

## SCHEDULES

### SCHEDULE 11

Section 136.

#### TRIBUNALS

##### *Establishment*

- 1 (1) The Secretary of State shall make regulations providing for the establishment of tribunals (to be known as valuation and community charge tribunals).
- (2) The regulations may include such provision as he sees fit in relation to membership, staff, accommodation, equipment, procedure and other matters relating to the tribunals.

##### *Jurisdiction*

- 2 The tribunals shall exercise the jurisdiction conferred on them by—
- (a) section 23 above;
  - (b) regulations under section 55 above.
- 3 (1) The Secretary of State may by regulations provide for the tribunals to exercise the jurisdiction conferred (apart from the regulations) on local valuation courts by the 1967 Act or any other Act.
- (2) The regulations may apply as regards matters arising or appeals instituted before, as well as those arising or instituted after, the coming into force of the regulations.

##### *Arbitration*

- 4 (1) This paragraph applies as regards any matter which falls within the jurisdiction conferred on tribunals by or under this Act.
- (2) The Secretary of State may by regulations provide that, where the persons mentioned in sub-paragraph (3) below agree in writing that the matter is to be referred to arbitration, the matter shall be so referred.
- (3) The persons are the persons who, if the matter were to be the subject of an appeal to a tribunal, would be the parties to the appeal.

##### *Membership*

- 5 (1) Regulations under paragraph 1 above may include provision—
- (a) that the number of members of a tribunal is to be such as is determined by the Secretary of State;
  - (b) for the appointment by a prescribed person or persons of the members of each tribunal;
  - (c) that one of the members is to be president of the tribunal;

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- (d) that the president is to be appointed by the members by a prescribed method, and that if one is not so appointed within a prescribed period the president is to be appointed by the Secretary of State after consulting such prescribed persons as he sees fit;
  - (e) that some of the members (who may include the president) are to be appointed to the position of chairman, that the number to be appointed is to be stated by a prescribed person or persons, and that the appointments are to be made by the members themselves by a prescribed method or (if they default) by a prescribed person or persons;
  - (f) that persons are to be disqualified from becoming or continuing to be members in prescribed circumstances;
  - (g) that members are to be disqualified from acting in cases falling within prescribed descriptions;
  - (h) that prescribed factors are not to disqualify persons from becoming or continuing to be members;
  - (i) that prescribed factors are not to disqualify members from acting;
  - (j) as to the duration (subject to disqualification, termination or resignation) of any appointment as president or member or chairman;
  - (k) allowing the Secretary of State to terminate an appointment as president;
  - (l) requiring the person or persons who appointed a member to terminate the appointment if the Secretary of State so directs after consulting the person or persons who made the appointment;
  - (m) allowing a president to terminate a person's appointment as chairman, and requiring a president to do so if the Secretary of State directs him to do so;
  - (n) allowing a person appointed as president or member or chairman to resign if such notice as may be prescribed is given;
  - (o) that a person who ceases to be president or member or chairman is to be eligible for re-appointment in prescribed circumstances;
  - (p) that a member is to be entitled to such travelling, subsistence and other allowances as may be prescribed.
- (2) The regulations may include provision for the administration of members' allowances to be the responsibility of the clerk of the tribunal.

#### *Staff*

- 6 (1) Regulations under paragraph 1 above may include provision—
- (a) that a tribunal shall appoint a clerk of the tribunal and may appoint other employees;
  - (b) that a tribunal shall pay to its employees such remuneration and allowances as the tribunal determines;
  - (c) that (subject to disqualification) employees shall be appointed on such other terms and conditions as the tribunal may determine;
  - (d) that an appointment shall be invalid unless made with the approval of the Secretary of State;
  - (e) that a determination as to remuneration or allowances shall be invalid unless made with the approval of the Secretary of State given with the Treasury's consent;
  - (f) that persons are to be disqualified from becoming or continuing to be employees in prescribed circumstances;

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- (g) that employees are to be disqualified from acting in cases falling within prescribed descriptions;
  - (h) that prescribed factors are not to disqualify persons from becoming or continuing to be employees;
  - (i) that prescribed factors are not to disqualify employees from acting.
- (2) The regulations may include provision—
- (a) that any function of making an appointment, or determining remuneration or allowances or other terms or conditions, may be performed on behalf of a tribunal by two or more of its members;
  - (b) that one of those members must be the president.
- (3) The regulations may include provision for the administration of employees' remuneration and allowances to be the responsibility of the clerk of the tribunal.
- (4) The regulations may include provision that where a person ceases to be employed by a local valuation panel and immediately becomes employed by a valuation and community charge tribunal, for the purposes of the Employment Protection (Consolidation) Act 1978 his period of employment by the panel shall count as a period of employment by the tribunal and the change of employment shall not break the continuity of the period of employment.
- (5) For the purposes of sub-paragraph (4) above a local valuation panel is a local valuation panel constituted under a scheme under section 88 of the 1967 Act.
- (6) Employment with a valuation and community charge tribunal shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) “a valuation and community charge tribunal” shall be inserted after “Police Complaints Authority”.

