments from range of organisations including 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.

The consultation was published on the Welsh Government website and publicised through the Welsh Government's social media feeds.

The draft Practice Directions referred to in this report are the Directions consulted upon which can be found in these documents:

### **Practice Direction Number 1**

<http://gov.wales/docs/dcells/consultation/150723-draft-practice-direction-1.pdf>

### **Practice Direction Number 2**

<http://gov.wales/docs/dcells/consultation/150723-draft-practice-direction-2.pdf>

## **Responses to the consultation – breakdown**

A total of 11 written responses to the consultation were received.

### ***Organisations (4):***

- Aneurin Bevan Community Health Council
- Flintshire County Council
- Hywel Dda University Health Board
- One organisation wished to remain anonymous

### ***Lobby/Interest Groups (4):***

- Cymdeithas yr Iaith
- Committee for Administrative Justice & Tribunals Wales (CAJTW)
- The Lord Chancellor's Standing Committee on the Welsh Language
- Undeb Cenedlaethol Athrawon Cymru

### ***Individuals (3):***

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

Respondents were asked to consider 2 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 format of the responses varied – 5 organisation and 2 individuals responded by using the questionnaire supplied. The Law Society Wales forwarded comments from a member that wished to remain anonymous. Three lobby/interest groups responded using a letter/document to respond to the consultation. The 2 specific questions were:

#### **Question 1 – Are the draft Practice Directions clearly expressed? If not, which parts are not clearly expressed in your opinion?**

Of the 7 responses using the questionnaire, 5 answered “Yes” and 2 answered “No” to this question.

#### **Question 2 – Are the Practice Directions consistent with the Welsh Language Tribunal Rules? If not, which parts are not consistent with these Rules in your opinion and why?**

Of the 7 responses using the questionnaire, 6 answered “Yes” and 1 organisation could not answer this question.

All the comments from the 11 respondents, including their responses to the questionnaire, can be seen in Tables 1 and 2. Also provided in the Tables 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.

**Table 1: Responses to the consultation on Practice Direction 1**

Paragraph	Response/Comments	Organisation / Person	WLT Response
3	Y mae peth amwysedd yma gyda'r defnydd o dylid/should. Yn y ddogfen ymgynghorol – a pharagraff 4 ceir argraff mai dyhead sydd ar gyfer defnydd y ffurflen safonol, ond cyfeiria baragraff 3 at dylid/should – sydd yn cyfleu naill ai dyletswydd (rhaid/must) neu obaith (dylsid/ought). Credaf felly fod angen bod yn glir ar beth sydd yn briodol.	Dr Catrin Fflur Huws	The purpose of the Direction is to encourage applicants to use the Form provided. This will help to ensure that all the information required under Rule 12 is included with the application. However, the Rules do not prescribe that the Form be used. Therefore, the use of "dylid / should" (words of encouragement and advice) are deemed appropriate.

4	<p>The PD1 makes it clear [para 4] that "it is not a legal requirement, therefore, to use the form below. An applicant may supply the information prescribed under Rule 12 by some other means." It seems harsh that the PD continues [para5] to say that "Should failure by a party to use the form result in hindering the effectiveness of the Tribunal in administering the application, that failure may be considered by the Tribunal as a failure to –</p> <ul style="list-style-type: none"> <li>• help the Tribunal to further the overriding objective (see Rules 3 and 5(1)(c))</li> <li>• co-operate with the Tribunal generally (see Rule 5(1)(d))</li> <li>• act in an appropriate and reasonable manner (for the purpose of Rule 55)"</li> </ul> <p>How can a choice to supply the requested information by means other than the form be unreasonable? Para 5's threat seems unsuitable.</p>	CAJTW	<p>The Practice Direction seeks to encourage the use of the Form because this will help to ensure that applicants include all the information required by Rule 12 to be included in the application.</p> <p>The reference to the possible consequences of a failure to use the Form is intended to reinforce this message. But those consequences would flow not from failing to use the Form but from failing to provide the necessary information. The function of the form is to make such a failure less likely to occur. But it would be that failure, and the consequent failure to comply with the Rules, that would give rise to the consequences, rather than a choice not to use the Form.</p> <p>It is accepted, therefore, that the reference to the possible consequences of failing to comply with the <i>Rules</i> should not be confused with the consequences of not using the <i>Form</i>.</p> <p>This reference has therefore been removed.</p>
5	A ddylid amlinellu beth fyddai oblygiadau canfyddiad bod methiant i helpu neu gydwethredu neu weithredu yn rhesymol? Ni bydd darllenwyr yn debygol o gymryd y	Dr Catrin Fflur Huws	For the reasons set out above, the reference to the possible

