WELSH STATUTORY INSTRUMENTS

2005 No. 3364

The Valuation Tribunals (Wales) Regulations 2005

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.

(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.

(13) Where at the expiry of three months a council and the President having failed to make such appointments as are necessary in accordance with paragraphs (1)(a) and (12), those appointments may be made by the National Assembly for Wales after consultation with the President of that Valuation Tribunal.

Duration of membership of Valuation Tribunals

13.—(1) Members appointed under regulation 12(4) and (7) will hold office until the expiry of the period specified by—

(a) a council and the President of the old Tribunal; or

(b) The National Assembly for Wales,

who made their appointment.

(2) Each appointment of a member will have effect for such period not exceeding six years as the person or persons making the appointment may specify, after consultation in the case of an appointment by the National Assembly for Wales with the President of the Valuation Tribunal.

(3) Each member will hold office until whichever of the following first occurs—

(a) the period specified under paragraph (2) expires;

(b) notice of that member's removal under paragraph (4) or (5) takes effect;

(c) that member becomes disqualified from membership as provided in regulation 16;

(d) that member resigns the office by notice in writing to the President.

(4) The Chief Executive will, if so directed by the National Assembly for Wales, after the National Assembly for Wales has consulted with the council and with the President of a Valuation Tribunal, by notice in writing give that member such period of notice of termination of office under this paragraph as may be directed.

(5) The National Assembly for Wales may, after consultation with the President of the Valuation Tribunal, give to any member appointed by it notice in writing giving such period of notice of termination of office as it may determine.

(6) Where a member is appointed a President or Chairperson of a Valuation Tribunal in accordance with these Regulations and the duration of that member's membership of the Valuation Tribunal would end by the application of paragraph (3)(a), that member's membership will continue, except for the purposes of regulations 14(3), 15(3) and 15(12), for a period which ends with the expiration of the prescribed period for the election of a President to fill the vacancy under regulation 14, or of a Chairperson to fill the vacancy under regulation 15, as the case may be, or when such an election of a President, or Chairperson, takes place, as the case may be, whichever is the earlier, in this regulation referred to as the "interim period".

(7) Where a President's or Chairperson's membership continues during the interim period in accordance with paragraph (6), a vacancy will arise for the purposes of these Regulations in the case of a President for a member, a Chairperson and a President, and in the case of a Chairperson for a member and a Chairperson, from the expiration of the period referred to in paragraph (3)(a) and, in particular, from that date that President or Chairperson will not by virtue of the operation of this paragraph constitute one of the number of members determined in accordance with regulation 12(2), or one of the number of members to be appointed Chairperson determined in accordance with regulation 15(1).

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

The Presidents of the Valuation Tribunals

14.—(1) On 3 January 2006, each President of an old Tribunal will be appointed to the post of President for the Valuation Tribunal for the area previously covered by their old Tribunal.

(2) Within three months beginning with a vacancy occurring in the office of the President, the members of that President's Valuation Tribunal must in accordance with the following provisions of this regulation appoint a person to be President of that Valuation Tribunal.

(3) The person to be appointed must be a member of the Valuation Tribunal and will be determined by election by a simple majority of votes cast, each member having one vote.

(4) Where an election under paragraph (3) or (11) results in a tie, the person to be appointed from among the candidates with equal votes will be determined by lot.

(5) No election for the appointment of a President in pursuance of this regulation will be held before the expiry of two weeks beginning on the day on which notice of the election is issued in

accordance with paragraph (6) by the Chief Executive. The validity of any election will not be effected by there being a vacancy amongst the members of the Valuation Tribunal.

(6) The notice required by paragraph (5) must be served on all persons who are members of the Valuation Tribunal and such a notice must be served on the date on which it is issued.

(7) Where at the expiry of the period specified in paragraph (2) no election has taken place in accordance with the foregoing provisions of this regulation, the National Assembly for Wales must, after consultation with such of the members of the Valuation Tribunal as it sees fit, appoint one of the Valuation Tribunal's members to be President.

(8) The President appointed under this regulation will hold office until whichever of the following first occurs—

(a) the expiration of the interim period referred to in regulation 13(6);

(b) that President ceases to be a member of the Valuation Tribunal;

(c) notice of that President's resignation under paragraph (9) takes effect;

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

(9) A President may resign 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 Valuation Tribunal as it sees fit, by giving notice in writing to the President terminate that President's office as such.

(11) 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 will, with the authorisation in writing of the President or, if the President is unable to provide it, of the Chief Executive, be carried out by one of the Chairpersons of the Valuation Tribunal appointed for this purpose by the members of the Valuation Tribunal and elected by them by a simple majority of votes cast, each member having one vote.

