

**TRIBIWNLYS Y GYMRAEG  
Cyfarwyddyd Ymarfer Rhif 3**

**WELSH LANGUAGE TRIBUNAL  
Practice Direction Number 3**

**Arfer swyddogaethau'r Tribiwnlys**

**Exercising the functions of the Tribunal**

1. Mae Llywydd Tribiwnlys y Gymraeg ('y Llywydd') yn rhoi'r cyfarwyddyd ymarfer hwn o dan adran 124(1) o Fesur y Gymraeg (Cymru) 2011 ('y Mesur') a Rheol 4 o Reolau Tribiwnlys y Gymraeg 2015 ('y Rheolau'). Cafodd ei gymeradwyo gan Weinidogion Cymru o dan adran 124(2) o'r Mesur.

1. The President of the Welsh Language Tribunal ('the President') makes this practice direction under section 124(1) of the Welsh Language Measure (Wales) 2011 ('the Measure') and Rule 4 of the Welsh Language Tribunal Rules 2015 ('the Rules'). It has been approved by the Welsh Ministers under section 124(2) of the Measure.

**Pwrpas**

**Purpose**

2. Mae rheol 56(1) o'r Rheolau yn gwneud darpariaeth mewn perthynas â phwy caiff arfer swyddogaethau Tribiwnlys y Gymraeg ('y Tribiwnlys'), ond yn ddarostyngedig i unrhyw gyfarwyddyd ymarfer a wnaed gan y Llywydd.

2. Rule 56(1) of the Rules makes provision in relation to who may exercise the functions of the Welsh Language Tribunal ('the Tribunal'), but subject to any practice direction made by the President.

3. Gwneir y cyfarwyddyd ymarfer hwn er mwyn rhoi cyfarwyddyd ynglŷn â phwy bydd yn arfer swyddogaethau penodol o dan y Rheolau ar ran y Tribiwnlys. Maen'n ddarostyngedig i unrhyw gyfarwyddiadau a roddir o dan reol 26 mewn perthynas ag achos penodol.

3. This practice direction is made in order to give guidance as to who is to exercise specific functions under the Rules on behalf of the Tribunal. It is subject to any directions given under rule 26 in relation to a particular case.

4. Mae'r cyfarwyddyd ymarfer hwn yn ymwneud, yn unig, â'r swyddogaethau hynny a gaiff eu harfer, o dan y Rheolau, gan 'y Tribiwnlys'. Nid yw'n ymwneud â'r swyddogaethau hynny a roddir yn benodol gan y Rheolau i'r 'Llywydd', 'y panel tribiwnlys', 'Cadeirydd' panel tribiwnlys neu i 'Ysgrifennydd y Tribiwnlys'.

4. This practice direction relates only to those functions which are exercisable, under the Rules, by 'the Tribunal'. It does not relate to functions which are specifically conferred by the Rules on 'the President', 'the tribunal panel', the 'Chair' of a tribunal panel or on the 'Secretary of the Tribunal'.

**Swyddogaethau'r Tribiwnlys sydd i'w harfer gan y Llywydd (neu gan aelod o'r Tribiwnlys sydd wedi'i ymgymhwyso yn y gyfraith)**

5. Yn ddarostyngedig i baragraff 7, arferir y swyddogaethau a roddir i'r Tribiwnlys gan y rheolau hynny a restrir yn y paragraff hwn gan y Llywydd neu (gydag awdurdod y Llywydd yn unol â rheol 56(1)(c)) gan aelod o'r Tribiwnlys sydd wedi'i ymgymhwyso yn y gyfraith:
- (a) 13(3), (4) a (5);
  - (b) 14;
  - (c) 15(1);
  - (d) 23 (ag eithrio penderfynu cais trwy gynnal gwrandawriad yn unol â rheol 23(3));
  - (e) 25(1);
  - (f) 26 – 35 (ag eithrio penderfynu cais trwy gynnal gwrandawriad yn unol â rheol 33(1)(c));
  - (g) 36(5);
  - (h) 37;
  - (i) 41;
  - (j) 43;
  - (k) 55.

**Swyddogaethau'r Tribiwnlys sydd i'w harfer gan banel tribiwnlys**

6. Arferir pob swyddogaeth arall a roddir i'r Tribiwnlys gan y Rheolau mewn perthynas â chais gan y panel tribiwnlys a benodwyd gan y Llywydd i benderfynu'r cais hwnnw.
7. Caiff y panel tribiwnlys hwnnw hefyd arfer y swyddogaethau a restrwyd ym mharagraff 5 (f) a (k) mewn perthynas â'r cais hwnnw.

