WELSH STATUTORY INSTRUMENTS

2005 No. 3364 (W.261)

LOCAL GOVERNMENT, WALES

The Valuation Tribunals (Wales) Regulations 2005

Made - - - - 6 December 2005
Coming into force in accordance with regulation 1(2), (3) and (4)

The National Assembly for Wales, in exercise of the powers vested in it under sections 140(4) and 143(1) and (2) of, and paragraphs 1, 3 to 8, 11, 12 and 14 to 16 of Schedule 11 to the Local Government Finance Act 1988(**1**), and after consultation with the Council on Tribunals as required by section 8 of the Tribunals and Inquiries Act 1992(**2**) hereby makes the following Regulations:

PART I

General

Title and commencement

1.—(1) The title of these Regulations are the Valuation Tribunals (Wales) Regulations 2005.

(2) Save for regulation 4, regulations 1 to 21 of these Regulations come into force on 3 January 2006.

(3) Regulations 4, 22 and 23 of these Regulations come into force on 14 February 2006.

(4) Regulation 24 to 42 of these Regulations come into force on 15 February 2006.

Application

2. These Regulations apply to Tribunals 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;

(**1**) 1988 c. 41. *See* S.I.1999/672. The functions of the Secretary of State under sections 140(4) and 143(1) and (2) of and paragraphs 1, 3 to 8, 11, 12, 14 to 16 of Schedule 11 to the Local Government Finance Act 1988 are, 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.

(**2**) 1992 c. 53.

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

"appeal" ("*apêl*"), means an appeal under—

(a) section 16 (Appeals: general) and paragraph 3 of Schedule 3 (penalties) to the 1992 Act; ;

(b) regulations made under section 24 of the 1992 Act(**3**);

(c) regulations made under section 55 of the 1988 Act(**4**);

(d) paragraph 4 of Schedule 4A (Completion Notices) to the 1988 Act (in these Regulations called an "appeal against a completion notice");

(e) paragraph 5C of Schedule 9 (Civil Penalties) to the 1988 Act; and

(f) section 45 of the Land Drainage Act 1991(**5**);

"area" ("*ardal*") in relation to a Tribunal, means the area for which it is established by regulation 11;

"billing authority" ("*awdurdod bilio*") means a billing authority as defined in section 1(2) of the 1992 Act;

"Chairperson" ("*Cadeirydd*") means a Chairperson of a Valuation Tribunal appointed under regulation 15;

"completion notice" ("*hysbysiad cwblhau*") means a notice under Schedule 4A to the 1988 Act as it applies for the purposes of Part 1 of the 1992 Act (Council Tax: England and Wales);

"Deputy Director" ("*Dirprwy Gyfarwyddwr*") means the Deputy Director of the Governing Council of the Valuation Tribunal Service for Wales appointed under regulation 10;

"Director" ("*Cyfarwyddwr*") means the Director of the Governing Council of the Valuation Tribunal Service for Wales appointed under regulation 10;

"Governing Council" ("*Cyngor Llywodraethu*") means the Governing Council of the Valuation Tribunal Service for Wales established under regulation 6;

"list" ("*rhestr*") means a valuation list compiled under section 22 of the 1992 Act;

"listing officer" ("*swyddog rhestru*") in relation to an appeal, means the officer appointed under section 20 of the 1992 Act 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 27(1);

"old Tribunal" ("*hen Dribiwnlys*") means a Valuation Tribunal in Wales which existed immediately before 15 February 2006;

"penalty" ("*cosb*") means a penalty imposed under paragraph 1 of Schedule 3 to the 1992 Act;

"President" ("*Llywydd*") means a President of a Valuation Tribunal appointed under regulation 14;

"Special Tribunal" ("*Tribiwnlys Arbennig*") means a Tribunal established under regulation 25(5), (7) or (8);

"Tribunal" ("*Tribiwnlys*") means the members of a Tribunal convened in accordance with Part 5 of these Regulations for the purpose of disposing of an appeal;

"Valuation Tribunal" ("*Tribiwnlys Prisio*") means a Valuation Tribunal established under regulation 11; and

"Valuation Tribunal Service for Wales" ("*Gwasanaeth Tribiwnlys Prisio Cymru*") means the Valuation Tribunal Service for Wales established under regulation 5.

(**3**) *See* S.I. 1993/290.
(**4**) *See* S.I. 1993/291.
(**5**) 1991 c. 59.

(2) Any notice which is by virtue of any provision of these Regulations to be served on any person may be served by post.

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

Revocation

4. The following are revoked—

(a) the Valuation Tribunals (Wales) Regulations 1995(**6**);

(b) regulations 1 to 5 of the Valuation Tribunals (Amendment) (Wales) Regulations 2001(**7**); and

(c) the Valuation Tribunals (Wales) (Amendment) Regulations 2004(**8**).

PART II

Establishment of the Valuation Tribunal Service for Wales, its Governing Council and the Valuation Tribunals.

Establishment of the Valuation Tribunal Service for Wales and its Governing Council

5. On 3 January 2006 there will be established a Valuation Tribunal Service for Wales. The Valuation Tribunal Service for Wales will comprise of the Valuation Tribunals established under regulation 11.

6. On 3 January 2006 there will be established a Governing Council for the Valuation Tribunal Service for Wales.

7. Subject to regulations 19 and 20 the functions of the Valuation Tribunal Service for Wales under these Regulations will be performed on its behalf by its Governing Council.

Membership of the Governing Council of the Valuation Tribunal Service for Wales

8. The membership of the Governing Council will consist of:

(a) the Presidents of the Valuation Tribunals in Wales appointed in accordance with regulation 14; and

(b) any person appointed by the National Assembly for Wales under regulation 9.

