

John Griffiths AC/AM
Y Cwnsler Cyffredinol ac Arweinydd y Rhaglen
Ddeddfwriaethol
Counsel General and Leader of the Legislative Programme



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Ein cyf/Our ref Plenary
16112010
Nick Bourne AM
National Assembly for Wales
Ty Hywel
Cardiff Bay
CF99 1 AA

11th January 2011

Dear Nick

I have pleasure in following up the two questions which you raised in Plenary, in response to my Oral Statement on the Welsh Assembly Government's response to the Review of Tribunals Operating in Wales report.

You requested a list of Welsh tribunals operating in Wales which I attach to this letter. They are taken directly from the Administrative Justice and Tribunal Council's (AJTC) report pages 42/43. In their report the AJTC define "Welsh tribunals" as listed as being those for which executive responsibility has been transferred to the Welsh Ministers either by functions conferred on the National Assembly for Wales in 1998 or conferred by subsequent legislation. I should add however that this does not necessarily mean that Welsh Ministers have control and responsibility for policy for all of these tribunals. In many cases our functions are limited to providing administrative support and overall responsibility rests with another department. For example, Welsh Ministers provide support staff for the Mental Health Review Tribunal for Wales and pay members' expenses but the Lord Chancellor appoints its members and makes its rules.

You also asked if any new tribunals or appeal mechanisms have been created or are being proposed by the National Assembly. You will be aware of the Welsh Language (Wales) Measure which was passed on 7 December 2010. There is provision in the Measure for a tribunal to deal with appeals against decisions made by the Commissioner in respect of the application of standards to individual persons, and in respect of enforcing standards imposed.

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There is also section 14 of the Learner Travel (Wales) Measure 2008 which provides for regulations to make provision for appeal panels against decisions by the local authority to withdraw travel arrangements for a learner who fails to comply with the travel behaviour code. When establishing the Welsh Language Tribunal and procedure for learner travel appeals we will be sure to take account of the recommendations of the AJTC.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Griffiths AM'. The signature is written in a cursive style with some stylized flourishes.

John Griffiths AM

Counsel General and Leader of the Legislative Programme
Cwnsler Cyffredinol ac Arweinydd y Rhaglen Deddfwriaethol

Table 1: ‘Welsh’ tribunals operating in Wales

Tribunal	Brief description of jurisdiction
Adjudication Panel for Wales (est. 1 October 2002)	To consider whether elected members or co-opted members of county, county borough and community and town councils police, fire and rescue and national park authorities in Wales have breached their authority’s statutory code of conduct.
Agricultural Land Tribunal (Wales) (est. 1947)	To make judgements in disputes between agricultural landlords and tenants under the Agricultural Holdings Act 1986 and drainage disputes in respect of ditches under the Land Drainage Act 1991.
Board of Medical Referees	To adjudicate appeals to medical referees under the Firefighters; Pension Scheme, the New Firefighters’ Pension Scheme and the Firefighters’ Compensation Scheme.
Forestry Committees for Wales (est. 2006)	To review the refusal or conditions of a felling licence, to appeal against a restocking notice, to review felling directions.
Independent Review of Determination Panels (est. 2005)	To provide a review process which prospective adopters can use when they do not agree with the qualifying determination made by their adoption agency.
Independent Social Services Complaints Panels (est. 1 April 2006)	To further consider a complaint about social services (where certain criteria are met).
Local Health Boards in Wales in respect of their functions under the National Health Service (Service Committees and Tribunal) Regulations 1992	To review the decisions of Local Health Boards in respect of their disciplinary functions under the NHS (Service Committees and Tribunal) Regulations 1992
Mental Health Review Tribunal for Wales (est. 1959)	To review the cases of patients detained under the Mental Health Acts and to direct the discharge of any patients where the statutory criteria for discharge have been satisfied.

Tribunal	Brief description of jurisdiction
Registered Nursery Education Inspectors Appeal Panels (est. 1999)	To hear appeals by Registered Nursery Inspectors against a decision to remove their name from the Register of Inspectors or to alter their conditions of registration
Registered School Inspectors Appeal Panels (est 1999)	To hear appeals by Registered School Inspectors against a decision to remove their name from the Register of Inspectors or to alter their conditions of registration.
Residential Property Tribunals (est. 1977)	To decide appeals against fair rent determinations, adjudicate in disputes about enfranchisement of freehold and leasehold renewals, and deal with a wide range of other housing matters.
School Admission Appeal Panels (est. 1998)	To consider appeals against a decision by an admission authority or governing bodies to refuse a child admission.
School Exclusion Appeal Panels (est. 1996)	To hear appeals against permanent exclusions.
Special Educational Needs Tribunal for Wales (est. 1 September 2003)	To hear and decide appeals from parents against decisions made by Welsh Local Education Authorities about children's special educational needs and to hear and decide parents' claims of disability discrimination in Welsh schools.
Traffic Penalty Tribunal (est. July 1999)	To hear and decide appeals brought against Penalty Charge Notices issued by local authorities in England (outside London) and Wales that operate civil parking enforcement.
Valuation Tribunals for Wales	To deal with appeals arising from Non-Domestic Rating Valuation and Council Tax banding, Council Tax liability and drainage rates.