	bygythiad o ddifrif os nad oes canlyniadau yn codi ohono.		consequences of failing to use the Form has been removed.
5	There are some points which could be clarified. In respect of Practice Direction 1, paragraph 5 details possible consequences of failure to use the prescribed form. However, use of the form is not obligatory, if this provision was proportionate on this basis?	Anonymous organisation	For the reasons set out above, the reference to the possible consequences of failing to use the Form (which are strictly references to the consequences of failing to comply with the Rules) has been removed.
Form: Question 1	A yw cyfathrebu dwyieithog yn opsiwn?	Dr Catrin Fflur Huws	The form's wording follows the requirements of Rule 12(1)(g). However, please also see the discussion below.
Form: Question 1	On the annex 'Notice of Application form' question 1 – 'choice of language'. The offer is to "receive Communications from the Tribunal in (a) Welsh or (b) English". It may be useful to also offer organisations the opportunity to receive communications in both Welsh and English for the use of organisations where multiple persons with different language preferences may be involved in the process of sharing of Information on the matter.	Anonymous organisation	<p>Rule 12(1)(g) of the Tribunal Rules requires an applicant to nominate the language in which the applicant (or the applicant's representative) wishes to receive communications from the Tribunal. The Form therefore reflects the requirements of the Rules, which do not enable an applicant to require the Tribunal to communicate with the applicant (or representative) in both languages.</p> <p>In practice, many of the communications sent to applicants and other parties will be bilingual – for example notices of hearings or orders for directions.</p>

			<p>But there will be other less formal communications and it is right that the Tribunal should be aware of the language preference of the parties so that they can be respected.</p> <p>Internal communications within applicant organisations are a matter for them to arrange, in accordance with any Standards relating to such communications.</p>
Form: Question 1	Dylid ychwanegu dewis i dderbyn gohebiaeth yn ddwyieithog gan fod rhai unigolion nad ydynt yn gwbl hyderus eu Cymraeg, a ceir sefydliadau lle mae gan rai unigolion alluoedd iaith gwahanol. Dylid ychwanegu dewis i dderbyn cyfathrebiadau mewn iaith arall heblaw am Gymraeg neu'r Saesneg hefyd er mwyn cyrraedd pobl sy'n siarad ieithoedd eraill.	Cymdeithas yr iaith Gymraeg	<p>The subject matter of the Practice Direction is communication between the Tribunal and applicants. An applicant can be a body or an officer who provides public Services in Wales or someone who has made a complaint to the Commissioner regarding an organisation or an officer failing to conform with a Standard. It doesn't appear unreasonable therefore for persons to choose to receive Communications from the Tribunal either in Welsh or in English (as prescribed by Rule 12(1)(g)).</p> <p>In practice, much of the formal communication sent to applicants and other parties will be bilingual. However, if it is necessary for the Tribunal to communicate with a party on a less formal basis, it will be</p>

			appropriate for the Tribunal's staff to know, and respect, that party's choice of language.
Form: Question 2	Enw unigolyn ynteu enw mudiad	Dr Catrin Fflur Huws	The name of the applicant. The form has been amended to make that clear.
Form: Question 2 & 3	Angen gofodau mwy ar gyfer cwestiwn 2 a 3.	Dr Catrin Fflur Huws	Noted. The layout of the form, as it will appear on the Tribunal's website, will ensure that there will be enough space for each answer.
Form: Question 4, 5 & 6	The Welsh Language Tribunal Rules 2015 Rule 12 (1) (a) provides "if available, that person's telephone number, fax number and email address" is to be provided. The form in the Annex to the consultation on Practice Direction 1 (boxes 4 and 5) does not make clear that an email address and telephone number are only to be given "if available". This is also inconsistent as after fax (box 6) it says, in brackets, "if you have one". I submit that "if you have one" should be given in brackets after telephone number and email address and telephone number in boxes 4 and 5 in the same way as for details about fax numbers for consistency; to better reflect the wording of Rule 12 (1) (a); and to ensure that those without email and telephone access are not inadvertently given the impression that they are unable to comply with Rule 12.	Anonymous member of the Law Society Wales	Noted. The Form has been amended.
Form: Question 6	A oes angen cwestiwn 6a – pa ffurf o gyfathrebu fyddai orau gennych?	Dr Catrin Fflur Huws	Noted. The Form has been amended.