#### *Accommodation and equipment*

- 7 (1) Regulations under paragraph 1 above may include provision requiring a tribunal to—
- (a) maintain a permanent office, and
  - (b) make arrangements to secure that the tribunal has such other accommodation, and such secretarial and other equipment, as is sufficient for the performance of its functions.
- (2) The regulations may include provision that any function as to accommodation or equipment may be performed on behalf of a tribunal by its clerk.

#### *Procedure*

- 8 (1) Regulations under paragraph 1 above may include—
- (a) provision for determining which tribunal is to deal with an appeal;
  - (b) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by its clerk or other prescribed employee;
  - (c) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by one of its members;
  - (d) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by some of its members;

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- (e) provision as to the selection of a member who is to discharge functions relating to an appeal on behalf of a tribunal (which may include provision that he must be the president or a chairman);
  - (f) provision as to the number and selection of members who are to discharge functions relating to an appeal on behalf of a tribunal (which may include provision that one of them must be the president or a chairman).
- (2) The regulations may include provision—
- (a) prescribing the procedure to be followed for initiating an appeal, and authorising or requiring it to be dismissed if it is not initiated within a prescribed time;
  - (b) authorising an appeal to be disposed of on the basis of written representations in prescribed circumstances;
  - (c) prescribing the procedure to be followed before the hearing of an appeal;
  - (d) authorising an appeal to be withdrawn before the hearing in prescribed circumstances.
- (3) The regulations may include provision prescribing the procedure to be followed at the hearing of an appeal, and such provision may include provision—
- (a) requiring the hearing to take place in public except in prescribed circumstances;
  - (b) as to the persons entitled to appear and to be heard on behalf of parties to the appeal;
  - (c) authorising the hearing to proceed in the absence of a party or parties to the appeal in prescribed circumstances;
  - (d) requiring persons to attend to give evidence and produce documents;
  - (e) as to evidence generally (whether written evidence or oral evidence given under oath or affirmation) and, in particular, as to the use as evidence of information supplied under Schedule 9 above or under regulations under Schedule 2 above or under section 82 of the 1967 Act;
  - (f) as to the adjournment of the hearing.
- (4) The regulations may include provision—
- (a) that where two or more members of a tribunal are acting the decision of the majority is to prevail or, if the votes are equal, the appeal is to be reheard;
  - (b) requiring reasons for a decision to be given;
  - (c) authorising a decision to be given orally or in writing;
  - (d) authorising a decision to be reserved;
  - (e) authorising or requiring an order to be made in consequence of a decision;
  - (f) that an order may require a register or list to be altered (prospectively or retrospectively), or an estimate to be altered, or a designation of an individual as a responsible individual to be revoked, or a penalty to be quashed, or a designation under section 5 above to be revoked;
  - (g) that an order may require any ancillary matter to be attended to;
  - (h) authorising or requiring a tribunal to review or set aside a decision, or to vary or revoke an order, of the tribunal in prescribed circumstances.
- (5) The regulations may include provision—
- (a) requiring decisions and orders to be recorded;
  - (b) as to the proof of decisions and orders;

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- (c) authorising the correction of clerical errors in records of decisions and orders;
  - (d) requiring decisions, orders and corrections to be communicated to the parties to appeals.
- (6) The regulations may include provision that, subject to any other provision of the regulations, a tribunal may regulate its own procedure.
- (7) The regulations may include provision that a person who without reasonable excuse fails to comply with any requirement imposed by the regulations under subparagraph (3)(d) above shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### *Orders*

