WELSH STATUTORY INSTRUMENTS

2013 No. 547 (W.59)

LOCAL GOVERNMENT, WALES

The Valuation Tribunal for Wales (Wales) (Amendment) Regulations 2013

Made - - - -	*6 March 2013*
Laid before the National Assembly for Wales - -	*11 March 2013*
Coming into force - -	*1 April 2013*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 140(4) and 143(1) of, and paragraphs 1, 5(1), and 8 of Schedule 11 to, the Local Government Finance Act 1988(**1**) and now vested in them.

The Welsh Ministers have consulted with the Administrative Justice and Tribunals Council in accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(**2**).

Title and commencement

1. The title of these Regulations is the Valuation Tribunal for Wales (Wales) (Amendment) Regulations 2013 and they come into force on 1 April 2013.

Amendment of Regulations

2.—(1) The Valuation Tribunal for Wales Regulations 2010(**3**) are amended as follows.

(2) In regulation 9 (appointment of valuation tribunal members)—

(a) for paragraph (2) substitute—

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

(**1**) 1988 c. 41. The functions of the Secretary of State under sections 140(4) and 143(1) of, and paragraphs 1, 5(1) and 8 of Schedule 11 to, the Local Government Finance Act 1988 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 (S.I. 1999/672). By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) those functions are now vested in the Welsh Ministers. Relevant amendments were made to Schedule 11 by section 117(1) of, and Schedule 13 to, the Local Government Finance Act 1992 (c. 14); section 127(1) of, and Schedule 7 to, the Local Government Act 2003 (c. 26) and section 219(1) of, and Schedule 15 to, the Local Government and Public Involvement in Health Act 2007 (c. 28). There are other amendments to Schedule 11 that are not relevant to these Regulations.

(**2**) 2007 c. 15.

(**3**) S.I. 2010/713 (W. 69).

(b) after paragraph (2) insert—

"(2A) The maximum number of members that may be appointed by a council and the President is the number specified in relation to that council in column 5 of Schedule 1.";

(c) for paragraph (3) substitute—

"(3) For the purpose of this regulation, a vacancy only occurs when the number of members appointed by a council and the President—

(a) falls below the number specified in relation to that council in column 4 of Schedule 1; or

(b) falls below the number of members specified in relation to that council in column 5 of Schedule 1 and falls below the number required, in the view of the President, to carry out the Tribunal's functions.";

(d) in paragraph (5) for "5" substitute "6".

(3) In regulation 27 (interpretation) after the definition of "clerk" insert—

""council tax reduction scheme" ("*cynllun gostyngiadau'r dreth gyngor*") means a scheme made by a billing authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012(**4**) or the scheme that applies in default by virtue of paragraph 6(1)(e) of Schedule 1B to the 1992 Act;".

(4) In regulation 30 (initiating an appeal)—

(a) at the end of subparagraph (2)(b) omit "and";

(b) at the end of subparagraph (2)(c) for "." substitute "; and";

(c) after subparagraph (2)(c) insert—

"(d) where the appellant has also made an appeal to the First-tier Tribunal in accordance with the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(**5**) and the appeal raises common issues of fact with the appeal made under section 16 of the 1992 Act, a copy of the notice provided in accordance with regulation 20(1) of those Regulations and any other information required to be provided under regulation 20 of those Regulations.

(2A) A notice of appeal given under paragraph (2) must be accompanied by a copy of any written notification provided by the billing authority in accordance with section 16(7)(a) or (b).".

(5) After regulation 32 (withdrawal) insert—

"**Striking out proceedings**

32A.—(1) The Valuation Tribunal may strike out an appeal or part of an appeal where—

(a) the appeal, or part of the appeal, relates to a billing authority's decision to award a reduction under its council tax reduction scheme; and

(b) the reduction awarded is the maximum reduction that the billing authority may have awarded under its scheme.

(2) Where only part of an appeal falls within paragraph (1), the Valuation Tribunal may only strike out that part of the appeal.

(**4**) S.I. 2012/3144 (W. 316).
(**5**) S.I. 2001/1002.