SCHEDULES

SCHEDULE 4

Section 105

THE VALUATION TRIBUNAL SERVICE

Membership, chairman and deputy chairman

1 (1) The Service shall consist of not less than six and not more than ten members appointed by the Secretary of State.

(2) The Secretary of State shall appoint one of the members of the Service to be its chairman and another of them to be its deputy chairman.

(3) The Secretary of State shall exercise his power to appoint members of the Service to secure that at all times—

(a) a majority are persons occupying the position of president or chairman of a valuation tribunal, and

(b) the rest are persons who, in his opinion, are particularly suited to be members by reason of their qualifications or experience.

Disqualification

2 (1) A person shall be disqualified for being appointed as a member of the Service if—

(a) he is, or is married to, an employee of the Service;

(b) he is the subject of a bankruptcy restrictions order or interim order;

(c) a bankruptcy order has been made against him by a court in Northern Ireland, his estate has been sequestrated by a court in Scotland or, under the law of Northern Ireland or Scotland, he has made a composition or arrangement with, or granted a trust deed for, his creditors;

(d) in the last five years he has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has had a qualifying sentence passed on him.

(2) Where a person is disqualified under sub-paragraph (1)(c) because a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—

(a) on his obtaining a discharge, or

(b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.

(3) Where a person is disqualified under sub-paragraph (1)(c) because of his having made a composition or arrangement with, or granted a trust deed for, his creditors, the disqualification shall cease—

(a) at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled, or

(b) if before then he pays his debts in full, on the date on which the payment is completed.

(4) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

(5) In sub-paragraph (1)(d), the reference to a qualifying sentence is to a sentence of imprisonment for a period of not less than three months (whether suspended or not) without the option of a fine.

Tenure of office

3 (1) Subject to the provisions of this Schedule, a member of the Service shall hold and vacate office in accordance with the terms of his appointment.

(2) A person shall not be appointed as a member of the Service for more than three years.

(3) A person may at any time resign his office as a member of the Service by notice in writing to the Secretary of State.

(4) A person appointed as chairman or deputy chairman of the Service—

(a) shall hold and vacate that office in accordance with the terms of his appointment,

(b) may at any time resign that office by notice in writing to the Secretary of State, and

(c) shall cease to hold that office if he ceases to be a member of the Service.

4 (1) A person shall cease to be a member of the Service if—

(a) he ceases to be qualified for appointment as such,

(b) having occupied the position of president or chairman of a valuation tribunal at the time of his appointment as a member of the Service, he ceases to be a person who occupies such a position, or

(c) he has without reasonable excuse been absent from meetings of the Service for a continuous period of 3 months.

(2) The Secretary of State may remove a person from office as a member of the Service if satisfied that he is unable or unfit to carry out his functions as such.

5 A person who ceases (otherwise than by virtue of paragraph 4(1)(a) or (c)) to be the chairman or deputy chairman of the Service or to be a member of the Service shall be eligible for re-appointment.

Remuneration, pensions, etc of members

6 (1) The Service shall pay to its members such remuneration or allowances as the Secretary of State may determine.

(2) The Service shall, if so required by the Secretary of State—

(a) pay such pensions or gratuities to or in respect of its members or former members as the Secretary of State may determine,

(b) pay such contributions or payments as the Secretary of State may determine towards provision for the payment of pensions or gratuities to or in respect of its members or former members, and

(c) provide and maintain such schemes (whether contributory or not) as the Secretary of State may determine for the payment of pensions or gratuities to or in respect of its members or former members.

(3) If—

(a) a person ceases to be a member of the Service or ceases to be the chairman or deputy chairman of the Service, and

(b) it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation,

the Secretary of State may direct the Service to make a payment of such amount as he may determine.

Staff

7 (1) The Service shall have a chief executive.

(2) Appointments to the position of chief executive shall be made as follows—

(a) the first appointment shall be made by the Secretary of State, and

(b) subsequent appointments shall be made by the Service.

