

Tribunal White Paper Annex 1:

Consultation questions

Question 1

Do you agree with the tribunals we have identified as the devolved tribunals, as set out in paragraph 22?

Question 2

Do you agree with the proposed structure of the unified tribunal system for Wales?

Question 3

Do you agree with the proposed structure for the tribunal membership in the unified tribunal system?

Question 4

Do you agree the jurisdictions of the Welsh Tribunals should be transferred to the First-tier tribunal for Wales?

Question 5

Do you agree that, in principle, the jurisdiction of the Valuation Tribunal for Wales should be transferred to the First-tier tribunal for Wales?

Question 6

Do you agree that if the jurisdiction of the Valuation Tribunal for Wales is not transferred to the First-tier Tribunal for Wales, it should still be subject to the supervision of the President of Welsh Tribunals?

Question 7

Do you agree the jurisdiction of school exclusion appeal panels should be transferred to the First-tier Tribunal for Wales?

Question 8

Do you agree the jurisdiction of school admission appeal panels should continue to be administered by admission authorities for the time being?

Question 9

Do you agree appeals from school admission appeals panels should be available on a point of law to the First-tier Tribunal for Wales?

Question 10

Do you agree with the initial chamber structure we propose for the First-tier Tribunal for Wales?

Question 11

Do you agree as a guiding principle disputes deriving from Welsh law should be heard in a Welsh judicial institution?

Question 12

Are there any particular types of dispute under devolved law which you believe lend themselves particularly well to being resolved by a tribunal?

Question 13

Do you agree there should be an Appeal Tribunal for Wales?

Question 14

Do you agree the Appeal Tribunal for Wales should be the appellate body for appeals from the First-tier Tribunal for Wales unless there are exceptional reasons requiring different provision to be made?

Question 15

Do you agree jurisdictions should be transferred to the Appeal Tribunal for Wales over time, and that they should be organised into chambers by subordinate legislation made by the Welsh Ministers with the concurrence of the President of Welsh Tribunals?

Question 16

Do you agree with the proposed statutory duty to uphold judicial independence applying to all those with responsibility for the administration of justice as that applies to the reformed tribunal system in Wales?

Question 17

Who do you think should be included on the list of those with responsibility for the administration of justice as it applies to the reformed tribunal system in Wales?

Question 18

Is there a need for all members of the First-tier Tribunal for Wales and the Appeal Tribunal for Wales to take an oath or affirmation of their commitment to uphold judicial independence?

Question 19

Do you have views on the proposed formulation of the oath or affirmation, if one is adopted?

Question 20

Do you agree with the creation of a statutory body arms-length from Welsh Government to be responsible for the administration of the new tribunal system in Wales?

Question 21

Do you think the proposed statutory body should be constituted as a Welsh Government Sponsored Body, as a Non-Ministerial Department, or something else? Why?

Question 22

Do you think the Chair of the Board of the statutory body should be a Welsh Ministers' appointment or the President of Welsh Tribunals ex officio?

Question 23

Do you have any other comments on arrangements for the administration of the new tribunal system at Table 1?

Question 24

Do you agree the President of Welsh Tribunals should be the presiding judge of the First-tier Tribunal for Wales and the Appeal Tribunal for Wales, able to sit as a judge in those tribunals?

Question 25

Do you agree with our proposals to enhance the office of President of Welsh Tribunals by conferring statutory duties, functions and powers on the office, as detailed in this white paper?

Question 26

Do you agree with our guiding principles for the appointment of members to the First-tier Tribunal for Wales and the Appeal Tribunal for Wales?

Question 27

Do you agree with our proposals for the appointing authority for members of the new tribunals:

- a. except for Chamber Presidents and Deputy Presidents, members of the First-tier Tribunal for Wales to be appointed by the President of Welsh Tribunals, and
- b. Chamber Presidents and Deputy Presidents of the First-tier Tribunal for Wales and members of the Appeal Tribunal for Wales to be appointed by the Welsh Ministers with the concurrence of the President of Welsh Tribunals.

Question 28

Do you agree the President of Welsh Tribunals and the Welsh Ministers when making appointments to the First-tier Tribunal for Wales and the Appeal Tribunal for Wales should be required to have regard to the need to encourage diversity in the range of persons appointed?

Question 29

Do you agree eligibility criteria for appointment to the First-tier Tribunal for Wales and the Appeal Tribunal for Wales should enable the pool of candidates eligible for appointment to be drawn as widely as possible?

Question 30

Do you agree the Welsh Ministers should set terms and conditions of appointment of members of the new tribunal service?

Question 31

Do you agree to there continuing to be a system of cross-deployment for judicial, legal and non-legal members in the new tribunal system?

Question 32

Do you think the appointment processes for the President of Welsh Tribunals should change in any way as part of the proposed reforms set out in the white paper?

Question 33

Do you agree with our proposals for managing complaints and making disciplinary decisions about members of the First-tier Tribunal for Wales and the Appeal Tribunal for Wales?

Question 34

Do you agree with the proposed investigatory role for an independent body or person? Who do you think that body or person should be?

Question 35

Do you agree with our proposals for the management of complaints about the administration of the new tribunal system?

Question 36

Do you agree with the creation of a statutory committee with responsibility for developing Tribunal Procedure Rules, as detailed in paragraphs 173-177 and in [chapter 9](#)?

Question 37

Do you agree with the proposed exercise of the power to make the tribunal procedural rules?

Question 38

Do you agree with the Tribunal Procedure Rules Committee developing common procedural rules across the new tribunal system whilst recognising and accommodating the unique characteristics of each jurisdiction?

Question 39

Do you agree with our proposal that the Tribunal Procedure Rules of the First tier Tribunal for Wales and the Appeal Tribunal for Wales should include the following matters:

- a. an overriding objective
- b. a duty of the parties to cooperate with each other and the tribunal
- c. provision for service of documents by electronic means
- d. a power for the First-tier Tribunal for Wales to review its own decisions, and
- e. rules on remote hearings.

Question 40

Do you agree the operation of civil and administrative justice in Wales should be kept under review? And if so, how should this be done?

Question 41

We would like to know your views on the effects that our proposed reforms to devolved tribunals in Wales to create a unified, coherent tribunal system comprising of the First-tier Tribunal for Wales and the Appeal Tribunal for Wales would have on the Welsh language, specifically:

- i. on opportunities for people to use Welsh and
- ii. on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 42

Please also explain how you believe the proposed reforms could be formulated or changed so as to have:

- i. positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
- ii. no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 43

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

When you reply, please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)
- an address (including post code)
- an email address, and
- a contact telephone number