



CONSULTATION BY THE CIVIL PROCEDURE RULE COMMITTEE (CPRC)

PROPOSED AMENDMENTS AS TO PROVISIONS CONCERNING THE WELSH LANGUAGE

Background

The CPRC is responsible, under the provisions of the Civil Procedure Act 1997, for making rules of court governing the practice and procedure to be followed in the Civil Division of the Court of Appeal, the High Court and the County Court. It is to do so with a view to securing that the system of justice is accessible, fair, and efficient, and to try and make rules that are both simple and simply expressed.

Under section 3 of the 1997 Act, the CPRC is, before making rules, to consult with such persons as they consider appropriate.

Overview

The Civil Procedure Rules (CPR) and its attendant Practice Directions (PDs) contain a variety of provisions specifically directed to matters concerning Wales and the Welsh language. They are applicable in both Wales and England. These provisions have been introduced and amended piecemeal over the years. A review has been carried out by the Welsh judicial member of the CPRC and that review of the rules and possible amendments have been considered by the CPRC.

This public consultation was commissioned following discussions at the CPRC on 09 May 2025 and 3rd of October 2025 (the minutes of which can be read online here <https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>).

This Consultation

We now invite views and comments on the proposals outlined in this document (available in English and Welsh respectively). In summary, the proposals comprise reforms to:

- the Devolution PD;
- the Welsh Language PD and the practice and procedure relating to listing provisions within the PD and the practice and procedure in circumstances where there is an issue as to interpretation of Welsh language text.

How to Respond

Please send your responses to CPRCconsultation@justice.gov.uk (in word or PDF format) with the subject heading “Consultation on the Welsh Language”

Deadline for Responses

This consultation will close on 9th January 2026 – Deadline extended until 30th January 2026

Questions

If you have any questions regarding this consultation, please use the email address above or email the general enquiries inbox at CPRC@justice.gov.uk

Next Steps

The matter will be programmed in for CPRC consideration following the conclusion of this consultation. You can follow progress by reading the minutes of CPRC meetings here <https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>

Data

Data will be handled in line with the CPRC Personal Data Privacy Notice found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707892/cprc-privacy-notice-may-2018.pdf

Civil Procedure Rule Committee

October 2025

Introduction

1. The Civil Procedure Rules (CPR) and its attendant Practice Directions (PDs) contain a variety of provisions specifically directed to matters concerning Wales and the Welsh language. They are applicable in both Wales and England. These provisions have been introduced and amended piecemeal over the years. A review has been carried out of the rules and amendments considered by the Committee. It was resolved a consultation be conducted as to the Committee's proposals.

Summary

2. The CPRC notes the Rules are working well in terms of Wales specific legislation. CPR 55 and 56 were amended in December 2022 on the implementation of Renting Homes (Wales) Act 2016. There would appear currently to be no other Wales specific legislation which would require amendments to the Rules. There may be some minor textual amendments required to the various rules and PDs to update the language, e.g. to reflect the Welsh Assembly becoming a Senedd.

3. In relation to interpretation of the text of bilingual legislation there is a mismatch between provisions which relate to devolution issues and otherwise. The use of a Welsh speaking judicial assessor to assist the court is provided for in relation to devolution issues by the devolution specific PD, last amended in 2017.

4. Since the introduction of the PD on Devolution issues there have been two important developments. There is now a growing cohort of Welsh speaking judges available to assist and there is also now significant Welsh legislation in force (such as Renting Homes (Wales) Act 2016). It is suggested by the CPRC that the concept in the devolution PD be amended and expanded to allow for at least the possibility of Welsh speaking judges sitting in cases involving legislation in the Welsh language – where practicable and always subject to the overriding objective.

5. The Devolution PD is limited to cases where either a party or the Court considers there is a devolution issue to be referred. The PD defines a devolution issue in accordance with Schedule 8 of the Government of Wales Act 1998. Schedule 8 was repealed by the Government of Wales Act 2006.

QUESTION 1– Do you agree that the Devolution PD should be revoked or amended? If able please give reasons.

The Welsh language issue in more detail

6. The relevance of the Devolution PD is reference to the Welsh language is made within the Practice Direction. Paragraph 12 of the PD provides:

“**12.1** If any party wishes to put forward a contention in relation to a devolution issue that involves comparison of the Welsh and English texts of any Assembly subordinate legislation, that party must give notice to the court as soon as possible.

12.2 Upon receipt of the notification, the court will consider the appropriate means of determining the issue, including, if necessary, the appointment of a Welsh speaking judicial assessor to assist the court.

12.3 Parties to any proceedings in which the Welsh language may be used must also comply with the Practice Direction of 16 October 1998 (relating to proceedings in the Crown Court) and the Practice Direction of 26 April 1999 (relating to civil proceedings). These Practice Directions apply, as appropriate, to proceedings involving a devolution issue in which the Welsh language may be used.”

7. The reference is limited to compliance with any relevant Practice Direction relevant to crime and civil but does not refer to family or tribunal cases. There is no known record of an assessor having been appointed pursuant to the provisions in the Practice Direction.

8. The Civil Procedure Rules in 2018 strengthened provisions relating to the Welsh language amending the Overriding Objective by insertion of a new paragraph 1.5. as follows.

“The Welsh language

1.5 (1) Nothing in the overriding objective undermines the principles provided by the Welsh Language (Wales) Measure 2011(3) that the Welsh language has official status in Wales or by the Welsh Language Act 1993(4) that in any legal proceedings in Wales the Welsh language may be used by any person who desires to use it.