Form: Question 7	A yw'r cwestiwn hwn yn cyfeirio at yr ymgeisydd A'R cynrychiolydd ynteu at y cynrychiolydd yn unig?	Dr Catrin Fflur Huws	The representative. The forma has been amended to make that clear.
Form: Question 10, 11 & 12	Rule 12 (1) (b) makes similar provision in relation to representatives, i.e. telephone number, email address and fax number are to be provided "if available". Again box 12 states that a representative only needs provide a fax number if the representative has one. I submit that boxes 10 and 11 should have the words "if you have one" inserted in brackets after email address and telephone number for the same reasons as given above.	Anonymous member of the Law Society Wales	Noted. The Form has been amended.
Form: Question 14b	Gwall iaith: mewnosod "Dyfarniad gan y Comisiynydd fod methiant wedi bod i gydymffurfio â gofyniad safon" yn lle "Dyfarniad gan y Comisiynydd fod methiant wedi bod i i gydymffurfio â gofyniad safon;"	Cymdeithas yr Iaith Gymraeg	Noted. The form has been corrected.
Form: Question 18	In relation to Box 18, I submit that at the end of the sentence: "But the Tribunal has power to extend that period" the words "if there is good reason" are added in order to reflect the test under Rule 14.	Anonymous member of the Law Society Wales	Noted. The form has been corrected.
Form: Question 18 &19	Tybed a yw cwestiwn 18-19 yn creu disgwyliad o allu cyflwyno ceisiadau hwyr? Petawn i'n darllen y canllawiau fel defnyddiwr, byddwn yn dehongli hyn fel disgwyliad y bydd y disgrifiwn yn cael ei ddefnyddio yn arferol – ac felly yn gweithredu yn unol a hynny. Os yw'r defnydd o'r disgrifiwn i ehangu'r cyfnod i fod yn wirioneddol eithriadol, a fyddai well cyflwyno hyn fel nodyn ar gwestiwn 15 i'r perwyl. Dylid nodi na fydd y tribynlys yn fel arfer yn derbyn ceisiadau os oes mwy	Dr Catrin Fflur Huws	Noted. The form has been corrected.

	na 28 wedi pasio. Os oes amgylchiadau eithriadol, dylech nodi pa resymau sydd dros ehangu'r cyfnod?		
Form: Question 20	Rwy'n amheus o effaith cwestiynau lle mae ateb disgwyliedig; 'oes' ar gyfer cwestiwn 20. Beth yw oblygiadau person yn ateb 'nagoes'? A yw cwestiwn 20 yn creu disgwyliad o sefyllfaoedd lle nad oes rhaid cynnwys copi o'r penderfyniad?	Dr Catrin Fflur Huws	The purpose of this question is to remind the applicant of the need to append a copy of the notice. The ambiguity about the consequences of not doing so has been noted and the wording has been amended.
Form: Question 20	PD1, Box 20 of the Form says "Is a copy of the Commissioner's written notice of the decision to which this application relates appended to this notice? ( <i>Without that, the Tribunal will not be able to consider your application.</i> )" This could be clearer. It could mean that "you don't have to attach a copy - the Tribunal can obtain it, but if it doesn't it can't consider your application." An alternative approach would be to make it an instruction: "Please supply a copy of the Commissioner's written notice of the decision to which this application relates." The Committee also asked whether the Tribunal could not simply ask for the decision's reference and then obtain a copy from the Commissioner direct.	CAJTW	<p>It is accepted that the wording of the question, whose purpose is to remind the applicant of the obligation to append the notice, can be improved and the wording has been revised.</p> <p>It is not considered unreasonable that a party who wishes to appeal against a decision should be required to provide the Tribunal with a copy of the decision in question, which will (other than in exceptional cases) have been notified to the applicant electronically. This is in any event a requirement of the Tribunal Rules.</p>
Form - Signature	Rule 12 (3) provides that the notice of application must be signed by the applicant, or by that person's representative, if there is one. However, the form does not make it clear that the form must be signed. Instead it says that a printed form of signature is acceptable if the notice is signed electronically. The wording under the line for signature could be amended to This form must be signed by the applicant, or by your	Anonymous member of the Law Society Wales	Noted. The Form has been amended accordingly.

