

**2010 No. 713 (W. 69)**

**LOCAL GOVERNMENT,  
WALES**

**The Valuation Tribunal for Wales  
Regulations 2010**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations create a single valuation tribunal for Wales (“VTW”). The VTW replaces four tribunals (“the old tribunals”) and the valuation tribunal service for Wales.

These Regulations are made under sections 140(4) and 143(1) and (2) of, and paragraphs 1, 4 to 8, 11, 12 and 14 to 16 of Schedule 11 to, the Local Government Finance Act 1988 and section 24 of the Local Government Finance Act 1992. Parts 1-4 of these Regulations come into force on 1 April 2010 and Parts 5 and 6 come into force on 1 July 2010.

The VTW will deal with appeals made under the statutory provisions as defined in regulation 3.

The VTW will commence dealing with such appeals on 1 July 2010. All appeals up to and including 30 June 2010 will be transferred to the VTW.

These Regulations revoke the Valuation Tribunals (Wales) Regulations 2005 (“the 2005 Regulations”).

Part 2 of these Regulations provides for the establishment of the VTW, its Governing Council and the appointment of members, the president of the VTW, regional representatives and chairpersons.

Regulation 4 establishes the VTW on 1 April 2010.

Regulation 5 establishes the Governing Council on 1 July 2010.

Regulations 6 to 8 provide for the membership of the Governing Council and its functions.

Regulations 9 and 10 and Schedule 1 make provision for the number of members of the VTW, the number to

be appointed by each appointing council and President, and their appointment and duration of membership.

Regulations 11 and 12 deal with the appointment of the VTW's President and its Chairpersons.

Regulation 13 deals with the appointment of four regional representatives (who will be members of the Governing Council) and their deputies.

Regulation 14 provides for the circumstances in which a person is to be disqualified from membership.

Part 3 of these Regulations relates to staff, allowances for members, administration, accommodation and equipment.

Regulations 15 and 16 provide for the appointment of a Chief Executive (who is to be clerk to the VTW) and the appointment of other employees. The chief executive of the former tribunal valuation service for Wales is to be the first Chief Executive of the VTW. Regulation 15 also deals with the delegation of the Chief Executive's functions.

Regulation 17 provides for allowances to be payable to members of the VTW as the Welsh Ministers determine.

Regulations 18 to 20 relate to administration, accommodation and equipment of the VTW.

Part 4 contains transitional provisions.

Regulation 21 provides for members of the old tribunals to transfer to the VTW.

Regulation 22 provides that chairpersons of the old tribunals are to be chairpersons of the VTW.

Regulation 23 provides for the transfer of staff of the former valuation tribunal service for Wales to the VTW.

Regulation 24 deals with the transfer of property, rights and liabilities of the former valuation tribunal service for Wales to the VTW.

Regulations 25 and 26 make provision in relation to transferred appeals and the winding up of the old tribunals and the former valuation tribunal service for Wales.

Part 5 provides for the procedure for dealing with appeals in relation to council tax, largely re-enacting the provisions in the 2005 Regulations.

Part 6 deals with revocations and amendments consequential on these Regulations.

**2010 No. 713 (W. 69)**

**LOCAL GOVERNMENT,  
WALES**

**The Valuation Tribunal for Wales  
Regulations 2010**

*Made* 9 March 2010

*Laid before the National Assembly for Wales  
11 March 2010*

*Coming into force in accordance with  
regulation 1(2)*

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The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State under sections 140(4) and 143(1) and (2) of, and paragraphs 1, 4 to 8, 11, 12 and 14 to 16 of Schedule 11 to, the Local Government Finance Act 1988<sup>(1)</sup> and section 24 of the Local Government Finance Act 1992<sup>(2)</sup> and now vested in them, and after consultation with the Administrative Justice and Tribunals Council

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- (1) 1988 c.41. The functions of the Secretary of State under sections 140(4) and 143(1) and (2) of, and paragraphs 1, 4 to 8, 11, 12, 14 to 16 of Schedule 11 to, the Local Government Finance Act 1988 and section 24 of the Local Government Finance Act 1992 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are now vested in the Welsh Ministers. Schedule 11 to the 1988 Act was amended by Schedule 15 to the Local Government and Public Involvement in Health Act 2007 so as to make provision for the Valuation Tribunal for England and make consequential amendments in respect of the remaining provisions of Schedule 11 in so far as they related to Wales.
  - (2) 1992 c.14 (see footnote above regarding transfer of functions).

in accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007<sup>(1)</sup>:

## PART 1

### General

#### **Title and commencement**

**1.**—(1) The title of these Regulations is The Valuation Tribunal for Wales Regulations 2010.

(2) Regulations 1 to 26 come into force on 1 April 2010 and the remaining regulations come into force on 1 July 2010.

#### **Application**

**2.** These Regulations apply in Wales only.

#### **Interpretation**

**3.**—(1) In these Regulations, unless the context otherwise requires—

“the 1988 Act” (“*Deddf 1988*”) means the Local Government Finance Act 1988;

“the 1992 Act” (“*Deddf 1992*”) means the Local Government Finance Act 1992;

“the 2005 Regulations” (“*Rheoliadau 2005*”) means the Valuation Tribunals (Wales) Regulations 2005<sup>(2)</sup>;

“appeal” (“*apêl*”) means an appeal under—

- (a) section 16 (appeals : general) of the 1992 Act;
- (b) paragraph 3 of Schedule 3 (penalties) to the 1992 Act;
- (c) regulations made under section 24 of the 1992 Act<sup>(3)</sup>;
- (d) regulations made under section 55 of the 1988 Act<sup>(4)</sup>;
- (e) paragraph 4 of Schedule 4A (completion notices) to the 1988 Act (in these Regulations called an “appeal against a completion notice”)<sup>(5)</sup>;

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(1) 2007 c.15.

(2) S.I. 2005/3364 (W.261).

(3) See S.I. 1993/290.

(4) See S.I. 2005/758 (W.63).

(5) Schedule 4A was inserted by the Local Government and Housing Act 1989 (c.42), section 139 and Schedule 5, paragraphs 36 and 79(3).

(f) paragraph 5C of Schedule 9 (civil penalties) to the 1988 Act<sup>(1)</sup>; and

(g) section 45 of the Land Drainage Act 1991<sup>(2)</sup>; “billing authority” (“*awdurdod bilio*”) means a billing authority as defined in section 1(2) of the 1992 Act;

“Chairperson” (“*Cadeirydd*”) means a Chairperson of the Valuation Tribunal appointed under regulation 12;

“chief executive” (“*prif weithredwr*”) means the person appointed under regulation 15;

“Governing Council” (“*Cyngor Llywodraethu*”) means the Governing Council of the Valuation Tribunal established under regulation 5;

“old Service” (“*hen Wasanaeth*”) means the Valuation Tribunal Service for Wales established by the 2005 Regulations;

“old Tribunal” (“*hen Dribiwnlys*”) means a valuation tribunal in Wales which existed immediately before 1 July 2010;

“President” (“*Llywydd*”) means the President of the Valuation Tribunal appointed under regulation 11;

“regional representative” (“*cynrychiolydd rhanbarthol*”) means a regional representative appointed under regulation 13; and

“Valuation Tribunal” (“*Tribiwnlys Prisio*”) means the Valuation Tribunal for Wales established under regulation 4.

(2) References to regulations, Parts and Schedules are, unless otherwise stated, references to regulations and Parts of, and Schedules to, these Regulations.

## PART 2

### Establishment of the Valuation Tribunal for Wales

#### **Establishment of the Valuation Tribunal for Wales**

4. On 1 April 2010 there will be established the Valuation Tribunal for Wales.

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(1) Paragraph 5C was inserted by the Local Government Act 2003 (c.26), section 72(1) and (4); and sub-paragraph 5C(7) was inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), section 220(1) and Schedule 16, paragraphs 2 and 5.

(2) 1991 c.59.