(2) The parties are required to assist the court to put into effect the principles set out in paragraph (1)”

9. There is also a general Practice Direction on the Welsh Language – set out in [PRACTICE DIRECTION RELATING TO THE USE OF THE WELSH LANGUAGE IN CASES IN THE CIVIL COURTS IN OR HAVING A CONNECTION WITH WALES – Civil Procedure Rules – Justice UK](#)

This applies to any proceedings in or having a connection with Wales. It ensures that parties inform the court if the Welsh language is going to be used or if documents in Welsh will be placed before the court. The PD identifies the role of the Welsh language Liaison Judge and the HMCTS Welsh Language Unit. In terms of listing, the PD provides at paragraph 4.1 that:

“The diary manager, in consultation with the Designated Civil Judge and the Liaison Judge(s) for the Welsh language, 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. “

10. A specific query has been raised by Welsh Government as to the implication of the decision of the Court of Appeal in [Driver v Rhondda Cynon Taff County Borough Council \[2020\] EWCA Civ 1759](#). The suggestion being that where there is a dispute as to interpretation of the text of Welsh and English versions of legislation a Welsh speaking judge should be appointed to the case.

10.1 Driver as noted in the judgment was “a case where the court does need to look at the texts of the legislation in Welsh and in English, because it has been suggested that there is a conflict, difference or distinction between the two”. This is in the context that legislation and regulations enacted by the Senedd are in Welsh and in English and each has equal status.

10.2 It was further noted in Driver – “Where legislation is enacted in two languages of equal standing, and the parties submit that there is, or may be, a conflict, difference or distinction between the two language versions, detailed analysis of each version may be necessary”.

10.3 In paragraphs 14 and 15 of the decision the then Chancellor of the High Court, Sir Geoffrey Vos, noted there may be cases where it would be highly desirable for the court to have Welsh language expertise albeit in that case the court did not feel handicapped in deciding the question.

11. The Devolution PD was not applicable to the circumstances in Driver hence there was no reference to its provision in the case. The CPRC does not favour the use of assessors on the basis if there is an interpretation issue as to legislation in English by the Court it is the role of the judge to so interpret and not an assessor. The preferred option would be a Welsh-speaking judge.

QUESTION 2 – Do you favour in circumstance where there is an issue as to interpretation of Welsh language text the appointment of an assessor or the appointment of a Welsh speaking judge?

Options

12. The options considered by the CPRC are as follows:

12.1 Option 1 - No amendment to the CPR or any PD.

The view of the CPRC if this option were preferred is that there would remain ambiguity and no provision as to the need of a Welsh speaking judge where there is an issue as to the interpretation of Welsh language text.

12.2 Option 2 - A provision within the Rules that in a case where there is a dispute as to Interpretation of Welsh language text a Welsh speaking judge must be appointed to hear the case.

The view of the CPRC is this would require an amendment to the CPR. It would require an extensive review of the Rules and various specialist guidance. It may also require provision for the “ticketing” of judges to hear such cases. It is not known whether there exist Welsh-speaking judges at the appropriate level and specialism to ensure every potential case could be listed according to such requirement. It is unclear to the CPRC whether such a provision exists within the Devolved Tribunals.

12.3 Option 3 - An amendment of the PD relating to the use of the Welsh language proposed as follows:

12.3.1 The circumstances noted in Paragraph 4 of the Practice Direction be extended beyond “a case in which the Welsh language is to be used” to include where there is an issue as to interpretation of Welsh and English text. The Devolution Issues PD uses the word “comparison” which the CPRC considers may not be wholly appropriate as it is interpretation of the text in both languages which is required, not comparison.

12.3.2 Requirements of interpretation may arise other than in a legislative context. There may be for example an issue as to interpretation of a Welsh

language employment contract, but in a case where neither party wishes to use Welsh during the proceedings. The proposed expansion of the circumstances noted by paragraph 4 of the PD would allow the need for a Welsh speaking judge to be considered.

12.3.3 The CPRC proposes the following would be a form of wording of an amended Practice Direction (paragraph 4.1),

“.....a case in which the Welsh language is to be used or where the Court determines there is a genuine dispute as to interpretation of written content in Welsh, to include legislative content, is listed-

.....“

12.3.4 Determination of whether there is a dispute as to the interpretation of Welsh language text would remain a judicial decision.

12.3.5 The reference to a Welsh language assessor in the Devolution PD would if the PD were not revoked be removed.

12.3.6. Option 3 is the preferred option of the CPRC.

QUESTION 3 – Which of the proposed 3 Options do you favour and why?

13. If Option 3 were adopted, the CPRC notes a further amendment to the Practice Direction could include an amendment to the listing provision. The current wording for cases where the Welsh language is to be used is that it should be listed before a Welsh speaking judge “Wherever practicable”. There is in addition a requirement for referral to the Liaison Judge for

the Welsh language. An alternative approach would be that such cases “must be heard by a Welsh speaking judge unless there are good reasons for not doing so”. Judicial availability and other factors within the Overriding Objective such as delay would be applicable.

QUESTION 4 – Do you favour the provision as to listing provisions within the PD to remain as present (“wherever practicable”) or favour an amendment to “must be heard by a Welsh speaking judge unless there are good reasons for not doing so”?