



## **WELSH LANGUAGE TRIBUNAL**

### **Case TyG/WLT/18/2**

Aled Powell v Welsh Language Commissioner

#### **SUMMARY OF THE TRIBUNAL'S DECISION**

(for public information purposes only)

The Applicant complained to the Welsh Language Commissioner that his local council had failed, on two occasions, to comply with Welsh language standards in relation to public signs. The Commissioner decided not to conduct an investigation into the complaints, on the grounds that she was already conducting an investigation into the council's compliance, generally, with duties under the standards relating to signs. The Applicant asked the Tribunal to review the Commissioner's decisions not to investigate his complaints, arguing that the Commissioner's general investigation was defective in a number of respects and that using it as a justification for not investigating his complaints was irrational.

When the Commissioner was notified that the Applicant was seeking to challenge, before the Tribunal, her decisions not to investigate his complaints, she altered her original decisions and notified the Applicant that she was opening investigations into his complaints after all. She explained this on the grounds that justifying her original decisions, before the Tribunal, would mean "considerable expense and time" and that investigating the complaints would be "less costly and wasteful" than defending her original decisions. Since her original decisions had been reversed, the Commissioner applied to the Tribunal to strike out the Applicant's Application for a review, arguing that the Tribunal no longer had jurisdiction to consider the original decision or, alternatively, that it would be an abuse of the Tribunal's powers to continue to consider a decision that had already been reversed. .

In the view of the Tribunal, there was still a substantial dispute in relation to the lawfulness of the Commissioner's original decisions. The Commissioner had not admitted that there was any flaw in those decisions and it was possible that the Commissioner would use a similar argument in other cases. The Applicant had raised a number of substantial arguments in relation to the Commissioner's reason for not investigating his complaints and there was an obvious public interest in considering those arguments if the Tribunal had jurisdiction to do so. However, the Tribunal accepted the Commissioner's argument that the Tribunal had no power, under sections 103 and 104 of the Welsh Language (Wales) Measure 2011, to review a decision that had already been reversed by the Commissioner. The wording of section 104, in particular, suggested that the only kind of decision that the Tribunal could consider was a decision that was still effective, and not one, for

example, that was no longer effective because the Commissioner had already reversed it voluntarily.

As a result, the Tribunal had no alternative but to strike out the Application.

**9 July 2018**