### **Establishment of the Governing Council**

5. On 1 July 2010 there will be established a Governing Council for the Valuation Tribunal.

### **Membership of the Governing Council**

6.—(1) The membership of the Governing Council will consist of :

- (a) the President of the Valuation Tribunal appointed in accordance with regulation 11;
- (b) the regional representatives (but not the deputy regional representatives) appointed in accordance with regulation 13; and
- (c) any person appointed by the Welsh Ministers under regulation 7.

(2) If a regional representative as described in paragraph (1)(b) is unable, through illness or absence or any other cause, to act as a member of the Governing Council, then the deputy regional representative for that region may take the place of the regional representative and shall have the same powers as the regional representative who is unable to act.

### **Welsh Ministers' appointee**

7.—(1) The Welsh Ministers may appoint one person to the Governing Council.

(2) This regulation is subject to the provisions of regulation 21(4) concerning the appointment to the Governing Council on 1 July 2010.

(3) The Welsh Ministers may, after consultation with the President, give to any person appointed under paragraph (1) notice in writing giving such notice of termination of office as they determine.

### **Functions of the Governing Council**

8.—(1) The functions of the Valuation Tribunal under Parts 2 to 4 (except regulation 18(1)) will be performed on its behalf by the Governing Council.

(2) The Governing Council may determine that the functions of the Valuation Tribunal under Parts 2 to 4 (except regulation 18(1)) may be performed on its behalf by two or more members of the Governing Council one of whom must be the President.

(3) Paragraph (2) does not apply to the appointment of the chief executive.

(4) Paragraphs (1) and (2) are subject to the provisions in regulations 16(6), 17 and Schedule 2 conferring functions on the chief executive.



### **Appointment of Valuation Tribunal members**

**9.**—(1) Subject to the following paragraphs of this regulation, the members of the Valuation Tribunal, will consist of those persons appointed by the councils prescribed in column 3 of Schedule 1 (“the councils”) and the President jointly.

(2) The number of members to be appointed by a council and the President is the number specified in relation to that council in column 4 of Schedule 1.

(3) For the purposes of this regulation, a vacancy only occurs when the number of members appointed by a council and the President falls below the number specified in relation to that council in column 4 of Schedule 1.

(4) Where at the expiry of three months from a vacancy occurring in the Valuation Tribunal a council and the President have failed to make an appointment in accordance with paragraph (1), that appointment may be made by the Welsh Ministers after consultation with the President.

(5) No appointment under paragraph (1) will be valid if its effect would be that the number of members of the Valuation Tribunal, appointed by a council and the President, who are members of the council exceed the number specified in relation to the council in column 5 of Schedule 1.

(6) Paragraph (5) must not be construed as affecting the validity of the appointment of a member of the Valuation Tribunal who becomes a member of a council after that person’s appointment takes effect.

(7) This regulation is subject to the provisions of regulation 21 concerning the appointment of members on 1 July 2010.

### **Duration of membership of the Valuation Tribunal**

**10.**—(1) Each appointment of a member under regulation 9 will have effect for such period not exceeding six years as the person or persons making the appointment may specify.

(2) Each member will hold office until whichever of the following first occurs—

- (a) the period specified under paragraph (1) expires;
- (b) notice of that member’s removal under paragraph (3) takes effect;
- (c) that member becomes disqualified from membership as provided in regulation 14;
- (d) that member resigns the office by notice in writing to the President.

(3) The chief executive will, if so directed by the Welsh Ministers, after the Welsh Ministers have consulted with the relevant council and with the

President, by notice in writing give a member such period of notice of termination of office under this paragraph as may be directed.

### **The President of the Valuation Tribunal**

**11.**—(1) The first appointment to the office of President is to be made in accordance with Part 1 of Schedule 2 but subject to Part 2 of that Schedule.

(2) In the case of a subsequent vacancy occurring in the office of the President, the members of the Valuation Tribunal must in accordance with Part 1 of Schedule 2 appoint a person to be President.

(3) Where no appointment has taken place in accordance with Schedule 2, the Welsh Ministers must, after consultation with such of the members of the Valuation Tribunal as they see fit, appoint one of the Valuation Tribunal's members to be President.

(4) The President appointed under this regulation will hold office until whichever of the following first occurs—

- (a) the expiration of the period of two years from the date on which the President takes office (and for the purposes of this paragraph the first appointee to the office of President is to be regarded as taking office on 1 July 2010);
- (b) the President ceases to be a member of the Valuation Tribunal;
- (c) notice of the President's resignation under paragraph (5) takes effect;
- (d) notice of termination under paragraph (6) takes effect.

(5) The President may resign office by giving not less than one month's notice in writing to the Welsh Ministers.

(6) The Welsh Ministers may, after consultation with such of the members of the Valuation Tribunal as they see fit, by giving notice in writing to the President terminate the President's appointment as such.

(7) If the President is unable, through illness or absence or any other cause, to carry out the President's functions under these Regulations, then those functions must be carried out by such member of the Governing Council as that Council from time to time determines.

(8) The President may authorise the President's function of appointment under regulation 9(1) to be discharged by a regional representative; and in this paragraph "regional representative" excludes a deputy regional representative.

## **Chairpersons of the Valuation Tribunal**

**12.—**(1) The number of members of the Valuation Tribunal to be appointed to the position of Chairperson will be determined by the Valuation Tribunal.

(2) The President will constitute one of the Chairpersons and the members of the Valuation Tribunal must, in accordance with Part 1 of Schedule 2 but subject to regulation 22, appoint the remaining number of Chairpersons within the prescribed period by election from among their number.

(3) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the Welsh Ministers must, after consultation with the President, appoint the appropriate number of members to be Chairpersons.

(4) A Chairperson appointed under this regulation will hold office until whichever of the following first occurs—

- (a) that Chairperson ceases to be a member of the Valuation Tribunal;
- (b) that Chairperson resigns by giving notice in writing to the President;
- (c) notice of termination under paragraph (5) takes effect.

(5) The President—

- (a) may, after consultation with the Governing Council, by giving notice in writing to a Chairperson terminate that Chairperson's office; and
- (b) must, if so directed by the Welsh Ministers, give a Chairperson notice in writing terminating that Chairperson's office, which notice will take effect on the expiry of such period as may be so directed.

(6) Before giving a direction under paragraph (5)(b) the Welsh Ministers must consult the President.

(7) In this regulation—

“the appropriate number” (“*y nifer priodol*”) means the determined number less the number of persons for the time being holding office as Chairperson;

“the determined number” (“*y nifer rhagnodedig*”) means the number determined by the Valuation Tribunal in pursuance of paragraph (1);

“the prescribed period” (“*y cyfnod rhagnodedig*”) means three months beginning with a vacancy occurring among the determined number.

## **Regional representatives of the Valuation Tribunal**

**13.—**(1) The first appointments to the offices of regional representative and deputy regional

representative (in this regulation called “regional representative”) are to be made in accordance Part 1 of Schedule 2 but subject to Part 2 of that Schedule.

(2) In the case of subsequent vacancies occurring in the office of regional representative the members of the Valuation Tribunal must, in accordance with Part 1 of Schedule 2, appoint a regional representative or a deputy regional representative (as the case may be) for that region from among their number.

(3) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the Welsh Ministers must, after consultation with the President, appoint the appropriate number of members to be regional representatives.

(4) A regional representative appointed under this regulation will hold office until whichever of the following first occurs—

- (a) the expiration of the period of two years from the date on which the regional representative takes office (and for the purposes of this paragraph the first appointees to the office of regional representative are to be regarded as taking office on 1 July 2010);
- (b) that regional representative ceases to be a member of the Valuation Tribunal;
- (c) that regional representative resigns by giving notice in writing to the President;
- (d) notice of termination under paragraph (5) takes effect.

(5) The President—

- (a) may, after consultation with the Governing Council, by giving notice in writing to a regional representative terminate that regional representative’s office; and
- (b) must, if so directed by the Welsh Ministers, give a regional representative notice in writing terminating that regional representative’s appointment, which notice will take effect on the expiry of such period as may be so directed.

(6) Before giving a direction under paragraph (5)(b) the Welsh Ministers must consult the President.

