
WELSH STATUTORY INSTRUMENTS

2005 No. 3364

The Valuation Tribunals (Wales) Regulations 2005

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;
 - “the 1992 Act” (“*Deddf 1992*”) means the Local Government Finance Act 1992;
 - “appeal” (“*apel*”), 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(1);
 - (c) regulations made under section 55 of the 1988 Act(2);
 - (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(3);
 - “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;

(1) See S.I. 1993/290.

(2) See S.I. 1993/291.

(3) 1991 c. 59.

“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 Priso*”) means a Valuation Tribunal established under regulation 11; and

“Valuation Tribunal Service for Wales” (“*Gwasanaeth Tribiwnlys Priso Cymru*”) means the Valuation Tribunal Service for Wales established under regulation 5.

(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(4);
- (b) regulations 1 to 5 of the Valuation Tribunals (Amendment) (Wales) Regulations 2001(5); and
- (c) the Valuation Tribunals (Wales) (Amendment) Regulations 2004(6).

(4) S.I. 1995/3056.

(5) S.I. 2001/1439 (W.101).

(6) S.I. 2004/1312 (W.138).

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 Priso"*) 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.

PART 3

Administration

Staff of the Valuation Tribunal Service for Wales

18.—(1) Within one month of 3 January 2006, the Valuation Tribunal Service for Wales must appoint an Interim Chief Executive who will serve the Valuation Tribunal Service for Wales.

(2) The Interim Chief Executive will hold office until the person appointed under paragraph (3) takes office.

(3) Within three months of 3 February 2006, the Valuation Tribunal Service for Wales must appoint a Chief Executive who will serve the Valuation Tribunal Service for Wales.

(4) No appointments under paragraphs (1) or (3) will be valid unless they are made with the approval of the National Assembly for Wales.

(5) Within one month of 3 January 2006, the Valuation Tribunal Service for Wales must appoint an interim Clerk to each Valuation Tribunal.

(6) The interim Clerks will hold office until the persons appointed under paragraph (7) takes office.

(7) Within three months of 3 February 2006, the Valuation Tribunal Service for Wales must appoint a Clerk for each Valuation Tribunal.

(8) The Valuation Tribunal Service for Wales may appoint other employees as it so determines.

(9) The terms and conditions on which the interim Chief Executive, the Chief Executive, the interim Clerks, the Clerks and the other employees are appointed will be such as the Valuation Tribunal Service for Wales may determine.

(10) The Valuation Tribunal Service for Wales will pay to its employees such remuneration and allowances as it may determine.

(11) No determination under paragraph (10) will be valid unless made with the approval of the National Assembly for Wales.

(12) The functions of the interim Chief Executive, the Chief Executive, the interim Clerks and the Clerks appointed under paragraph (1), (3), (5) and (7) respectively, may be delegated to other employees of the Valuation Tribunal Service for Wales as the Valuation Tribunal Service for Wales so determines.

(13) Where at the expiry of the period specified in paragraphs (1), (3), (5) and (7) no appointments have taken place in accordance with the provisions of this regulation, the National Assembly for Wales may, after consultation with such members of the Governing Council as it sees fit, appoint an interim Chief Executive, Chief Executive, interim Clerks or Clerks as appropriate.

Administration

19.—(1) Subject to regulation 7 and 20 the functions of the Valuation Tribunal Service for Wales under these regulations may be performed on its behalf by two or more members of its Governing Council, who must, subject to paragraph (2), include the Director of the Governing Council.

(2) Where it is impracticable for the Director of the Governing Council to perform any of the Director's functions under paragraph (1), that function will be performed by the deputy Director.

(3) The administration of the allowances of members of the Valuation Tribunals and the Governing Council and of the remuneration and allowances of the Valuation Tribunal Service for Wales's employees will be the responsibility of the Chief Executive.

(4) In respect of any payment under regulation 17 the Chief Executive must keep a record for each Valuation Tribunal and the Governing Council of the name of the recipient and the amount and reason for the payment, and must permit any person authorised by the National Assembly for Wales to inspect and make copies of such records.

(5) 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).

Accommodation and equipment

20.—(1) The Valuation Tribunal Service for Wales must maintain a permanent office; and the Chief Executive will have the function on behalf of the Valuation Tribunal Service for Wales of making such arrangements as will secure that it has such other accommodation, and such secretarial and other equipment, as is sufficient for the performance of its functions.

(2) 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).

Use of public rooms

21.—(1) A President of a Valuation Tribunal, the Director of the Governing Council, the Chief Executive or a Clerk may request the permission of a county or county borough council in Wales for the use of any premises belonging to that council by a Valuation Tribunal or its members, a special Tribunal, the Governing Council, the Chief Executive, a Clerk or employees of the Valuation Tribunal Service for Wales, on such days as may be specified in the request.

