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WELSH STATUTORY INSTRUMENTS

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**2001 No. 1439 (W. 101)**

**LOCAL GOVERNMENT, WALES**

**The Valuation Tribunals (Amendment)  
(Wales) Regulations 2001**

*Made* - - - - *5th April 2001*  
*Coming into force* - - *30 April 2001*

The National Assembly for Wales, in exercise of the powers given to the Secretary of State by section 143(2) of and paragraphs 1 and 5 of Schedule 11 to the Local Government Finance Act 1988<sup>(1)</sup>, now transferred to it<sup>(2)</sup>, makes the following Regulations:

**Name, application and commencement**

1. These Regulations are called the Valuation Tribunals (Amendment) (Wales) Regulations 2001, they apply to Wales only and come into force on the 30th April 2001.

**Amendment of 1995 Regulations**

2. The Valuation Tribunals (Wales) Regulations 1995<sup>(3)</sup> are amended as provided in Regulations 3 to 5 below.

**Appointment of members**

3. Regulation 3 is amended as follows:

(a) for paragraphs (1) to (4) there is substituted:

“(1) The members of a tribunal established by Regulation 2, subject to paragraphs (2), (2A), (2B) and (3) below, are to be appointed by:

- (a) the councils prescribed in relation to that tribunal in column 4 of Schedule 1 (“the councils”) and the president jointly, and
- (b) the National Assembly for Wales, after consultation with the president of the 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 tribunal in column 3 of Schedule 1 and

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(1) 1988 c. 41.

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) S.I. 1995/3056.

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.

(2A) 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 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.

(2B) The National Assembly for Wales must appoint a minimum of one member for each of the tribunals named in column 2 of Schedule 1.

(3) Where at the expiry of 3 months from a vacancy occurring, a council and the president 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.

(4) No appointment under paragraph (1) shall be valid if its effect would be that the number of members of the 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 tribunal appointed by that council and the president.”.

(b) in paragraph 5, for “an appointing council” substitute “a council”.

#### **Consequential Amendments to the 1995 Regulations**

4.—(1) Regulation 4 is amended as follows:

(a) for paragraph (1) substitute the following:

“(1) Each appointment of a member will have effect for such period not exceeding 6 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 tribunal.”.

(b) in sub-paragraph (b) of paragraph (2) insert “or (3A)” after “under paragraph (3)”.

(c) for paragraph (3), substitute the following:

“(3) The council by which any member was jointly appointed will, if so directed by the National Assembly for Wales after consultation with the council and with the president, by notice in writing give that member such period of notice of termination of office under this paragraph as may be directed.

(3A) The National Assembly for Wales may, after consultation with the president, give to any member appointed by it notice in writing giving such period of notice of termination of office as it may determine.”.

(2) In paragraph 4 of Regulation 14, for “an appointing council” substitute “a council”.

(3) In column 4 of Schedule 1, for “Appointing councils” substitute “Councils” and in column 5 of Schedule 1, for “each appointing council” substitute “each council”.

#### **Jurisdiction**

5. Regulation 35 (council tax appeals: jurisdiction) is amended by the insertion of the following paragraph after paragraph (4):

“(4A) Where it appears to the president of a tribunal which, but for this paragraph, would deal with an appeal, that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the National

Assembly for Wales will, on being so notified by the president, appoint another tribunal to deal with that appeal.”.

#### **Amendment to the Council Tax (Alteration of List and Appeals) Regulations 1993**

6. Regulation 17 (jurisdiction: exception) of the Council Tax (Alteration of Lists and Appeals) Regulations 1993(4) is amended by the insertion after paragraphs (1A) and (2) (which apply only in England) of:

“(3) In Wales, where it appears to the president of a tribunal that by reason of a conflict of interests or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the National Assembly for Wales will, on being so notified by the president, appoint another tribunal to deal with that appeal.

(4) In Wales, where the appellant is a former member or former employee of the tribunal by which, in pursuance of any provision of this regulation, his or her appeal would be dealt with, and the president determines that it will not be dealt with by that tribunal, it will be dealt with by such other tribunal as may be appointed for the purpose by the National Assembly for Wales.”.

#### **Amendment to the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993**

7. Regulation 32 (jurisdiction: exception) of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(5) is amended by the insertion after paragraphs (1A) and (2) (which apply only in England) of :

“(3) In Wales, where it appears to the president of a tribunal that by reason of a conflict of interests or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the National Assembly for Wales will, on being so notified by the president, appoint another tribunal to deal with that appeal.

(4) In Wales, where the appellant is a former member or former employee of the tribunal by which, in pursuance of any provision of this regulation, his or her appeal would be dealt with, and the president determines that it will not be dealt with by that tribunal, it will be dealt with by such other tribunal as may be appointed for the purpose by the National Assembly for Wales.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6).

5th April 2001

*D. Elis Thomas*  
The Presiding Officer of the National Assembly

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(4) S.I. 1993/290.  
(5) S.I. 1993/291.  
(6) 1998 c. 38.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Valuation Tribunals (Wales) Regulations 1995 (“the 1995 Regulations”) established tribunals and procedures for appeals in relation to the community charge (now abolished) and council tax payments, rating and valuation.

These regulations amend the 1995 Regulations to change the way members of the tribunals are appointed. Whereas previously the members were appointed by county or county borough councils (known as “the appointing councils”), they will now be able to be appointed in the following two ways:

- (1) by the appointing councils (now re-named as simply “the councils”) and the president of a tribunal acting jointly, and
- (2) by the National Assembly for Wales.

Amendments also make it possible for fewer members to be appointed to the tribunals, subject to a minimum of two-thirds of the number of members specified in the 1995 Regulations (which is the maximum number of members).

The Regulations also make provision for the National Assembly for Wales to appoint a different tribunal to deal with an appeal where a conflict or an appearance of a conflict of interest arises. Similar provisions are also added to the Council Tax (Alteration of Lists and Appeals) Regulations 1993 and the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993 insofar as they apply to Wales.