(7) In this regulation—

“the appropriate number” (*“y nifer priodol”*) means, in the case of regional representatives, four less the number of persons for the time being holding office as such; and in the case of deputy regional representatives, four less the number of persons for the time being holding office as such; and

“the prescribed period” (*“y cyfnod rhagnodedig”*) means three months beginning with 1 April 2010 and thereafter three months beginning with the

date when a vacancy for a regional representative occurs.

- (8) For the purposes of these Regulations—
- (a) there are four regions;
  - (b) the regions comprise the areas specified in column 1 of Schedule 1; and
  - (c) the regions are to be known by the corresponding name in column 2 of that Schedule.

### **Disqualification from membership of the Valuation Tribunal**

**14.**—(1) A person will be disqualified from being appointed or continuing to be a member of the Valuation Tribunal if—

- (a) that person has been adjudged bankrupt; or
- (b) that person has made an arrangement with creditors; or
- (c) that person has, within the five years immediately preceding that person's appointment, or since that person's appointment, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of three months or more without the option of a fine, whether or not that sentence has been suspended; or
- (d) that person is for the time being disqualified from being a member of a local authority; or
- (e) that person or that person's spouse or civil partner is or becomes an employee of the Valuation Tribunal.

(2) A disqualification attaching to a person by reason of paragraph (1)(a) will cease—

- (a) unless the bankruptcy order made against that person is previously annulled, on that person's discharge from bankruptcy; or
- (b) if the bankruptcy order is so annulled, on the date of the annulment.

(3) A disqualification attaching to a person by reason of paragraph (1)(b) will cease—

- (a) if that person pays that person's debts in full, on the date on which the payment is completed; or
- (b) in any other case, on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(4) For the purposes of paragraph (1)(c), the ordinary date on which the period allowed for making an appeal from a conviction expires, or, if such an appeal is made, the date on which it is finally disposed of or

abandoned or fails by reason of non-prosecution, will be deemed to be the date of the conviction.

(5) For the purposes of this regulation, “member of the Valuation Tribunal” means a member—

- (a) of the Valuation Tribunal appointed under regulation 9;
- (b) of the Governing Council appointed under regulation 7; or
- (c) of an old Tribunal appointed to the Valuation Tribunal under regulation 21.

## PART 3

### Administration

#### **Chief Executive**

**15.**—(1) The Valuation Tribunal is to have a chief executive.

(2) Appointments to the position of chief executive are to be made as follows—

- (a) the first appointment is to be by virtue of the transfer of the chief executive of the old Service to the Valuation Tribunal in accordance with regulation 23; and
- (b) subsequent appointments are to be made by the Valuation Tribunal.

(3) Appointments under paragraph (2)(b) shall be made with the consent of the Welsh Ministers.

(4) The chief executive will be the clerk to the Valuation Tribunal.

(5) References in these Regulations, except regulation 16(1), to the employees of the Valuation Tribunal include references to its chief executive.

(6) The functions of the chief executive may be delegated to other employees of the Valuation Tribunal as the chief executive so determines.

(7) Where at the expiry of six months from a vacancy occurring in the office of chief executive the Valuation Tribunal have failed to make an appointment in accordance with paragraph (2)(b), that appointment may be made by the Welsh Ministers after consultation with the President.

#### **Employees**

**16.**—(1) The Valuation Tribunal may appoint other employees as it so determines.

(2) The terms and conditions on which the employees are appointed will be such as the Valuation Tribunal may determine.

(3) The Valuation Tribunal may pay to its employees such remuneration and allowances as it may with the consent of the Welsh Ministers determine.

(4) The Valuation Tribunal may with the consent of the Welsh Ministers—

- (a) pay such pensions or gratuities to or in respect of its employees or former employees as it may determine;
- (b) pay such contributions or payments as it may determine towards provision for the payment of pensions or gratuities to or in respect of its employees or former employees; and
- (c) provide and maintain such schemes (whether contributory or not) as it may determine for the payment of pensions or gratuities to or in respect of its employees or former employees.

(5) References in paragraph (4) to pensions or gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminishment of emoluments.

(6) The administration of the remuneration and allowances of the Valuation Tribunal's employees will be the responsibility of the chief executive.

### **Allowances**

**17.**—(1) Members will be entitled to such travelling, subsistence and other allowances as the Welsh Ministers may from time to time determine.

(2) The administration of the allowances of members will be the responsibility of the chief executive.

(3) In respect of any payment under paragraph (2) the chief executive must keep a record for the Valuation Tribunal and the Governing Council of the name of the recipient, the amount and the reason for the payment, and must permit any person authorised by the Welsh Ministers to inspect and make copies of such records.

(4) For the purposes of this regulation “member” includes any person appointed under regulation 7.

### **Committees**

**18.**—(1) The Valuation Tribunal may establish committees.

(2) The Governing Council may establish sub-committees.

(3) A person who is not a member of the Valuation Tribunal may be appointed to such a committee or a sub-committee.

(4) Such a committee or sub-committee may only act in an advisory capacity.

## **Minutes**

**19.**—(1) Minutes shall be kept of proceedings of the Valuation Tribunal, the Governing Council and the other committees and sub-committees of the Valuation Tribunal and the Governing Council.

(2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by the person purporting to have acted as chairperson of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.

(3) Where minutes of any such proceedings have been signed as mentioned in paragraph (2), those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

(4) This regulation applies to meetings or determinations of members of the Governing Council when acting under regulation 8(2) as it applies to proceedings mentioned in paragraph (1).

## **Accommodation and equipment**

**20.** The Valuation Tribunal must maintain a permanent office; and the chief executive will have the function on behalf of the Valuation Tribunal of making such arrangements as will secure that it has such other accommodation and such equipment as is sufficient for the performance of its functions.

# **PART 4**

## **Transitional Provisions**

### **Appointment of members of old Tribunals**

**21.**—(1) Subject to regulation 10(2), on 1 July 2010 any person who immediately before that date was a member of an old Tribunal appointed by a council and the President of that old Tribunal will be appointed a member of the Valuation Tribunal.

(2) For the purposes of this regulation, an appointment made under paragraph (1) will be regarded as if made—

- (a) by the council which appointed the member to the old Tribunal and the President; and
- (b) on the date on which the appointment to the old Tribunal was made.

(3) Subject to regulation 10(2), on 1 July 2010 any person who immediately before that date was a member of an old Tribunal appointed by the Welsh Ministers will be appointed a member of the Valuation Tribunal.

(4) On 1 July 2010 any person who immediately before that date was a member of the Governing



Council of the old Service appointed by the Welsh Ministers will be appointed a member of the Governing Council.

(5) The Welsh Ministers may, after consultation with the President, give to any member appointed under paragraph (3) or (4) notice in writing giving such notice of termination of office as they determine.

### **Continuing appointment of Chairpersons of old Tribunals**

**22.**—(1) Subject to regulation 12(4), on 1 July 2010 any member who immediately before that date was a Chairperson of an old Tribunal will be appointed a Chairperson of the Valuation Tribunal.

(2) Regulation 12(5) applies to a Chairperson appointed under paragraph (1) as it applies to a Chairperson appointed under regulation 12(2).

### **Transfer of employees to the Valuation Tribunal**

**23.**—(1) Subject to paragraph (3), on 1 July 2010 any person who immediately before that date was employed by the old Service shall have his or her contract of employment transferred to the Valuation Tribunal and that contract will have effect as if originally made between the person so employed and the Valuation Tribunal.

(2) Without prejudice to paragraph (1)—

- (a) all the rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies will, by virtue of this regulation, be transferred to the Valuation Tribunal on the 1 July 2010;
- (b) anything done before that date by, or in relation to, the old Service in respect of that contract or that employee, will be deemed from 1 July 2010 to have been done by, or in relation to, the Valuation Tribunal.

(3) Paragraphs (1) and (2) are without prejudice to any right of any employee to terminate his or her contract of employment if a substantial change is made to his or her detriment in his or her working conditions, but no such right arises by reason only of the change in employer effected by this regulation.

