WELSH STATUTORY INSTRUMENTS

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)

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(**1**) and section 24 of the Local Government Finance Act 1992(**2**) and now vested in them, and after consultation with the Administrative Justice and Tribunals Council in accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(**3**):

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.

(**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 (S.I.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).

(**3**) 2007 c. 15.

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(**4**);

"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(**5**);

(d) regulations made under section 55 of the 1988 Act(**6**);

(e) paragraph 4 of Schedule 4A (completion notices) to the 1988 Act (in these Regulations called an "appeal against a completion notice")(**7**);

(f) paragraph 5C of Schedule 9 (civil penalties) to the 1988 Act(**8**); and

(g) section 45 of the Land Drainage Act 1991(**9**);

"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.

(**4**) S.I. 2005/3364 (W.261).
(**5**) *See* S.I. 1993/290.
(**6**) *See* S.I. 2005/758 (W.63).
(**7**) Schedule 4A was inserted by the Local Government and Housing Act 1989 (c. 42), section 139 and Schedule 5, paragraphs 36 and 79(3).
(**8**) 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.
(**9**) 1991 c. 59.

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.

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.