



THE SOCIAL SECURITY & CHILD SUPPORT COMMISSIONERS
OF GREAT BRITAIN

PRACTICE MEMORANDUM No 3

Use of the Welsh Language in Commissioners' Cases

1. The purpose of this Practice Memorandum is to reflect the principles of the Welsh Language Act 1993 that in the administration of justice in Wales the English and Welsh languages should be treated on the basis of equality.
2. This Memorandum applies to all Welsh cases, i.e. generally cases before the Commissioners in which the individual party is resident in Wales. "Individual party" means any non-government party. If there is more than one individual party in a case, then the case shall be a Welsh case if all are resident in Wales. If one is resident outside Wales, then a Commissioner (after giving the parties an opportunity to make submissions) shall decide whether the case should be classified as a Welsh case or not. If it is not so classified, then it will still be open to the Commissioner to allow the Welsh language to be used during the course of a case or in a hearing (see paragraph 10 below).
3. Welsh cases are currently dealt with administratively by the Commissioners' London Office. The Court Service Welsh Language Scheme applies to that Office. For the purposes of the Scheme, Welsh cases will be dealt with as if they are being conducted in Wales. In every Welsh case, any party has the right to use the Welsh language in communicating with the Commissioners and their Office, in accordance with the Scheme; and use of the Welsh language is welcomed.
4. In particular, in a Welsh case any party or representative may use the Welsh language in any document within the course of proceedings before a Commissioner. The Commissioner or a Legal Officer will consider whether directions are required for the translation of such documents. Any translation directed will be made without cost to any individual party.
5. Where the language of the appeal in the tribunal below was Welsh, the Commissioner or Legal Officer will make appropriate directions for the continued use of the Welsh language in the proceedings before the Commissioner.
6. Where there is an oral hearing in a Welsh case, any party has the right to ask for that hearing to be held in Wales. Any request that a hearing be in Wales should be made as soon as possible, and in any event at least 21 days before any hearing date fixed.

7. In any hearing of a Welsh case (wherever held), any party, representative or witness has the right to use the Welsh language. However, if a party or his or her representative is intending to use the Welsh language or to refer the Commissioner at the hearing to a document in Welsh or to call a witness who may wish to give evidence in Welsh, it is the responsibility of the party or representative to notify the Commissioners' Office as soon as possible and at least 21 days before the date of the hearing, so that appropriate arrangements can be made for the management and listing of the case and for any necessary translation or interpretation facilities.

8. Where practicable, a hearing in which the Welsh language is to be used will be listed before a Welsh-speaking Commissioner and, where translation facilities are needed, at a venue with simultaneous translation facilities.

9. Whenever an interpreter is needed to translate evidence from English to Welsh or from Welsh to English, the Commissioners' Secretary will take steps to secure the attendance of an interpreter whose name is included in the list of approved court interpreters.

10. In cases which are not Welsh cases, the decision whether or not to allow Welsh to be spoken is for the Commissioner. If a party wishes to use the Welsh language in such a case, then an application should be made to a Commissioner as soon as possible, and in any event at least 21 days before any hearing.

11. In each Welsh case a copy of this Memorandum (in Welsh and English) shall be issued to every individual party with the first documents sent in that case, when an individual party is joined to the case and also when any hearing is arranged.

12. The guidance given in this Practice Memorandum is without prejudice to the use of a language other than English or Welsh where that other language is the language of an individual party. Where translation or interpretation from a language other than English or Welsh may be required, then directions should be sought from the Commissioner or Legal Officer at the first opportunity.

**His Honour Judge Hickinbottom
Chief Commissioner
31 December 2004**