	representative, if you have one. A printed signature is acceptable if you are submitting the form to the Tribunal electronically.		
Form - General	<p>The Council notes that it is important that the Practice Directions are clearly expressed to avoid any delays or applications rejected because the process has not been correctly followed. The Notice of Application Form is clear and there is an option to extend the timeframe to appeal against a decision is available.</p> <p>Practice Direction Number 1- it could be made clearer that this can be completed on behalf of an applicant, as some individuals may need support with this process.</p> <p>Ensuring that this form is available in accessible formats will be important as well as ensuring that the process is available and easy to find for individuals/organisations who wish to make an application to the Tribunal.</p>	Cyngor Sir y Fflint	<p>Noted. The Form has been amended.</p> <p>Noted. The format in which the Form appears on the Tribunal's website will be amended to make it as accessible as possible.</p>

**Table 2: Responses to the consultation on Practice Direction 2**

Paragraph	Response/Comments	Organisation / Person	WLT Response
6	A ddylid amlinellu beth fyddai oblygiadau canfyddiad bod methiant i helpu neu gydweithredu neu weithredu yn rhesymol? Ni bydd darllenwyr yn debygol o gymryd y bygythiad o ddifrif os nad oes canlyniadau yn codi ohono.	Dr Catrin Fflur Huws	After considering a few comments received in connection with this draft Practice Direction (and draft Practice Direction 1), we accept that this paragraph can cause confusion in relation to the Practice Direction's status and the relation of that status to the different status of the Rules. It was therefore decided to omit this paragraph.
7	Beth yw polisi'r tribiwnlys ar gyfer cyfathrebiadau nad ydynt yn ymdrin ag achos penodol? A oes angen egluro hynny?	Dr Catrin Fflur Huws	It would not be appropriate to include, in Practice Directions, references to practice that is not related to the Tribunal's proceedings.

8	<p>Byddai'r paragraff yn ei ffurf bresennol yn galluogi cyrff, sydd o dan ddyletswydd i cydymffurfio â'r Safonau neu gynllun iaith, i gyflwyno cais yn Saesneg. Byddai hynny'n groes i fwriad Mesur y Gymraeg. Hefyd, gallai olygu bod cyrff yn cael torri Safonau neu eu cynllun iaith wrth wneud cais i'r Tribiwnlys - sefyllfa ryfedol a fyddai'n codi cwestiynau am gyfreithlondeb a hygrededd y broses.</p> <p>Argymhellwn ychwanegu brawddeg i'r paragraff fel ei fod yn darllen fel a ganlyn felly:</p> <p><i>"Rhaid cychwyn cais trwy gyflwyno hysbysiad cais ysgrifenedig i'r Tribiwnlys. Gall yr hysbysiad cais fod yn y naill iaith neu'r llall. Fodd bynnag, os yw corff yn ddarostyngedig i Safonau neu gynllun iaith statudol neu wirfoddol, bydd disgwyl i'r cais gael ei gyflwyno yn Gymraeg."</i></p>	Cymdeithas yr Iaith Gymraeg	<p>Paragraph 4 makes it clear that the Practice Direction does not change the provisions of the Welsh Language Measure in any way. The Practice Direction does not, therefore, affect any duty placed on a party, under any Standard. A new paragraph was added to the Practice Direction to make that clearer.</p>
9	<p>Yn yr un modd, byddai cymal 9 yn ei ffurf bresennol yn gorfodi'r Tribiwnlys i gyfathrebu â cheisydd sy'n ddarostyngedig i Safonau neu gynllun iaith yn Saesneg. Argymhellwn ychwanegu'r frawddeg i'r paragraff fel ei fod yn darllen fel a ganlyn:</p> <p><i>"Mae Rheol 12 yn rhagnodi'r wybodaeth y bydd yn rhaid ei chynnwys yn yr hysbysiad hwnnw, gan gynnwys yr iaith y mae'r ceisydd (neu gynrychiolydd y ceisydd) yn dymuno derbyn cyfathrebiadau oddi wrth y Tribiwnlys ynddi. Bydd y Tribiwnlys yn gweithredu'n unol â dewis y ceisydd (neu gynrychiolydd y ceisydd) oni bai fod y ceisydd (neu'r cynrychiolydd) yn hysbysu'r Tribiwnlys o ddymuniad i newid y dewis hwnnw. Fodd bynnag, os yw corff yn ddarostyngedig i Safonau neu gynllun iaith statudol neu wirfoddol, bydd y Tribiwnlys yn cyfathrebu</i></p>	Cymdeithas yr Iaith Gymraeg	<p>See above.</p>