(3) The appointment under sub-paragraph (2)(a) shall be made after consultation with the chairman of the Service (or the person proposed to be appointed as such).

(4) Appointments under sub-paragraph (2)(b) shall be made with the consent of the Secretary of State.

(5) References in this Schedule, except paragraph 8(1), to the employees of the Service include references to its chief executive.

8 (1) The Service may appoint such employees as it may determine.

(2) The Service may pay to its employees such remuneration and allowances as it may with the consent of the Secretary of State determine.

(3) The Service may—

(a) pay such pensions or gratuities to or in respect of its employees or former employees as it may with the consent of the Secretary of State determine,

(b) pay such contributions or payments as it may so determine towards provision for the payment of pensions or gratuities to or in respect of its employees or former employees, and

(c) provide and maintain such schemes (whether contributory or not) as it may so determine for the payment of pensions or gratuities to or in respect of its employees or former employees.

(4) References in sub-paragraph (3) to pensions or gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminishment of emoluments.

9 The Service shall not appoint an employee to be the clerk to a valuation tribunal without the consent of the tribunal concerned.

Committees

10 (1) The Service may establish committees.

(2) Any committee established by the Service may establish one or more sub-committees.

(3) A person who is not a member of the Service may be appointed to a committee or a sub-committee of the Service.

(4) The Service may pay to members of its committees or sub-committees who are neither members nor employees of the Service such remuneration and allowances as the Secretary of State may determine.

Proceedings

11 Subject to the following provisions of this Schedule, the Service may regulate its own procedure (including quorum).

Delegation

12 (1) The Service may, to such extent as it may determine, delegate any of its functions to any committee of the Service or to any employee of the Service.

(2) Any such committee may, to such extent as it may determine, delegate any function conferred on it to any of its sub-committees or to any employee of the Service.

(3) Any sub-committee of the Service may, to such extent as the sub-committee may determine, delegate any function conferred on the sub-committee to any employee of the Service.

(4) A delegation under this paragraph shall be made in writing.

Members' interests

13 (1) A member of the Service who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Service shall disclose the nature of his interest to the meeting; and, where such a disclosure is made—

(a) the disclosure shall be recorded in the minutes of the meeting, and

(b) the member shall not take any part in any deliberation or decision of the Service with respect to that matter.

(2) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) shall only apply to him if he was aware of the fact that the matter would be brought up for consideration at the meeting.

(3) For the purposes of sub-paragraph (1), a general notification given at a meeting of the Service by a member to the effect that he—

(a) has an interest in a specified company, firm or other organisation, and

(b) is to be regarded as interested in any matter involving that company, firm or other organisation,

shall be regarded as sufficient disclosure of his interest in relation to any such matter.

(4) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.

(5) The Secretary of State may remove a disability under this paragraph subject to such conditions as he considers appropriate.

(6) The power of the Secretary of State under sub-paragraph (5) includes power to remove, either indefinitely or for any period, a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.

(7) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether any application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (5).

14 (1) Paragraph 13 shall apply in relation to meetings of a committee or sub-committee of the Service as it applies in relation to meetings of the Service.

(2) In the application of paragraph 13 by virtue of this paragraph, references to a member of the Service shall be read as references to a member of a committee or sub-committee of the Service.

Vacancies and defective appointments

15 The validity of any proceedings of the Service shall not be affected by a vacancy amongst the members or by a defect in the appointment of a member.

Minutes

16 (1) Minutes shall be kept of proceedings of the Service and of the committees and sub-committees of the Service.

(2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by the person purporting to have acted as chairman of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.

(3) Where minutes of any such proceedings have been signed as mentioned in sub-paragraph (2), those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

Execution and proof of instruments

17 (1) The application of the seal of the Service shall be authenticated by the signature of any member or employee of the Service who has been authorised for the purpose by the Service, whether generally or specially.

