

PRACTICE DIRECTION

RELATING TO THE USE OF THE WELSH LANGUAGE IN CASES IN THE CIVIL COURTS IN WALES

The Purpose of this Practice Direction is to reflect the principle 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.

1. GENERAL

- 1.1** This practice direction applies to civil proceedings in courts in Wales.
- 1.2** The existing practice of conducting a hearing entirely in the Welsh language on an ad hoc basis and without notice will continue to apply when all parties and witnesses directly involved at the time consent to the proceedings being so conducted.
- 1.3** In every case in which it is possible that the Welsh language may be used by any party or witness [or in any document which may be placed before the court], the parties or their legal representatives must inform the court of that fact so that appropriate arrangements can be made for the management and listing of the case.
- 1.4** If costs are incurred as a result of a party failing to comply with this direction, a costs Order may be made against him or his legal representative.
- 1.5** Where a case is tried with a jury, the law does not permit the selection of jurors in a manner which enables the court to discover whether a juror does or does not speak Welsh or to secure a jury whose members are bilingual to try a case in which the Welsh language may be used.

2. THE ALLOCATION QUESTIONNAIRE

- 2.1** In any proceedings in which a party is required to complete an allocation questionnaire, he must include details relating to the possible use of Welsh i.e. details of any person wishing to give oral evidence in Welsh and of any documents in Welsh (e.g. documents to be disclosed under Part 31 or witness statements) which that party expects to use.
- 2.2** A party must include the details mentioned in paragraph (2.1) in the allocation questionnaire even if he has already informed the court of the possible use of Welsh in accordance with the provisions of section 1 above.

3. CASE MANAGEMENT

- 3.1** At any interlocutory hearing, the court will take the opportunity to consider whether it should give case management directions. To assist the court, a party or his legal representative should draw the court's attention to the possibility of Welsh being used in the proceedings, even where he has already done so in compliance with other provisions of this direction.

- 3.2** In any case where a party is required to complete a pre-trial check list (listing questionnaire) and has already intimated the intention to use Welsh, he should confirm the intended use of Welsh in the pre-trial check list and provide any details which have not been set out in the allocation questionnaire.

4. LISTING BY THE COURT

- 4.1** The diary manager, in consultation with the Designated Civil Judge, will ensure that a case in which the Welsh language is to be used is listed:
- (a) wherever practicable before a Welsh speaking judge; and
 - (b) where translation facilities are needed, at a court with simultaneous translation facilities.

5. INTERPRETERS

- 5.1** Whenever an interpreter is needed to translate evidence from English to Welsh or from Welsh to English, the Court Manager in whose court the case is to be heard will take steps to secure the attendance of an interpreter whose name is included in the list of approved court interpreters.

6. WITNESSES AND JURORS

- 6.1** When each witness is called, the court officer administering the oath or affirmation will inform the witness that he or she may be sworn or may affirm in Welsh or English as he or she wishes.
- 6.2** Where a case is tried with a jury, the court officer swearing in the jury will inform the jurors in open court that each juror may take the oath or may affirm in Welsh or English as he or she wishes.

7. ROLE OF THE LIAISON JUDGE

- 7.1** If any question or difficulty arises concerning the implementation of this practice direction, contact should in the first place be made with the Liaison Judge for the Welsh language.