	â'r ceisydd (neu gynrychiolydd y ceisydd) yn Gymraeg."		
10	Cymal 10 - dylai'r Tribiwnlys weithredu'n fewnol yn Gymraeg, felly dim ond yn Gymraeg y dylid nodi manylion y ceisiadau.	Cymdeithas yr Iaith Gymraeg	The Tribunal Register will be a public document available to be read by everyone in Wales (and beyond). It is therefore appropriate for the information it contains to be presented in the Tribunal's two languages.
10	Rhestru nid rhestri	Dr Catrin Fflur Huws	Noted with thanks.
11	A fyddai newid paragraff 11 yn y fersiwn Saesneg i ddweud "it will be assumed when doing so that the language in which the Commissioner wishes to receive communications will be Welsh" yn fwy eglur a chryno na'r hyn sydd yn ymddangos yn y paragraff ar hyn o bryd?	Dr Catrin Fflur Huws	Wording has been amended.
12	Mae perygl y gallai'r geiriad presennol olygu bod dogfennau Saesneg gan gyrrf sy'n ddarostyngedig i Safonau neu gynllun iaith yn cael eu hanfon at y Comisiynydd yn Saesneg. Argymhellwn ddiwygio'r paragraff fel a ganlyn felly: "Bydd y copïau o'r hysbysiad cais ac unrhyw ddogfennau cysylltiedig sy'n cael eu hanfon at y Comisiynydd yn gopïau o'r dogfennau hynny fel y daethant i law'r Tribiwnlys. <i>Fodd bynnag, os yw corff yn ddarostyngedig i Safonau neu gynllun iaith statudol neu wirfoddol, bydd y Tribiwnlys yn gofyn i'r corff ddarparu dogfennau yn Gymraeg (oni bai bod darparu copïau gwreiddiol y dogfennau yn unig yn hanfodol er mwyn profi ffeithiau'r achos).</i> "	Cymdeithas yr Iaith Gymraeg	See above.

13, 14 & 15	Cymalau 13, 14 a 15 - Dylid ychwanegu brawddeg er mwyn sicrhau mai'r Gymraeg yw'r iaith ddiofyn sy'n cael ei defnyddio wrth gyfathrebu â chyrff sydd â dyletswydd i gyfathrebu ag eraill yn Gymraeg. "Fodd bynnag, yn Gymraeg y bydd cyrff sy'n ddarostyngedig i Safonau neu gynllun iaith statudol neu wirfoddol yn derbyn gohebiaeth oddi wrth y Tribiwnlys."	Cymdeithas yr Iaith Gymraeg	See above. It will be the duty of parties to comply with the requirements of relevant Standards, in relation to the Tribunal's proceedings.
15	Should "comply" be substituted for "conform"?	CAJTW	Agreed.
16	Eto mae perygl y gallai'r geiriad presennol olygu bod dogfennau Saesneg gan gyrff sy'n ddarostyngedig i Safonau neu gynllun iaith yn cael eu darparu yn Saesneg. Felly dylid ychwanegu'r frawddeg ganlynol: "Fodd bynnag, os yw corff yn ddarostyngedig i Safonau neu gynllun iaith statudol neu wirfoddol, bydd y Tribiwnlys yn gofyn i'r corff ddarparu'r holl ddogfennau hyn yn Gymraeg (oni bai bod darparu copïau gwreiddiol y dogfennau yn unig yn hanfodol er mwyn profi ffeithiau'r achos). "	Cymdeithas yr Iaith Gymraeg	See above.
17	Mae perygl y gallai'r geiriad presennol golygu bod dogfennau Saesneg gan gyrff sy'n ddarostyngedig i Safonau neu gynllun iaith yn cael eu hanfon at bartion eraill yn Saesneg. Argymhellwn ddiwygio'r paragraff fel a ganlyn felly: "Pan fydd Ysgrifennydd y Tribiwnlys yn danfon copïau o'r dogfennau hynny at bartion eraill (er enghraift o dan Reol 22) byddant (yn ddarostyngedig i'r paragraff nesaf) yn gopïau o'r dogfennau hynny fel y daethant i law'r Tribiwnlys. Fodd bynnag, os yw corff yn ddarostyngedig i Safonau neu gynllun iaith statudol neu wirfoddol, bydd	Cymdeithas yr Iaith Gymraeg	See above.