### **Transfer of property, rights and liabilities**

**24.** On 1 July 2010 all the property, rights and liabilities of the old Service, not referred to in regulation 23, are transferred to the Valuation Tribunal.

## **Transferred appeals**

**25.**—(1) Any appeal to an old Tribunal which was initiated before 1 July 2010 and would, had it been initiated on or after that date, have fallen to be disposed of by the Valuation Tribunal established by regulation 4, will be transferred on 1 July 2010 to, and disposed of by, the Valuation Tribunal.

(2) On and after 1 July 2010—

- (a) the relevant statutory provisions will apply as if anything done in relation to the appeal by or in relation to the old Tribunal from which it is transferred or the Clerk, the President or a Chairperson of that old Tribunal, had been done by or in relation to the Valuation Tribunal or, as the case may be, the Clerk, the President or a Chairperson of the Valuation Tribunal, and
- (b) any reference (however framed) to a Clerk, President or a Chairperson of an old Tribunal in the relevant statutory provisions or instruments made under them will, so far as is required for giving effect to this regulation, be construed as a reference to the Clerk or, as the case may be, the President or a Chairperson of the Valuation Tribunal.

(3) In this regulation “the relevant statutory provisions” means —

- (a) in relation to appeals under section 16 of, or paragraph 3(1) of Schedule 3 to, the 1992 Act, these Regulations;
- (b) in relation to appeals under regulations made under section 24 of the 1992 Act, those regulations;
- (c) in relation to appeals under Schedule 4A to the 1988 Act (completion notices), under paragraph 5C of Schedule 9 (civil penalties) of the 1988 Act and under regulations made under section 55 of the 1988 Act (“those Regulations”), those Regulations;
- (d) in relation to appeals under section 45 of the Land Drainage Act 1991, that Act.

## **Winding Up**

**26.**—(1) The old Tribunals and the old Service will cease to exist on 1 July 2010.

(2) Subject to regulation 10, the members of the old Tribunals on 30 June 2010 will cease to hold office as such at the end of that day.

(3) The presidents of the old Tribunals on 30 June 2010 will cease to hold office as such at the end of that day.

## PART 5

### Council Tax Appeals

#### Interpretation

**27.**—(1) In this Part—

“appeal” (“*apêl*”), unless the context otherwise requires, means an appeal under—

- (a) section 16 (appeals: general) of the 1992 Act;
- (b) paragraph 3(1) of Schedule 3 (penalties) to the 1992 Act; or
- (c) paragraph 4 of Schedule 4A to the 1988 Act as it applies for the purposes of Part I of the 1992 Act (in this Part called an “appeal against a completion notice”)(**1**);

“Appeal Panel” (“*Panel Apêl*”) means the members of the Valuation Tribunal convened in accordance with this Part for the purpose of disposing of an appeal;

“Clerk” (“*Clerc*”) means —

- (a) the chief executive; and
- (b) any other employee of the Valuation Tribunal appointed under regulation 15(6) to whom some or all of the functions of the Clerk in this Part have been delegated;

“list” (“*rhestr*”) means a valuation list compiled under Chapter 2 of Part 1 of the 1992 Act;

“listing officer” (“*swyddog rhestru*”) in relation to an appeal, means the officer appointed under section 20 for the authority in whose area the dwelling to which the appeal relates is situated;

“notice of appeal” (“*hysbysiad am apêl*”) means a notice under regulation 30(1); and

“penalty” (“*cosb*”) means a penalty imposed under paragraph 1 of Schedule 3 to the 1992 Act.

(2) Any reference in this Part —

- (a) to a party to an appeal, includes the appellant and any person entitled in pursuance of this Part to be served with a copy of the appellant’s notice of appeal; and
- (b) to a numbered section is, unless the context otherwise requires, a reference to the section so numbered in the 1992 Act.

#### Appeal Panels in special circumstances

**28.**—(1) Where the appellant is—

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(1) Section 17 of the 1992 Act applies Schedule 4A to the 1988 Act (with the exception of paragraph 6) for the purposes of Part 1 of the 1992 Act.

- (a) a former member of an old Tribunal,
- (b) a former employee of an old Tribunal, of the old Service or of the Valuation Tribunal, or
- (c) an employee or member of the Valuation Tribunal;

the appeal must be dealt with by such members of the Valuation Tribunal as may be appointed for that purpose by the President.

(2) Where it appears to the President that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the Valuation Tribunal, the President must appoint other members to deal with that appeal.

### **Time limits**

**29.**—(1) An appeal by a person in relation to whom the condition mentioned in section 16(7)(a) or (b) is fulfilled will be dismissed unless it is initiated in accordance with this Part not later than the expiry of two months beginning with the date of service of the billing authority's notice under that section.

(2) When the condition mentioned in section 16(7)(c) is fulfilled, an appeal by the aggrieved person will be dismissed unless it is initiated within four months of the date of service of that person's notice under section 16(4).

(3) An appeal under paragraph 3 of Schedule 3 to the 1992 Act will be dismissed unless it is initiated not later than the expiry of two months beginning with the date of service of written notice of the imposition of the penalty.

(4) An appeal against a completion notice will be dismissed unless it is initiated not later than the expiry of four weeks beginning with the date of service of the notice.

(5) Notwithstanding paragraphs (1) to (4), the President may authorise an appeal to be entertained where the President is satisfied that the failure of the person aggrieved to initiate the appeal as provided by this regulation has arisen by reason of circumstances beyond that person's control.

### **Initiating an appeal**

**30.**—(1) An appeal must be initiated by serving on the Clerk a notice in writing.

(2) Where the appeal is made under section 16, the notice of appeal must contain the following information—

- (a) the grounds on which the appeal is made;

- (b) the date on which the notice under section 16(4) was served on the billing authority; and
- (c) the date, if any, on which the appellant was notified by the authority as mentioned in section 16(7)(a) or (b).

(3) Where the appeal is an appeal against a completion notice, the notice of appeal must be accompanied by—

- (a) a copy of the completion notice; and
- (b) a statement of the grounds on which the appeal is made.

(4) Where the appeal is against the imposition of a penalty, the notice of appeal must contain the following information—

- (a) the grounds on which the appeal is made; and
- (b) the date of service of written notice of the imposition of a penalty.

(5) The Clerk must, within two weeks of service of the notice of appeal, notify the appellant that the Clerk has received the notice, and must serve a copy of it on the billing authority whose decision, action or notice is the subject of the appeal, and any other billing authority appearing to the Clerk to be concerned with the matter.

#### **Arrangements for appeals**

**31.—**(1) The President must secure that arrangements are made for appeals to be determined in accordance with the following provisions of this Part.

(2) This paragraph applies where an appeal under this Part and an appeal under one or more of the following—

- (a) regulations made under section 55 of the 1988 Act,
- (b) regulations made under section 24,

relate to the same property.

(3) Where paragraph (2) applies—

- (a) the President will secure that the appeals are dealt with in such order as appears to the President best designed to secure the interests of justice;
- (b) the valuation officer or the listing officer (as the case may be) and the billing authority must be joined as a party to an appeal under this Part;

(4) In paragraph (3), “valuation officer” means the officer appointed under section 61(1)(a) of the 1988 Act.

(5) The Clerk must as soon as is reasonably practicable serve a copy of the notice of appeal on a

person who has been made a party in accordance with paragraph (3).

### **Withdrawal**

**32.**—(1) An appeal may be withdrawn by notice in writing given to the Clerk before the commencement of a hearing or of consideration of written representations by an Appeal Panel.

(2) The Clerk must notify the appellant when the notice of withdrawal has been received, and must serve a copy of the notice on all the other parties to the appeal.

### **Disposal by written representations**

**33.**—(1) An appeal may be disposed of on the basis of written representations if all the parties have given their agreement in writing.

(2) Where all the parties have given their agreement as mentioned in paragraph (1), the Clerk must serve notice on the parties accordingly; and, within four weeks of service of such a notice on a party, each party may serve on the Clerk a notice stating—

- (a) the reasons or further reasons for the disagreement giving rise to the appeal; or
- (b) that party does not intend to make further representations.