(2) Any document which the Service is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Service by any member or employee of the Service who has been authorised for the purpose by the Service, whether generally or specially.

(3) Every document purporting to be an instrument made or issued by or on behalf of the Service and to be duly executed under the seal of the Service, or to be signed or executed by a person authorised by the Service for the purpose, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

(4) In sub-paragraph (1), the reference to the signature of a person includes a reference to a facsimile of a signature by whatever process reproduced, and "signed" in sub-paragraphs (2) and (3) shall be read accordingly.

Money

18 (1) The Secretary of State may pay grants and make loans to the Service.

(2) The Service shall not otherwise borrow money except with the consent of the Secretary of State.

19 The Service shall comply with any notice given by the Secretary of State with the approval of the Treasury requiring it to perform duties of a financial nature specified in the notice.

20 (1) The Service shall—

(a) keep proper accounts and proper records in relation to the accounts, and

(b) prepare, in respect of each financial year, a statement of accounts giving a true and fair view of the state of affairs and the income and expenditure of the Service.

(2) The statement of accounts shall comply with any requirement which the Secretary of State has, with the approval of the Treasury, notified to the Service.

(3) The Service shall send each statement of accounts of the Service to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which it relates as the Secretary of State may specify by notice given to the Service.

(4) The Comptroller and Auditor General shall—

(a) examine, certify and report on each statement of accounts received by him under sub-paragraph (3), and

(b) lay a copy of each such statement of accounts, and of his report on it, before each House of Parliament.

(5) For the purpose of exercising his examination function in relation to a statement of accounts, the Comptroller and Auditor General—

(a) shall have a right of access at all reasonable times to any documents which he reasonably requires for that purpose and which are in the custody or under the control of the Service;

(b) shall have a right to require from any person holding or accountable for any of those documents any assistance, information or explanation which he reasonably thinks necessary for that purpose.

(6) The right of access to documents conferred by sub-paragraph (5)(a) includes a right to take copies of or make extracts from documents.

(7) A reference in sub-paragraphs (5) and (6) to documents includes a reference to information recorded in any form; and in the case of information recorded otherwise

than in a legible form the right of access conferred by sub-paragraph (5)(a) includes a right of access to, and to take copies of, that information in a legible form.

The Public Records Act 1958 (c. 51)

21 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3 there is inserted at the appropriate place—

"Valuation Tribunal Service."

The Parliamentary Commissioner Act 1967 (c. 13)

22 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), the following entry is inserted at the appropriate place—

"Valuation Tribunal Service."

The House of Commons Disqualification Act 1975 (c. 24)

23 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—

"The Valuation Tribunal Service."

The Freedom of Information Act 2000 (c. 36)

24 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) there is inserted at the appropriate place—

"The Valuation Tribunal Service."

The Enterprise Act 2002 (c. 40)

25 (1) Paragraph 2(1)(c), (2) and (3) shall be taken to be within the definition of "provision" in section 268 of the Enterprise Act 2002 (power to remove bankruptcy disqualifications under pre-8th November 2002 provisions or extend them to, or replace them with disqualifications of, persons subject to bankruptcy restrictions regimes).

(2) That section shall apply in relation to paragraph 2(1)(c), (2) and (3) as if—

(a) subsections (5)(d), (6) to (8) and (15) (power to make application of disqualification provision subject to person's discretion) were omitted, and

(b) for subsection (13) (orders under section to be made by statutory instrument after parliamentary approval of a draft) there were substituted—

"(13) An order under this section—

(a) must be made by statutory instrument, and

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Status

26 (1) The Service is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown.

(2) The property of the Service is not to be regarded as property of, or property held on behalf of, the Crown.

Interpretation

27 In this Schedule—

"delegate" includes further delegate;

"financial year" means—

(a) the period beginning with the day on which section 105 comes into force and ending with the next 31st March, and

(b) any subsequent period of 12 months beginning with 1st April.