	<i>y Tribiwnlys yn gofyn i'r corff ddarparu'r holl ddogfennau hyn yn Gymraeg (oni bai bod darparu copïau gwreiddiol y dogfennau yn unig yn hanfodol er mwyn profi ffeithiau'r achos). “</i>		
18	Paragraph 18 raises access to justice issues. Parties are expected to make whatever provisions are necessary for them to be able to deal with documents in either language. It then goes on to say it may be necessary for a party to take "special steps" and apply for directions. It seems wrong, in principle that an appellant has to take special steps to get documents in the language of their choosing particularly as they will previously have had to specify to the Tribunal, when giving notice of application, of their preferred language when dealing with the Tribunal.	Anonymous member of Law Society Wales	It is accepted that the paragraph is not as clear as it should be and the wording has been revised. The basic principle that it seeks to make clear is that although parties are entitled to receive communications emanating from the Tribunal in their preferred language (including formal documents in bilingual form where convenient), it will not automatically be the responsibility of the Tribunal to translate other documents, i.e. documents emanating from another party to the case. Bodies and officers exercising public functions in Wales can reasonably be expected to be able to make their own arrangements to deal with such material whether expressed in English or in Welsh. However, the circumstances of a particular case, or of a particular party, may call for the Tribunal to provide a translation of a document or a number of documents. The amended form at paragraph 18 makes this clear. The Tribunal will decide what arrangements for the translation

			of documents are necessary in each case, after consulting the parties.
19	Credwn y dylid newid y rheol fel a ganlyn: <i>"Cynhelir gwrandawiadau'r Tribiwnlys yn Gymraeg, ond gall tystion gyfrannu ar lafar at wrandawiad (partïon, cynrychiolwyr neu dystion) mewn iaith heblaw am y Gymraeg o wneud cais o flaen llaw. Er mwyn sicrhau hynny, bydd y Tribiwnlys yn darparu cyfieithu ar y pryd effeithiol o iaith arall i'r Gymraeg ac o'r Gymraeg i'r iaith arall ar gais."</i>	Cymdeithas yr Iaith Gymraeg	Simultaneous translation will be provided for every hearing without having to request it. Also, see amendment to paragraph 20.
19 & 20	In respect of PD 2, paragraph 20 has the presumption that English will not be translated into Welsh. But if a witness who wishes to give evidence in Welsh is questioned in English, the questions will be translated into Welsh. There does not appear to be a provision the contrary but is this presumed by the provisions of paragraph 19 in that it states that instantaneous translation will be provided for every hearing. On this basis, is that in respect of Welsh to English only?	Anonymous Organisation	This is now clarified by the revised paragraph 20.
20	This does not seem to put Welsh on an equal footing with English when it comes to hearings as para. 20 states that which is said in English at a hearing will not normally be translated into Welsh.	Anonymous member of Law Society Wales	Accepted. Paragraph 20 has been revised.
20	The Committee suggests that in PD2, para 20 the text "Any party or representative who intends to question in English a witness who appears (from the language of that witness's written statement) to be giving his or her evidence in Welsh" should be changed to read "Any party or representative who intends to question in English a witness who appears (from the language of	CAJTW	The wording of paragraph 20 has been revised.