(3) A copy of any notice served in pursuance of paragraph (2) must be served by the Clerk on the other party or parties to the appeal, and must be accompanied by a statement of the effect of paragraphs (4) and (5).

(4) Any party on whom a notice is served under paragraph (3) may, within four weeks of that service, serve on the Clerk a further notice stating that party's reply to the other party's statement, or that that party does not intend to make further representations, as the case may be; and the Clerk must serve a copy of any such further notice on the other party or parties.

(5) After the expiry of four weeks beginning with the expiry of the period of four weeks mentioned in paragraph (4) the Clerk must submit to an Appeal Panel copies of—

- (a) any information transmitted to the Clerk under these Regulations, and
- (b) any notice under paragraph (2) or (4).

(6) The Appeal Panel to which an appeal is referred as provided in paragraph (5) may if it thinks fit—

- (a) require any party to furnish in writing further particulars of the grounds relied on and of any relevant facts or contentions; or
- (b) order that the appeal be disposed of on the basis of a hearing.

(7) Where an Appeal Panel requires any party to furnish any particulars under paragraph (6)(a), the Clerk must serve a copy of such particulars on every other party, and each such party may within four weeks of such service serve on the Clerk any further statement they wish to make in response.

### **Notice of hearing**

**34.**—(1) Where the appeal is to be disposed of on the basis of a hearing, the Clerk must, not less than four weeks before the date in question, serve on the parties notice of the date, time and place appointed for the hearing.

(2) The Clerk will advertise the date, time and place appointed for any hearing by causing a notice giving such information to be conspicuously displayed—

- (a) outside an office of the billing authority appointed by the authority for that purpose, or
- (b) in another place within that authority's area.

(3) The notice required by paragraph (2) must name a place where a list of the appeals to be heard may be inspected.

(4) Where the hearing of an appeal has been postponed, the Clerk must take such steps as are reasonably practicable in the time available—

- (a) to notify the parties of the postponement; and
- (b) to advertise the postponement.

### **Disqualification from participating**

**35.**—(1) A person will be disqualified from participating as a member in the hearing or determination of, or acting as Clerk or officer of the Valuation Tribunal in relation to, an appeal if that person is a member of the relevant billing authority.

(2) In this regulation “relevant billing authority” means—

- (a) in the case of an appeal against a completion notice, the billing authority in whose area is situated the dwelling which is the subject matter of the appeal; and
- (b) in any other case, the billing authority whose decision is being appealed against.

(3) A person will be disqualified from participating as a member in the hearing or determination of, or acting as Clerk or officer of the Valuation Tribunal in relation to, an appeal if the appellant is that person's spouse, civil partner or that person supports the appellant financially or is liable to do so.

(4) A person will not otherwise be disqualified from acting in any capacity in relation to an appeal by reason only of the fact that that person is a member of an

authority which derives revenue directly or indirectly from payments in respect of council tax which may be affected by the exercise of that person's functions.

### **Representation at the hearing**

**36.** Any party to an appeal which is to be decided at a hearing may appear in person (with assistance, if wished, from any person), or be represented by counsel or solicitor, or any other representative (other than a person who is a member of the Valuation Tribunal or the Governing Council or an employee of the Valuation Tribunal).

### **Conduct of the hearing – Appeal Panels**

**37.—**(1) Subject to paragraph (2), the Valuation Tribunal's function of hearing or determining an appeal will be discharged by a panel of three members of the Valuation Tribunal ("an Appeal Panel") which must include at least one Chairperson; and a Chairperson will preside.

(2) Where all parties to an appeal who appear so agree, the appeal may be decided by two members of an Appeal Panel, and notwithstanding the absence of a Chairperson.

(3) The hearing must take place in public, unless the Appeal Panel otherwise orders on the application of a party and on being satisfied that the interests of that party would be prejudicially affected by a public hearing.

(4) If the appellant fails to appear at the hearing, the Appeal Panel may dismiss the appeal, and if any other party does not appear the Appeal Panel may hear and determine the appeal in that party's absence.

(5) The Appeal Panel may require any witness to give evidence under oath or affirmation, and will have power for that purpose to administer an oath or affirmation in due form.

(6) Parties at the hearing may be heard in such order as the Appeal Panel may determine, and may examine any witness before the Appeal Panel and call witnesses.

(7) A hearing may be adjourned for such time, to such place and on such terms (if any) as the Appeal Panel thinks fit; and reasonable notice of the time and place to which the hearing has been adjourned must be given to every party.

(8) If it thinks fit an Appeal Panel may, after notice to the parties inviting them to be present, inspect any dwelling which is the subject of an appeal.

(9) Subject to any provisions of this Part, the Appeal Panel—

- (a) must conduct the hearing in such manner as it considers most suitable to the clarification of



the issues before it and generally to the just handling of the proceedings;

- (b) must, so far as appears to it appropriate, seek to avoid formality in its proceedings; and
- (c) will not be bound by any enactment or rule of law relating to the admissibility of evidence before courts of law.

**Evidence: general**

**38.**—(1) This regulation applies to information supplied in pursuance of regulations under section 13 or Schedule 2 to the 1992 Act.

(2) Subject to the following provisions of this regulation, information to which this regulation applies will in any relevant proceedings be admissible as evidence of any fact stated in it; and any document purporting to contain such information will, unless the contrary is shown, be presumed—

- (a) to have been supplied by the person by whom it purports to have been supplied; and
- (b) to have been supplied by that person in any capacity in which it purports to have been supplied.

(3) Information to which this regulation applies must not be used in any relevant proceedings by a billing authority unless—

- (a) not less than two weeks' notice, specifying the information to be so used and the dwelling or person to which or to whom it relates, has previously been given to every other party to the proceedings; and
- (b) any person who has given not less than 24 hours' notice of that person's intention to do so has been permitted by that authority at any reasonable time—
  - (i) to inspect the documents and other media in or on which such information is held; and
  - (ii) to make a copy of, or of any extract from, any document containing such information.

(4) If any information required to be made available for inspection in accordance with this regulation is not maintained in documentary form, the duty to make it so available is satisfied if a print-out, photographic image or other reproduction of the information, which has been obtained from the storage medium adopted in relation to that information, is made available for inspection.

(5) In this regulation “relevant proceedings” means any proceedings on or in consequence of an appeal, and

any proceedings on or in consequence of a reference to arbitration under regulation 45.

### **Evidence of lists and other documents**

**39.**—(1) The contents of a list may be proved by the production of a copy of the list, or of the relevant part, purporting to be certified to be a true copy by the listing officer.

(2) The contents of a completion notice may be proved by the production of a copy of it purporting to be certified to be a true copy by the proper officer of the billing authority.

(3) In paragraph (2) “proper officer” has the same meaning as in the Local Government Act 1972<sup>(1)</sup>.

### **Decisions on appeals**

**40.**—(1) An appeal may be decided by a majority of the members participating; and where (pursuant to regulation 37(2)) it falls to be disposed of by two members and they are unable to agree, it must be remitted by the Clerk to be decided by an Appeal Panel consisting of three different members.

(2) Where an appeal is disposed of on the basis of a hearing, the decision of the Appeal Panel may be reserved or given orally at the end of the hearing.

(3) Subject to paragraph (4), as soon as is reasonably practicable after a decision has been made, it must—

- (a) in the case of a decision given orally, be confirmed,
- (b) in any other case, be communicated,

by notice in writing to the parties; and the notice must be accompanied by a statement of the reasons for the decision.

(4) Nothing in paragraph (3) will require notice to be given to a party if it would be repetitive of any document supplied to that person in accordance with regulation 43.

(5) In the case of an appeal against a completion notice, the Clerk must send notice of the decision to the listing officer appointed for the billing authority which is a party to the appeal.

(6) In this regulation, “member” means a member of an Appeal Panel.

### **Orders**

**41.**—(1) On or after deciding an appeal the Appeal Panel may, in consequence of the decision, by order require—

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(1) 1972 c.70.