(12) In this regulation—

"President of an old Tribunal" ("*Llywydd hen Dribiwnlys*") means a President of an old Tribunal in post on 14 February 2006;

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

Chairpersons of the Valuation Tribunals

15.—(1) On 3 January 2006, each chairman of an old Tribunal will be appointed to the position of Chairperson for the Valuation Tribunal for the area previously covered by their old Tribunal.

(2) Subject to paragraph (1), the number of members of a Valuation Tribunal to be appointed to the position of Chairperson will be determined by the Valuation Tribunal Service for Wales.

(3) The President will constitute one of the Chairpersons and the members of a Valuation Tribunal must, in accordance with this regulation, appoint the remaining number of Chairpersons within the prescribed period by election from among their number.

(4) No election in pursuance of this regulation will be held before the expiry of two weeks beginning on the day on which notice of the election is issued in accordance with paragraph (5) by the Chief Executive.

(5) The notices required by paragraph (4) must be served on all persons who are members of the Valuation Tribunal and such notices must be served on the date on which they are issued.

(6) The members elected as Chairpersons will be the appropriate number of members who have the highest number of votes cast.

(7) For the purposes of paragraph (6) each member will have a number of votes equal to the appropriate number, and may cast no more than one vote for each candidate; and where in relation to any vacancy the election result is a tie, the person or persons to be appointed from among the candidates with equal votes will be determined by lot.

(8) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the National Assembly for Wales must, after consultation with the President, appoint the appropriate number of members to be Chairpersons.

(9) A Chairperson appointed under this regulation will hold office until whichever of the following occurs—

(a) the expiration of the interim period referred to in regulation 13(6);

(b) that Chairperson ceases to be a member of the Valuation Tribunal;

(c) that Chairperson resigns by giving notice in writing to the President;

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

(10) The President—

(a) may, after consultation with each of the Valuation Tribunal's other Chairpersons, by giving notice in writing to a Chairperson terminate that Chairperson's office; and

(b) must, if so directed by the National Assembly for Wales, 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.

(11) Before giving a direction under paragraph (10)(b) the National Assembly for Wales must consult the President.

(12) In this regulation—

"the appropriate number" ("*nifer priodol*") means the determined number less the number of persons for the time being holding office as Chairperson;

"chairman of an old Tribunal" ("*cadeirydd hen Dribiwnlys*") means a chairman of an old Tribunal in post on 14 February 2006;

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

"the determined number" ("*nifer a bennir*") means the number stated by the Valuation Tribunal Service for Wales in pursuance of paragraph (2);

"the prescribed period" ("*cyfnod a bennir*") means three months beginning with a vacancy occurring among the stated number, or such a vacancy which would occur but for the application of regulation 13(6) as the case may be;

Disqualification from membership of valuation Tribunals

16.—(1) A person will be disqualified from being appointed or continuing to be a member of a Valuation Tribunal if—

(a) that person has been adjudged bankrupt; or

(b) that person has made an arrangement with creditors; or

(c) that person has, within the five years immediately preceding that person's appointment, or since that person's appointment, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence, and ordered to be imprisoned for a period of three months or more without the option of a fine, whether or not that sentence has been suspended; or

(d) that person is for the time being disqualified from being a member of a local authority; or

(e) that person or that person's spouse or civil partner is or becomes an employee of the Valuation Tribunal Service for Wales.

(2) A disqualification attaching to a person by reason of paragraph (1)(a) will cease—

(a) unless the bankruptcy order made against that person is previously annulled, on that person's discharge from bankruptcy; or

(b) if the bankruptcy order is so annulled, on the date of the annulment.

(3) A disqualification attaching to a person by reason of paragraph (1)(b) will cease—

(a) if that person pays that person's debts in full, on the date on which the payment is completed; or

(b) in any other case, on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(4) For the purposes of paragraph (1)(c), the ordinary date on which the period allowed for making an appeal from a conviction expires, or, if such an appeal is made, the date on which it is finally disposed of or abandoned or fails by reason of non-prosecution, will be deemed to be the date of the conviction.

(5) For the purposes of this regulation, "member of a Valuation Tribunal" ("*aelod o Dribiwnlys Prisio*") means a member—

(a) of a Valuation Tribunal appointed under regulation 12; or

(b) of the Governing Council of the Valuation Tribunal Service for Wales appointed under regulation 8.

Allowances

17.—(1) Members will be entitled to such travelling, subsistence and other allowances as the National Assembly for Wales may from time to time determine.

(2) For the purposes of this regulation "member" ("*aelod*") means a member of a Valuation Tribunal or a member of the Governing Council of the Valuation Tribunal Service for Wales.