9. The National Assembly for Wales may appoint one person to the Governing Council.

Appointment of the Director and Deputy Director of the Governing Council

10.—(1) Subject to paragraph (2), within the prescribed period, the members of the Governing Council must in accordance with the following provisions of this regulation appoint a person to be Director of the Governing Council and appoint a person to be Deputy Director of the Governing Council.

(2) The persons to be appointed under this regulation must be members of the Governing Council and of a Valuation Tribunal.

(**6**) S.I. 1995/3056.
(**7**) S.I. 2001/1439 (W.101).
(**8**) S.I. 2004/1312 (W.138).

(3) The persons to be appointed will be determined by a simple majority of votes cast, each member of the Governing Council having one vote.

(4) Where an election under paragraph (3) results in a tie, the persons to be appointed from amongst the candidates with equal votes will be determined by lot.

(5) No other election for the appointment of a Director and/or Deputy Director of the Governing Council other than in accordance with this regulation will be held before the expiry of two weeks beginning on the day on which notice of the election is issued by the Chief Executive in accordance with paragraph (6).

(6) The notices required by paragraph (5) must be served on all persons who are members of the Governing Council and such notices must be served on the date on which they are issued.

(7) Where at the expiry of the prescribed period no election has taken place in accordance with the foregoing provisions of this regulation, the National Assembly for Wales will, after consultation with such members of the Governing Council as it sees fit and subject to paragraph (2), appoint one of their number to be Director and/or Deputy Director as appropriate.

(8) The Director and Deputy Director will hold office until whichever of the following first occurs—

(a) the expiration of a period of two years from the date upon which the Director or Deputy Director takes office;

(b) the Director or Deputy Director ceases to be a member of the Governing Council;

(c) notice of the Director or Deputy Director's resignation under paragraph (9) takes effect;

(d) notice of termination under paragraph (10) takes effect.

(9) A Director or Deputy Director may resign their office by giving not less than one month's notice in writing to the National Assembly for Wales.

(10) The National Assembly for Wales may, after consultation with such of the members of the Governing Council as it sees fit, by giving notice in writing to the Director and/or Deputy Director as appropriate terminate their office.

(11) If the Director of the Governing Council is unable, through illness or absence or any other cause, to carry out functions under these Regulations, then those functions will, with the authorisation in writing of the Director or, if the Director is unable to provide it, of the Chief Executive, be carried out by the Deputy Director of the Governing Council.

(12) In this regulation—

"prescribed period" ("*cyfnod a bennir*") means one month beginning with 3 January 2006, or three months from the date of a vacancy occurring;

"Chief Executive" ("*Prif Weithredwr*") means an interim Chief Executive appointed under regulation 18(1) or a Chief Executive appointed under regulation 18(3).

Establishment of the Valuation Tribunals

11.—(1) There will be established a Valuation Tribunal for each of the areas set out in column 1 of Schedule 1.

(2)

(a) Each Tribunal will have the name given to it in column 2 of Schedule 1.

(b) The Welsh language name of each Valuation Tribunal is shown in column 2 of Schedule 1 immediately after its English language name.

Appointment of Valuation Tribunal Members

12.—(1) The members of a Valuation Tribunal established by regulation 11, subject to the following paragraphs of this regulation, will consist of;

(a) those appointed by the councils prescribed in relation to that Valuation Tribunal in column 4 of Schedule 1 ("the councils") and the President jointly, and

(b) those appointed by the National Assembly for Wales, after consultation with the President of the Valuation Tribunal.

(2) The maximum number of members that can be appointed by the councils and the President is the number specified in relation to that Valuation Tribunal in column 3 of Schedule 1 and the maximum number of members that can be appointed by a council and the President is the number specified in relation to that council in column 5 of Schedule 1.

(3) The minimum number of members that must be appointed by the councils and the President is two-thirds of the number specified in relation to that Valuation Tribunal in column 3 of Schedule 1 and the minimum number of members that must be appointed by a council and the President is two-thirds of the number specified in relation to that council in column 5 of Schedule 1.

(4) Subject to regulation 13(2), on 3 January 2006, all members of an old Tribunal appointed by a Council and the President of that old Tribunal will be appointed a member of the Valuation Tribunal for the area previously covered by that old Tribunal.

(5) For the purposes of this regulation, appointments made under paragraph (4) will be regarded as if made by the council which appointed the member to the old Tribunal and the President.

(6) The National Assembly for Wales may appoint members to each of the Valuation Tribunals named in column 2 of Schedule 1.

(7) On 3 January 2006, all members of an old Tribunal appointed by the National Assembly for Wales will be appointed a member of the Valuation Tribunal for the area previously covered by that old Tribunal.

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

(9) No appointment under paragraph (1) will be valid if its effect would be that the number of members of the Valuation Tribunal, appointed by that council and the President, who are members of the council exceed one third of the total number of members of the Valuation Tribunal appointed by that council and the President.

(10) Paragraph (9) must not be construed as affecting the validity of the appointment of a member of a Valuation Tribunal who becomes a member of a council after that person's appointment takes effect.

(11) Paragraph (9) must not be construed as affecting the validity of the appointment of a member of a Valuation Tribunal who was, and remains, a member of a council if, at the time that person's appointment took effect, the number of members of the Valuation Tribunal, appointed by that council and the President, who were members of the council did not exceed one third of the total number of members of the Valuation Tribunal appointed by that council and the President.

(12) If the number of members of a Valuation Tribunal, appointed by a council and the President, who are members of that council exceed one third of the total number of members of the Valuation Tribunal, appointed by that council and the President, that council and the President must within six months jointly make such appointments as necessary under paragraph (1)(a) to enable that council and the President's appointments under paragraph (1)(a) to comply with paragraph (9) of this regulation.