- (a) an estimate to be quashed or altered;
- (b) a penalty to be quashed;
- (c) the decision of a billing authority to be reversed;
- (d) a calculation (other than an estimate) of an amount to be quashed and the amount to be recalculated.

(2) An order may require any matter ancillary to its subject-matter to be attended to.

### **Review of decisions**

**42.**—(1) Subject to paragraphs (2) and (3), an Appeal Panel constituted as provided in paragraph (4) will have power on written application by a party to review or set aside by certificate under the hand of the presiding member—

- (a) any decision on any of the grounds mentioned in paragraph (5), and
- (b) a decision on an appeal against a completion notice, on the additional ground mentioned in paragraph (6).

(2) Paragraph (1) does not apply where an appeal against the decision in question has been determined by the High Court.

(3) An application under paragraph (1) may be dismissed if it is not made within the period of four weeks beginning on the day on which notice is given (whether in accordance with regulation 40(3) or regulation 43(3)) of the decision in question.

(4) So far as is reasonably practicable, the Appeal Panel appointed to review a decision will consist of the same members as constituted the Appeal Panel which took the decision.

(5) The grounds referred to in paragraph (1)(a) are—

- (a) that the decision was wrongly made as a result of clerical error;
- (b) that a party did not appear and can show reasonable cause why that party did not do so;
- (c) that the decision is affected by a decision of, or a decision on appeal from, the High Court or the Upper Tribunal in relation to an appeal in respect of the dwelling which, or, as the case may be, the person who, was the subject of the Appeal Panel's decision; and
- (d) the interests of justice otherwise require such a review.

(6) The ground mentioned in paragraph (1)(b) is that new evidence, the existence of which could not have been ascertained by reasonably diligent inquiry or could not have been foreseen, has become available

since the conclusion of the proceedings to which the decision relates.

(7) If an Appeal Panel sets aside a decision in pursuance of this regulation, it must revoke any order made in consequence of that decision and must order a re-hearing or redetermination before either the same or a different Appeal Panel.

(8) The Clerk must as soon as reasonably practicable notify the parties to the appeal in writing of—

- (a) a determination that the Appeal Panel will not undertake a review under paragraph (1);
- (b) the determination of the Appeal Panel, having undertaken a review under paragraph (1), that it will not set aside the decision concerned;
- (c) the issue of any certificate under paragraph (1); and
- (d) the revocation of any order under paragraph (7).

(9) Where in relation to a decision in respect of which an application under paragraph (1) is made, an appeal to the High Court remains undetermined on the relevant day, the Clerk must notify the High Court as soon as reasonably practicable after the occurrence of the relevant event.

(10) In paragraph (9)—

“the relevant day” (“*diwrnod perthnasol*”) means the day on which, as the case may be,—

- (a) the application under paragraph (1) is made;
- (b) the event referred to in any of sub-paragraphs (a) to (d) of paragraph (8) occurs; and

“the relevant event” (“*digwyddiad perthnasol*”), in relation to a relevant day, means the event occurring on that day.

(11) In this regulation, “member” means a member of an Appeal Panel.

### **Records of decisions, etc**

**43.**—(1) It will be the duty of the Clerk to make arrangements for each decision, each order made under regulation 41 and the effect of each certificate and revocation under regulation 42 to be recorded.

(2) Records may be kept in any form, whether documentary or otherwise, and must contain the particulars specified in Schedule 3.

(3) A copy, in documentary form, of the relevant entry in the record must, as soon as reasonably practicable after the entry has been made, be sent to each party to the appeal to which the entry relates.

(4) Each record must be retained for the period of six years beginning on the day on which an entry was last made in it.

(5) Any person may, at a reasonable time stated by or on behalf of the Valuation Tribunal and without making payment, inspect the records which are required to be made by paragraph (1).

(6) If, without reasonable excuse, a person having custody of the record intentionally obstructs a person in exercising the right conferred by paragraph (5), that person will be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(7) The member who presided at the hearing or determination of an appeal may authorise the correction of any clerical error in the record, and a copy of the corrected entry must be sent to the persons to whom a copy of the original entry was sent.

(8) The production in any proceedings in any court of law of a document purporting to be certified by the Chief Executive or Clerk of an Appeal Panel to be a true copy of a record or decision of that Panel will, unless the contrary is proved, be sufficient evidence of the document and of the facts it records.

## **Appeals**

**44.**—(1) An appeal will lie to the High Court on a question of law arising out of a decision or order which is given or made by an Appeal Panel on an appeal and may be made by any party to the appeal.

(2) Subject to paragraph (3), an appeal under paragraph (1) may be dismissed if it is not made within four weeks of the date on which notice is given of the decision or order that is the subject matter of the appeal.

(3) Where in relation to an application under paragraph (1) of regulation 42 made within four weeks of the date on which notice was given of the decision which is the subject matter of the appeal —

- (a) notice is given as mentioned in paragraph (8)(a) of that regulation, or
- (b) notice is given as mentioned in paragraph (8)(b) of that regulation,

the appeal may be dismissed if it is not made within four weeks of the service of the notice under that paragraph (8)(a) or (b).

(4) The High Court may confirm, vary, set aside, revoke or remit the decision or order of an Appeal Panel, and may make any order which the Appeal Panel could have made.

(5) Billing authorities must act in accordance with any order made by the High Court; and paragraph 10A of Schedule 11 to the 1988 Act will have effect subject to this requirement.

## **Arbitration**

**45.**—(1) Where at any time before the beginning of a hearing or the consideration by an Appeal Panel of written representations it is so agreed in writing between the persons who, if a dispute were to be the subject of an appeal to the Valuation Tribunal, would be the parties to the appeal, the question will be referred to arbitration.

(2) In any arbitration in pursuance of this regulation, the award may include any order which could have been made by an Appeal Panel in relation to the question; and paragraph 10A of Schedule 11 to the 1988 Act will apply to such an order as it applies to orders recorded in pursuance of this Part.

## **Service of notices**

**46.**—(1) Without prejudice to section 233 of the Local Government Act 1972, any notice to be served by the Clerk or listing officer under this Part may be served —

- (a) by delivering it —
  - (i) to the person on whom it is to be served; or
  - (ii) to any other person authorised by them to act as their agent for the purpose;
- (b) by leaving it at or forwarding it by post to —
  - (i) the usual or last-known place of business of that person, or
  - (ii) in the case of a company, its registered office, or
  - (iii) the usual or last-known place of business or registered office of any other person authorised as mentioned in sub-paragraph (a)(ii);
- (c) by delivering it to some person on the premises to which it relates or, if there is no person on the premises to whom it can so be delivered, by fixing it to some conspicuous part of the premises;
- (d) without prejudice to the foregoing provisions of this regulation, where premises to which the notice relates are a place of business of the person on whom it is to be served, by leaving it at, or forwarding it by post addressed to that person at, that place of business; or
- (e) by electronic communication in accordance with paragraph (3) but subject as mentioned in that paragraph.

(2) Any notice to be served on the Valuation Tribunal, the Clerk, the valuation officer or the listing officer under these Regulations must be—

- (a) sent by pre-paid post or delivered by hand to the address specified for the proceedings;
- (b) sent by fax to the number specified for the proceedings; or
- (c) sent or delivered by such other method and to such address as may be agreed by the Clerk, the valuation officer or the listing officer (as the case may be) and the person by whom the notice is to be served.

(3) Subject to paragraph (4), if a party provides a fax number, email address or other details for the electronic transmission of documents to them, that party must accept service of notices and delivery of documents by that method.

(4) If a party informs the Clerk and all other parties that a particular form of communication (other than post or delivery) should not be used to serve notice on, or provide documents to, that party, that form of communication must not be used.

(5) If the Clerk or a party sends a notice to a party or the Clerk by email or any other electronic means of communication, the recipient may request that the sender provide a hard copy of the notice to the recipient.

(6) A request under paragraph (5) must be made as soon as reasonably practicable after the recipient receives the notice or document electronically.

(7) If the name of any taxpayer on whom a notice is required or authorised to be served cannot after reasonable inquiry be ascertained, the notice may be served by addressing it to “The Council Tax Payer” of the dwelling concerned (naming the dwelling), without further name or description.