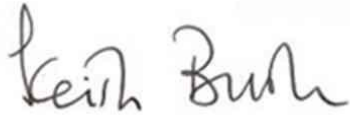
**Functions of the Tribunal which are to be exercised by the President (or by a legally qualified member of the Tribunal)**

5. Subject to paragraph 7, functions conferred on the Tribunal by those provisions of the Rules listed in this paragraph are to be exercised by the President or (with the authority of the President in accordance with rule 56(1)(c)) by a legally qualified member of the Tribunal:
- (a) 13(3), (4) and (5);
  - (b) 14;
  - (c) 15(1);
  - (d) 23 (except determining an application by holding a hearing in accordance with rule 23(3));
  - (e) 25(1);
  - (f) 26 – 35 (except determining an application by holding a hearing in accordance with rule 33(1)(c));
  - (g) 36(5);
  - (h) 37;
  - (i) 41;
  - (j) 43;
  - (k) 55.

**Functions of the Tribunal which are to be exercised by a tribunal panel**

6. Every other function conferred on the Tribunal by the Rules in relation to an application are to be exercised by the tribunal panel appointed by the President to determine that application.
7. That tribunal panel may also exercise the functions listed in paragraph 5 (f) and (k) in relation to that application.

**Gwnaed gan Llywydd Tribiwnlys y  
Gymraeg**



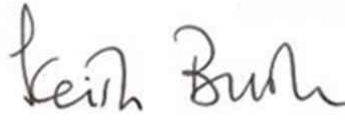
Dyddiedig: 17 Hydref 2017

**Cymeradwywyd gan y Prif Weinidog**



Dyddiedig: 9 Hydref 2017

**Made by the President of the Welsh  
Language Tribunal**



Dated: 17 October 2017

**Approved by the First Minister**



Dated: 9 October 2017

## **Nodyn Esboniadol**

(nad yw'n ffurfio rhan o'r Cyfarwyddyd  
Ymarfer ei hun)

Natur cyffredinol y swyddogaethau a arferir gan y Llywydd (neu gan aelod o'r Tribiwnlys sydd wedi'i ymgymhwysu yn y gyfraith) yn unol â pharagraff 5 o'r Cyfarwyddyd Ymarfer yw:

Rheol 13(3), (4) a (5): Penderfyniadau ynglŷn â chwestiwn a yw'r ceisydd yn gofyn i'r Tribiwnlys ystyried mater sydd tu allan i'w bwerau, gan gynnwys rhoi caniatâd i gais fynd ymlaen yn sgil sylwadau pellach gan y ceisydd;

Rheol 14: Penderfynu a chaiff cais a ddaeth i law'r Tribiwnlys ar ol diwedd y cyfnod a bennwyd gan reol 11(1) ei ystyried;

Rheol 15(1): Penderfyniadau ynglŷn â digonolrwydd y rhesymau a roddwyd dros wneud y cais;

Rheol 23: Penderfynu cais lle nad oes gwrthwynebiad i'r cais gan y Comisiynydd, oni bai fod y Tribiwnlys yn penderfynu cynnal gwrandawriad;

Rheol 25(1): Gorchymyn bod hysbysiad cais yn cael ei ddileu neu na chaiff y Comisiynydd gymryd cam bellach mewn perthynas â'r cais;

Rheolau 26 – 35: Pwerau rheoli'r Tribiwnlys, ag eithrio penderfynu achos o dan reol 33(1)(c) trwy gynnal gwrandawriad;

Rheol 36(5): Newid lleoliad ac amser gwrandawriad;

Rheol 37: Penderfynu cais heb wrandawriad pan fo rheolau 23 neu 33 yn gymwys;

Rheol 41: Gwysio tyst;

Rheol 43: Gohirio gwrandawriad cyn ei gychwyn;

Rheol 55: Gwneud gorchmynion mewn perthynas â chostau a threuliau.

## **Explanatory Note**

(not forming part of the Practice Direction  
itself)

The general nature of the functions to be exercised by the President (or by a legally-qualified member of the Tribunal) in accordance with paragraph 5 of the Practice Direction are:

Rule 13(3), (4) and (5): Decisions to do with a question whether the applicant is asking the Tribunal to consider a matter which is outside its powers, including giving permission for an application to proceed following further representations by the applicant;

Rule 14: Deciding whether an application received by the Tribunal after the end of the period specified by rule 11(1) should be considered;

Rule 15(1): Decisions to do with the sufficiency of the reasons given for making the application;

Rule 23: Deciding an application which is not opposed by the Commissioner, unless the Tribunal decides to hold a hearing;

Rule 25(1): Ordering that a notice of application be struck out or that the Commissioner should take no further step in relation to the application;

Rules 26 – 35: The Tribunal's management powers, except deciding an application under rule 33(1)(c) by holding a hearing;

Rule 36(5): Altering the place and time of the a hearing;

Rule 37: Determining an application without a hearing where rules 23 or 33 apply;

Rule 41: Summoning a witness;

Rule 43: Postponing a hearing;

Rule 55: Making orders in relation to costs and expenses.