

Appeal Nos: A3/2020/0449
Case No: TC/2016/00963

**IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT
(ADMINISTRATIVE COURT IN WALES)
The Honourable Mr Justice Fraser**

BEFORE:

**SIR GEOFFREY VOS, CHANCELLOR OF THE HIGH COURT
LADY JUSTICE NICOLA DAVIES
and
LORD JUSTICE LEWIS**

BETWEEN

**The Queen on the application of
ANNE-MARIE DRIVER**

Claimant/Respondent

-and-

**RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL**

Defendant/Appellant

-and-

(1) THE WELSH LANGUAGE COMMISSIONER

-and-

(2) THE WELSH MINISTERS

Interveners

ORDER

UPON HEARING Mr Julian Milford QC and Ms Katherine Eddy for the Appellant, Mr Rhodri Williams QC and Ms Nia Gowman for the Respondent, Mr Owain Rhys James for the Welsh Language Commissioner and upon consideration of written submissions from Mr Gwion Lewis for the Welsh Ministers

AND UPON the appeal having been heard on 8 and 9 December 2020

IT IS ORDERED THAT:

I. The appeal be allowed on grounds 1, 2, 3, 4(b) and 5.

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2. Paragraphs 1 and 3 of the Order of Mr Justice Fraser dated 30 July 2020 pursuant to which the Respondent was granted judicial review on Grounds 1 and 2(g) and the Appellant's decision of 18 July 2019 was quashed and the Order of Mr Justice Fraser dated 24 September 2020 made at the consequential matters hearing pursuant to which the Appellant was ordered to pay the Respondent's costs be set aside.
3. The Respondent shall pay the Appellant's costs of and occasioned by the Respondent's claim for judicial review (including the Appellant's costs of this appeal), to be assessed on the standard basis if not agreed.
4. Paragraph 3 of this Order shall not be enforced save following and in accordance with a determination by a Costs Judge of the amount which it is reasonable for the Respondent to pay in accordance with section 26(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and regulations 15 and 16 of the Civil Legal Aid (Costs) Regulations 2013.
5. The Respondent's costs of the claim (including the Respondent's costs of this appeal) shall be the subject of a detailed assessment in accordance with the Civil Legal Aid (Costs) Regulations 2013.

Dated 21 December 2020.