(8) For the purpose of any legal proceedings, a notice given by electronic communication, shall, unless the contrary is proved, be treated as served on the second business day after it was sent.

(9) A person who has notified an address for the purpose of electronic communication shall, by notice in writing to the Clerk and the other parties, advise the Clerk and the other parties of any change in that address; and the change shall take effect on the third business day after the date on which the notice is received by the Clerk and the other parties, as the case may be.

(10) The Clerk and each party may assume that the address provided by a party or its representative is and remains the address to which documents should be sent or delivered until receiving written notification to the contrary.

(11) In this regulation —

- (a) “electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(1)</sup>;
- (b) any reference to a notice includes a reference to any other document required or authorised to be served; and
- (c) any reference to such requirement or authorisation is to a requirement or authorisation under these Regulations.

## PART 6

### Revocations and Amendments

#### **Amendment of the Council Tax (Alteration of Lists and Appeals) Regulations 1993**

**47.**—(1) The Council Tax (Alteration of Lists and Appeals) Regulations 1993<sup>(2)</sup> are amended in accordance with this regulation.

(2) In regulation 3 (interpretation of Part 2), for the definition of “relevant valuation tribunal” substitute—

““the relevant valuation tribunal”, “the valuation tribunal” and “a valuation tribunal” each mean the Valuation Tribunal for Wales”.

(3) In regulation 16 (interpretation of Part 3)—

(a) for the definition of “clerk” substitute—

““clerk”, in relation to an appeal, means the clerk of the Valuation Tribunal for Wales;”;

(b) for the definition of “tribunal” substitute—

““tribunal” means the members of the Valuation Tribunal for Wales convened in accordance with this Part for the purpose of disposing of an appeal”; and

(c) for the definition of “the relevant valuation tribunal” substitute—

““the relevant valuation tribunal”, “the valuation tribunal” and “a valuation tribunal” each mean the Valuation Tribunal for Wales”.

(4) For regulation 17 (jurisdiction: exception) there is substituted—

#### **“Jurisdiction: exception**

**17.**—(1) Where the appellant is—

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(1) 2000 c.7. Section 15(1) (interpretation) was amended by the Communications Act 2003, section 406(1), Schedule 17, paragraph 158.

(2) S.I. 1993/290.



- (a) a former member of a valuation tribunal which existed before 1 July 2010,
- (b) a former employee of a valuation tribunal which existed before 1 July 2010, of the Valuation Service for Wales established by the Valuation Tribunals (Wales) Regulations 2005 or of the Valuation Tribunal for Wales, or
- (c) an employee or member of the Valuation Tribunal for Wales,

the appeal must be dealt with by such members of the Tribunal as may be appointed for that purpose by the President of the Valuation Tribunal for Wales.

(2) Where it appears to the President of the Valuation Tribunal for Wales that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the Tribunal, the President, must appoint another tribunal to deal with that appeal.”.

(5) In regulation 18 (arrangements for appeals), for “the president of a valuation tribunal” substitute “the President of the Valuation Tribunal for Wales”.

(6) In regulation 21 (pre-hearing review), for “a chairman appointed under regulation 8 of the Valuation and Community Charge Tribunals Regulations 1989.” substitute “a Chairperson appointed under the Valuation Tribunal for Wales Regulations 2010”.

(7) In regulation 24 (representation at the hearing), for “the valuation tribunal” substitute “the Valuation Tribunal for Wales”.

(8) In regulation 25(1) (conduct of the hearing), for “a valuation tribunal’s” substitute “the Valuation Tribunal for Wales’ ”.

#### **Revocation of the Valuation Tribunals (Wales) Regulations 2005**

**48.** The Valuation Tribunals (Wales) Regulations 2005(1) are revoked.

#### **Amendment of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005**

**49.**—(1) The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005(2) are amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation: general)—

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(1) S.I. 2005/3364 (W.261).  
 (2) S.I. 2005/758 (W.63).

- (a) for the definition of “clerk” substitute—
    - ““clerk”, in relation to an appeal, means the clerk of the Valuation Tribunal for Wales;”;
  - (b) for the definition of “the relevant valuation tribunal” substitute—
    - ““the relevant valuation tribunal” means the Valuation Tribunal for Wales”;
  - (c) for the definition of “valuation tribunal” substitute—
    - ““valuation tribunal” means the members of the Valuation Tribunal for Wales convened in accordance with Part 5 for the purpose of disposing of an appeal under these Regulations”.
- (3) For regulation 22 (jurisdiction: exceptions) there is substituted—

**“Jurisdiction: exceptions**

**22.**—(1) Where the appellant is—

- (a) a former member of a valuation tribunal which existed before 1 July 2010,
- (b) a former employee of a valuation tribunal which existed before 1 July 2010, the Valuation Service for Wales established by the Valuation Tribunals (Wales) Regulations 2005 or by the Valuation Tribunal for Wales, or
- (c) an employee or member of the Valuation Tribunal for Wales,

the appeal must be dealt with by such members of the Tribunal as may be appointed for that purpose by the President of the Valuation Tribunal for Wales.

(2) Where it appears to the President of the Valuation Tribunal for Wales that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the Tribunal, the President must appoint another tribunal to deal with that appeal.”.

(4) In regulation 23(1) (arrangements for appeals), for “the president of the valuation tribunal” substitute “the President of the Valuation Tribunal for Wales”.

(5) In regulation 29 (representations at the hearing), for the “valuation tribunal” substitute “the Valuation Tribunal for Wales”.

(6) In regulation 30(1) (conduct of the hearing), for “a valuation tribunal’s” substitute “the Valuation Tribunal for Wales’ ”.

**Amendment of the Local Government Pension Scheme (Administration) Regulations 2008**

**50.** In the Local Government Pension Scheme (Administration) Regulations 2008<sup>(1)</sup>, in paragraph 23 of Schedule 2 (scheme employers), for “the Valuation Tribunal Service for Wales established under regulation 5 of the Valuation Tribunals (Wales) Regulations 2005” substitute “the Valuation Tribunal for Wales established under regulation 4 of the Valuation Tribunal for Wales Regulations 2010”.

*Carl Sargeant*

Minister for Social Justice and Local Government, one  
of the Welsh Ministers

9 March 2010

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(1) S.I. 2008/239, to which there are amendments not relevant to these Regulations.

**SCHEDULE 1**  
**Appointment of Members**

Regulation 9

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Region</b>	<b>Name</b>	<b>Councils</b>	<b>Number of members to be appointed by each council</b>	<b>Maximum number of members who are members of the council</b>
The city and county of Newport, the counties of Monmouthshire and Powys, and the county boroughs of Blaenau Gwent, Caerphilly and Torfaen	East Wales	Blaenau Gwent County Borough Council	6	2
		Caerphilly County Borough Council	10	3
		Monmouthshire County Council	6	2
		Newport City Council	8	3
		Powys County Council	12	4
		Torfaen County Borough Council	6	2
The counties of Anglesey, Gwynedd, Denbighshire and Flintshire and the county boroughs of Conwy and Wrexham	North Wales	Conwy County Borough Council	8	3
		Isle of Anglesey County Council	6	2
		Gwynedd County Council	8	3
		Denbighshire County Council	8	3
		Flintshire County Council	8	3
		Wrexham County Borough Council	8	3
The city and county of Cardiff and the county boroughs of Bridgend, Merthyr Tydfil, Rhondda, Cynon, Taff and the Vale of Glamorgan	South Wales	Bridgend County Borough Council	8	3
		County Council of the City and County of Cardiff	14	5
		Merthyr Tydfil County Borough Council	6	2

		Rhondda Cynon Taff County Borough Council	12	4
		The Vale of Glamorgan County Borough Council	8	3
The city and county of Swansea, the counties of Ceredigion, Carmarthenshire and Pembrokeshire, and the county borough of Neath and Port Talbot	West Wales	Ceredigion County Council	6	2
		Carmarthenshire County Council	10	3
		Neath Port Talbot County Borough Council	8	3
		Pembrokeshire County Council	8	3
		Swansea City and County Council	12	4

## SCHEDULE 2

Regulations 11, 12 and 13

### Election procedure

#### Part 1 - General

**1.** Eligible members must make an appointment within three months of a vacancy occurring.

**2.** The person or persons to be appointed must be a member or members of the Valuation Tribunal (but subject to paragraph 12(a)) and will be determined by election.