	that witness's written statement) to <i>wish to give his or her evidence in Welsh...</i> " as the Welsh version does.		
20	<p>Mae'n siomedig nodi nad ydy'r cymal hwn wedi rhoi ystyriaeth i'r dystiolaeth a roddwyd yn y sesiwn gynghori yn Wrecsam am gyfieithu ar y pryd y ddwy ffordd, fel sy'n arfer cyffredin ar gyfandir Ewrop. Credwn fod hawl gan bobl Cymru i dderbyn holl wybodaeth y Tribiwnlys yn Gymraeg boed hynny'n dystiolaeth ar lafar neu'n ysgrifenedig.</p> <p>Ymhellach, mae'r cymal hwn yn derbyn mai'r Saesneg yw iaith gyffredin Cymru yn hytrach na'r Gymraeg.</p> <p>Dyna'r union egwyddor y dylai Mesur y Gymraeg (Cymru) 2011, "peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg", ei atal rhag digwydd.</p> <p>Credwn y dylid ail-lunio'r cymal yn unol ag egwyddorion Mesur y Gymraeg gyda geiriad fel a ganlyn felly:</p> <p><i>"Gan mai yn Gymraeg y cynhelir gwrandawiadau'r Tribiwnlys, ni fydd yr hyn sy'n cael ei ddweud yn Gymraeg mewn gwrandawiad yn cael ei gyfieithu, fel arfer, i'r Saesneg. Ond os bydd tyst sydd am roi dystiolaeth yn Saesneg yn cael ei holi gan rywun sy'n ddefnyddio'r Gymraeg, bydd y cwestiynau'n cael eu cyfieithu i'r Saesneg. Ni chaiff parti neu gynrychiolydd holi yn Saesneg dyst sy'n ymddangos (yn ôl iaith datganiad ysgrifenedig y tyst hwnnw) ei fod am roi ei dystiolaeth yn Gymraeg. O dan amgylchiadau eithriadol lle nad oes modd i barti drefnu i holi tyst yn Gymraeg, bydd y cwestiynau'n cael eu cyfieithu i'r Gymraeg."</i></p>	Cymdeithas yr Iaith Gymraeg	Accepted. Wording of paragraph 20 has been revised.
21	Dylid newid y cymal fel a ganlyn gan y dylai'r Tribiwnlys fod yn gweithredu'n Gymraeg yn unig, ond gan ddarparu gwybodaeth yn Saesneg ar gais.	Cymdeithas yr Iaith Gymraeg	The Tribunal will operate bilingually.

	<i>"Bydd y ddogfen sydd, yn unol â Rheol 47, yn cofnodi penderfyniad y Tribiwnlys, ac unrhyw atodiad sy'n cofnodi'r rhesymau dros y penderfyniad,</i>		
Cyffredinol	A ddylid nodi yn rhywle bod cyfathrebiadau yn cynnwys cyfathrebiadau ysgrifenedig a chyfathrebiadau ar lafar.	Dr Catrin Fflur Huws	Accepted. The title of the section of the Direction which deals with communications has been amended.
Cyffredinol	<p>Roedd y Pwyllgor o'r farn bod y cyfarwyddiadau fel a ddrafftwyd yn gynhwysfawr ac yn dangos ôl gwaith a meddwl. Roedd y Pwyllgor yn falch o weld o fewn Cyfarwyddyd Ymarfer 2 y gallai person sydd wedi dymuno cyflwyno tystiolaeth yn Gymraeg ond yn cael ei gwestiynu yn Saesneg, gael y dewis o gael y cwestiynau Saesneg wedi eu trosi i'r Gymraeg. Mae hyn yn dilyn y cysail pwysig a osodwyd yn hyn o beth gan y llysoedd.</p> <p>Unig sylw'r Pwyllgor oedd a ddylai'r Cyfarwyddiadau fanylu mwy o ran safon y cyfieithu h.y trwy fynnu mai aelodau categori Cyfieithu ar y Pryd y llysoedd fyddai'n cael eu cyflogi?</p>	Pwyllgor Sefydlog yr Arglywydd Ganghellor ar yr Iaith Gymraeg	Noted. The comment will be taken into consideration when arrangements are made to provide simultaneous translation.
Cyffredinol	Members of Aneurin Bevan Community Health Council stated that the draft Practice Directions were not clear and they found the document difficult to understand.	Aneurin Bevan Community Health Council	Without any specific examples of what is said to be unclear it is not possible to respond meaningfully to this comment. No other response to the consultation has suggested that there is a general lack of clarity in the draft Practice Direction.