- 9 (1) This paragraph applies where a tribunal orders—
- (a) the community charges registration officer for a charging authority to alter the authority's community charges register,
  - (b) the valuation officer for a charging authority to alter a local non-domestic rating list of the authority, or
  - (c) the central valuation officer to alter a central non-domestic rating list.
- (2) If the order is recorded in accordance with any provision included in regulations under paragraph 1 above, the officer or authority ordered shall—
- (a) alter the register or list concerned accordingly, and
  - (b) attend to any ancillary matter provided for in the order (such as the repayment of an amount, or the allowance of an amount by way of deduction against a sum due).
- 10 (1) This paragraph applies where a tribunal orders—
- (a) the community charges registration officer for a charging authority to revoke a designation of an individual as a certification officer under regulations under section 30 above,
  - (b) a charging authority to alter an estimate, made for the purposes of regulations under Schedule 2 above, of the amount a person is liable to pay in respect of a community charge of the authority,
  - (c) the community charges registration officer for a charging authority to revoke a designation of an individual as a responsible individual under regulations under Schedule 2 above,
  - (d) a charging authority to quash a penalty imposed by it under Schedule 3 above,
  - (e) the community charges registration officer for a charging authority to quash a penalty imposed by him under Schedule 3 above, or
  - (f) the community charges registration officer for a charging authority to revoke a designation under section 5 above.
- (2) If the order is recorded in accordance with any provision included in regulations under paragraph 1 above, the authority or officer ordered shall—
- (a) revoke the designation, alter the estimate or quash the penalty accordingly, and

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- (b) attend to any ancillary matter provided for in the order (such as the repayment of an amount, or the allowance of an amount by way of deduction against a sum due).

#### *Appeals*

- 11 (1) Regulations under paragraph 1 above may include provision that—
- (a) an appeal shall lie to the High Court on a question of law arising out of a decision or order which is given or made by a tribunal on an appeal under section 23 above;
  - (b) an appeal shall lie to the Lands Tribunal in respect of a decision or order which is given or made by a tribunal on an appeal under regulations under section 55 above.
- (2) The regulations may include—
- (a) provision as to the persons who may appeal to the High Court or the Lands Tribunal;
  - (b) provision authorising or requiring an appeal to the High Court or the Lands Tribunal to be dismissed if it is not initiated within a prescribed time;
  - (c) provision as to the powers of the High Court or the Lands Tribunal on an appeal to it (which may include provision allowing the tribunal’s decision or order to be confirmed, varied, set aside, revoked or remitted, and provision allowing the making of any order the tribunal could have made);
  - (d) provision requiring a charging authority, the community charges registration officer or valuation officer for a charging authority, or the central valuation officer, to act in accordance with any order made by the High Court or the Lands Tribunal, and provision that paragraph 9 or 10 above is to have effect subject to such a requirement.

#### *Inspection of records*

- 12 (1) This paragraph applies to records which relate to decisions and orders of a tribunal and which are required to be made under any provision included in regulations under paragraph 1 above.
- (2) The regulations may include provision that a person may, at a reasonable time stated by or on behalf of the tribunal concerned and without making payment, inspect records to which this paragraph applies at the tribunal’s permanent office.
- (3) The regulations may include provision that if without reasonable excuse a person having custody of records to which this paragraph applies intentionally obstructs a person in exercising a right under any provision included under sub-paragraph (2) above, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### *Finance*

- 13 The Secretary of State shall make such payments as are necessary to meet any expenditure incurred in or in connection with the performance by tribunals of their functions (whether as regards remuneration, allowances, accommodation, equipment or otherwise).

### *General*

- 14 Regulations under paragraph 3 above may include—
- (a) provision for the winding up of local valuation courts or for their reconstitution as valuation and community charge tribunals;
  - (b) provision as to orders, which may include provision requiring the carrying out of an order made by a valuation and community charge tribunal in exercising jurisdiction conferred by the regulations;
  - (c) provision that an appeal shall lie to the Lands Tribunal in respect of a decision or order which is given or made by a valuation and community charge tribunal in exercising jurisdiction conferred by the regulations;
  - (d) provision as to the persons who may appeal to the Lands Tribunal, as to the time within which an appeal may be initiated, and as to the powers of the Lands Tribunal on an appeal to it;
  - (e) provision requiring the carrying out of an order made by the Lands Tribunal on an appeal to it.
- 15 Regulations under paragraph 4 above may include—
- (a) provision applying enactments relating to arbitration;
  - (b) provision that an award in an arbitration may include any order a valuation and community charge tribunal could have made in the matter concerned;
  - (c) provision requiring the carrying out of an order so included.
- 16 (1) Without prejudice to section 143(1) above, regulations under this Schedule may make different provision for cases where valuation and community charge tribunals exercise jurisdiction conferred on them by or under different provisions of this Act.
- (2) Without prejudice to section 143(2) above, regulations under this Schedule may include provision amending, adapting, repealing or revoking any provision of or made under the 1967 Act or any other Act.
- 17 (1) Where a tribunal, arbitrator, umpire or court deals with a matter falling within the jurisdiction conferred on tribunals by section 23 above, section 8(3) above shall not apply as regards the matter if the tribunal, arbitrator, umpire or court so orders.
- (2) But sub-paragraph (1) above shall not have effect if the order is set aside on appeal.

### *Interpretation*

- 18 In this Schedule “the 1967 Act” means the General Rate Act 1967.