**3.** The Governing Council must secure that arrangements are made for ballots required by these Regulations.

**4.** The arrangements must make provision as described in paragraphs 5 to 22.

**5.** The Governing Council must fix a date for an election (“the election day”).

**6.** The chief executive must arrange for a preliminary notice of an election to be published and notified to all members at least 56 days before the election day.

**7.** Nominations to be made to the chief executive must be received by the chief executive by a day fixed by the Governing Council but not less than 35 days before the election day.

**8.** Subject to paragraph 9(a), if the number of candidates for a vacancy does not exceed the number of vacancies, the candidate or candidates are to be appointed.

**9.** —

(a) In the case of an election of both a regional representative and a deputy regional representative, if there are two or more candidates, an election by voting papers (“a poll”) must be held.

(b) In the case of other elections, if the number of persons nominated for a vacancy exceeds the number of vacancies, a poll must be held.

**10.** In the case of an election of the President—

(a) each eligible member has one vote; and

(b) the person appointed will be determined by election by a simple majority of votes cast.

**11.** In the case of an election of chairpersons—

- (a) each eligible member will have a number of votes equal to the appropriate number and may cast no more than one vote for each candidate; and
- (b) the members elected will be the appropriate number of members who have the highest number of votes cast.

**12.** In the case of an election of regional representatives—

- (a) the person to be appointed must be –
  - (i) a member of the Valuation Tribunal who was appointed by the President and by a council within the region in which the vacancy for the regional representative arises; and
  - (ii) a Chairperson;
- (b) each eligible member will have one vote; and
- (c) where there are vacancies for both a regional representative and a deputy regional representative, the member elected as regional representative will be the member who has the highest number of votes cast and the member elected as the deputy regional representative will be the member who has the second highest number of votes cast.

**13.** Where any election results in a tie, the person or persons to be appointed from among the candidates with equal votes will be determined by lot.

**14.** The chief executive must send to each eligible member a notice of poll to be received at least 21 days before the election day.

**15.** The notice of poll must—

- (a) state the purpose of the poll and the last day for receipt of voting papers;
- (b) be accompanied by a voting paper which shall state the number of candidates to be elected and contain a list of the eligible candidates;
- (c) be accompanied by any statement of not more than 500 words supplied by a candidate for circulation with the notice of poll.

**16.** The notice required by paragraph 15 must be served on all persons who are eligible members on the date on which the notice is sent.

**17.** The chief executive must send a duplicate voting paper to any eligible member on written request if it appears to the chief executive that the original has not been received by the member or has been spoilt, lost or destroyed.

**18.** An eligible member must complete the voting paper by personally placing a cross on the right-hand side of the voting paper opposite the name of the candidate for whom the member wishes to vote, inserting their address in the place provided (unless it has already been inserted) and personally signing the voting paper.

**19.** The chief executive must reject any voting paper which is unsigned, improperly completed or which is ambiguous in its intentions.

**20.** On the election day the chief executive must count the voting papers for each candidate.

**21.** The chief executive must publish a report on the poll which contains—

- (a) the total number of voting papers received;
- (b) the number of voting papers rejected and the grounds of rejection;
- (c) the total number of votes cast for each candidate; and
- (d) the name of the candidate or candidates elected.

**22.—(1)** If a candidate withdraws their nomination, or notification of their death is received by the chief executive, after the last day for receiving nominations but before voting papers have been circulated, the procedure to be adopted is as follows—

- (i) if two or more candidates remain, the election is to proceed in all respects as if the candidate had never been nominated;
- (ii) if one candidate only remains, that candidate is to be declared elected.

**(2)** If a candidate withdraws their nomination, or notification of their death is received by the chief executive, after voting papers have been circulated but before the election date, the procedure to be adopted is as follows—

- (i) if two or more candidates remain, the election is to continue;
- (ii) if one candidate remains, the voting papers are to be disregarded and that candidate is to be declared elected.

**(3)** Subject to sub-paragraph (4), where in any election two or more candidates are to be elected, the procedures shall be followed with the necessary adaptations to achieve the corresponding result.

**(4)** Where the circumstances of sub-paragraph (1) or (2) arise in the case of an election of both a regional representative and a deputy regional representative—

- (a) if two or more candidates remain, the election is to proceed in all respects as if the candidate (whose nomination is withdrawn or whose



death is notified to the chief executive) had never been nominated;

- (b) if one candidate only remains, that candidate is to be declared elected as the regional representative.

**23.** The validity of any election will not be affected by there being a vacancy amongst the members of the Valuation Tribunal.

**24.—(1)** The Governing Council may authorise electronic voting in any poll. Any member eligible to vote in such a poll may do so by electronic voting, if the member so wishes.

(2) Electronic voting must be administered by the chief executive to ensure that the electronic voting procedures safeguard the confidentiality of individual votes in the poll and ensure that only members eligible to vote in the poll are able to vote under those procedures.

(3) All votes cast by electronic means must be transmitted to the chief executive not later than the date on or before which voting papers in the poll concerned must be received by the chief executive.

(4) A member who has returned a voting paper in any poll must not vote electronically in that poll, and a member who has voted electronically in a poll must not return a voting paper in that poll.

**25.—(1)** In this Schedule the following terms have the meanings indicated.

(2) “Appropriate number” has the same meaning as in regulation 12 or 13, as the case may be.

(3) “Eligible member” means—

- (a) in the case of an election of the President, a member of the Valuation Tribunal who is a member on the date on which the notice of poll is sent;
- (b) in the case of an election of Chairpersons, a member of the Valuation Tribunal who is a member on the date on which the notice of poll is sent;
- (c) in the case of an election of regional representatives, a member of the Valuation Tribunal on the date on which the notice of poll is sent and who was appointed by the President and a council within the region in which the vacancy for the regional representative occurred.

(4) In respect of sub-paragraphs (3)(a) and (b), “member of the Valuation Tribunal” includes a member—

- (a) who was appointed by the National Assembly for Wales or the Welsh Ministers under the 2005 Regulations,

- (b) whose appointment is continued under regulation 21(3) and
- (c) who is a member on the date on which the notice of poll is sent.

(5) In respect of sub-paragraph (3)(c), member of the Valuation Tribunal includes a member—

- (a) who was appointed by the National Assembly for Wales or the Welsh Ministers under the 2005 Regulations for an old Tribunal whose area corresponds to the area of a region which is specified in Schedule 1 and in which the vacancy has occurred,
- (b) whose appointment is continued under regulation 21(3) and
- (c) who is a member on the date on which the notice of poll is sent.

## Part 2 - Transition

**26.** For the purposes of applying Part 1 of this Schedule to the elections of the first President and the first regional representatives—

- (a) the election date in each case is 22 June 2010;
- (b) the preliminary notice to be given under paragraph 6 of this Schedule must be given no later than 8 April 2010;
- (c) the nominations must be received no later than 21 days after the giving of the preliminary notice;
- (d) the notice of poll to be given under paragraph 14 of this Schedule must be sent so as to be received no later than 28 May 2010;
- (e) the date specified in the notice of poll for return of the voting papers must be 18 June 2010;
- (f) the chief executive of the old Service is authorised to carry out the functions and responsibilities of the chief executive as specified in Part 1 of this Schedule.

**SCHEDULE 3**  
**CONTENTS OF RECORDS MADE**  
**UNDER PART 5**

Regulation 43

The appellant's name and address

The date of the appeal

The matter appealed against

The name of the billing authority whose decision was appealed against

The date of the hearing or determination

The names of the parties who appeared, if any

The decision of the Appeal Panel and its date

The reasons for the decision

Any order made in consequence of the decision

The date of any such order

Any certificate setting aside the decision

Any revocation under regulation 42(7).