

# SL(6)371 – The Valuation Tribunal for Wales (Amendment) Regulations 2023

## Background and Purpose

The Valuation Tribunal for Wales Regulations 2010 (the “**2010 Regulations**”) provide for the establishment, membership and administration of the [Valuation Tribunal for Wales](#) (“VTW”), as well as the procedures for council tax appeals.

The VTW is an independent tribunal resolving disputes relating to the valuation of property for non domestic rates, council tax and drainage rates.

These Regulations (the “**2023 Regulations**”) amend the 2010 Regulations and make changes in relation to the administration of the VTW’s Governing Council, its membership terms and the administration of council tax appeals.

The purpose of the 2023 Regulations, as explained in the Explanatory Memorandum, is to help the VTW to modernise its administrative practices and maintain a sustainable tribunal membership.

## Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

## Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument.

### **1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

Regulation 11 purports to omit a provision from regulation 46(11) of the 2010 Regulations.

The provision which is to be omitted is incorrectly identified as “paragraph (a)”. However, it should be correctly described as “sub-paragraph (a)”.

### **2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

Regulation 12(b) purports to amend paragraph 12(a) of Schedule 2 to the 2010 Regulations.



The location of the amendment is incorrectly identified as being “at the end of paragraph 12(a)”. Paragraph 12(a) also encompasses paragraphs 12(a)(i) and 12(a)(ii). Therefore, the “end” of paragraph 12(a) is, in fact, at the end of paragraph (ii).

The long em dash which the amendment appears to be attempting to identify is found “in paragraph 12(a), at the end of the words before paragraph (i)” (see *Writing Laws for Wales* 7.11(3)).

## Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### **3. Standing Order 21.3(vi) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

A Regulatory Impact Assessment (“RIA”) was undertaken in respect of the 2023 Regulations. The RIA is contained in the Explanatory Memorandum and identifies the following benefits of making the 2023 Regulations:

*[...] the maintenance of sustainable tribunal membership and the retention of experience. This will help to ensure VTW service delivery is not compromised [...].*

*The VTW Governing Council will operate more effectively, with changes to help prevent vacancies and absences from hindering routine business and appointments. Enabling any member to be considered for election as a national representative will help to ensure future appointments are not unduly restricted.*

*Arrangements for council tax appeal hearings will benefit from improvements already made in relation to NDR, ensuring a consistency of approach where appropriate. The ability to hold fully virtual hearings is an important area for consistency, with respect to modernising the operations of the VTW.*

### **4. Standing Order 21.3(vi) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

The 2023 Regulations came into force on 02 August 2023, during the Senedd’s summer recess.

## Welsh Government response

Technical Scrutiny point 1: The Welsh Government agrees that the reference to “paragraph (a)” of regulation 46(11) ought to have been to “sub-paragraph (a)” of regulation 46(11). However, as there is no paragraph (a) in regulation 46(11), the intention is sufficiently clear and it is not considered that this needs to be corrected in order to avoid misleading readers.

Technical Scrutiny point 2: The Welsh Government agrees that the suggested wording in the report would have been more precise. However, in context the intention is clear and the



reference to the long em dash further assists with that intention. It is not considered that this needs to be corrected in order to avoid misleading readers.

## **Committee Consideration**

The Committee considered the instrument and Government response at its meeting on 11 September 2023 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Legislation, Justice and Constitution Committee**