(2) A council requested as provided in paragraph (1) must not unreasonably withhold the permission requested, and will be entitled to make reasonable charges in respect of such use.

(3) 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);

“Clerk” (“*Clerc*”) means an interim Clerk appointed under regulation 18(5) or a Clerk appointed under regulation 18(7).

PART 4

Transitional Provisions

Transferred appeals and interpretation

22.—(1) Any appeal to an old Tribunal which was initiated before 15 February 2006 and would, had it been initiated on or after that date have fallen to be disposed of by a Valuation Tribunal established by regulation 11, will be transferred on the 15 February 2006 to, and disposed of by, that Valuation Tribunal (“*the new Tribunal*”).

(2) On and after 15 February 2006—

(a) the relevant statutory provisions will apply as if anything done in relation to the appeal by or in relation to the old Tribunal from which it is transferred or the Clerk, the President or a chairman of that old Tribunal, had been done by or in relation to the new Tribunal, or as the case may be, the Clerk, the President or a Chairperson of that new Tribunal, and

(b) any reference (however framed) to a Clerk, President or a chairman of an old Tribunal in the relevant statutory provisions or instruments made under them will, so far as is required for giving effect to this regulation, be construed as a reference to the Clerk, or, as the case may be, the President or a Chairperson of the new Tribunal.

(3) In this regulation “the relevant statutory provisions” (“*darpariaethau statudol perthnasol*”) means—

(a) in relation to appeals under section 16 of, or paragraph 3(1) of Schedule 3 to the 1992 Act, these Regulations;

(b) in relation to appeals under regulations made under section 24 of the 1992, those Regulations;

(c) in relation to appeals under Schedule 4A to the 1988 Act (Completion notices), and under Regulations made under section 55 of the 1988 Act (“those Regulations”), those Regulations;

(d) in relation to appeals under section 45 of the Land Drainage Act 1991, the 1991 Act;

(e) in relation to appeals under paragraph 5C of Schedule 9 (Civil Penalties) of the 1988 Act, these Regulations.

(4) For the purposes of Part 4 of these Regulations, “Clerk” (“*Clerc*”), means—

(a) an interim Clerk or a Clerk appointed under regulation 18(5) and (7) respectively; and

(b) any other employee, of the Valuation Tribunal Service for Wales appointed under regulation 18(8) to which part or all of the functions of a Clerk in Part 4 of these Regulations have been delegated.

Winding Up

23.—(1) The old Tribunals will cease to exist on 14 February 2006.

(2) Subject to regulation 12, the members of the old Tribunals on 14 February 2006 will cease to hold office as such at the end of that day.

PART 5

Council Tax Appeals

Interpretation

24.—(1) Any reference in the following provisions of this Part—

- (a) to a party to an appeal, includes the appellant and any person entitled in pursuance of this Part to be served with a copy of the appellant’s notice of appeal; and
- (b) to a numbered section or Schedule is, unless the context otherwise requires, a reference to the section or Schedule so numbered in the 1992 Act.

(2) For the purposes of Part 5 of these Regulations, “Clerk” (“*Clerc*”), means—

- (a) an interim Clerk or a Clerk appointed under regulation 18(5) and (7) respectively; and
- (b) any other employee, of the Valuation Tribunal Service for Wales appointed under regulation 18(8) to which part or all of the functions of the Clerk in Part 5 of these Regulations have been delegated.

Jurisdiction

25.—(1) Subject to the following paragraphs of this regulation—

- (a) an appeal other than an appeal against the imposition of a penalty will be dealt with by the Valuation Tribunal established for the area in which is situated the dwelling to which the appeal relates;
- (b) an appeal against the imposition of a penalty will be dealt with by the Valuation Tribunal whose area of jurisdiction includes the area of the billing authority concerned.

(2) Where—

- (a) more than one billing authority has decided that a person is liable to pay council tax for the same day because that person is a resident in relation to a dwelling, and
- (b) the person appeals under section 16(1) against both or all of the decisions, and
- (c) but for this paragraph, the appeals would fall to be dealt with by different Valuation Tribunals,

the appeals will be dealt with, subject to paragraph (3), by such one of those Valuation Tribunals as that person may elect by giving notice in writing to the Clerk of that Valuation Tribunal.

(3) Where the appellant is a member of the Valuation Tribunal which, but for this paragraph, would deal with the appellant’s appeal, it must not be dealt with by that Valuation Tribunal but by such other Valuation Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(4) Where the appellant is a former member of the Valuation Tribunal by which, in pursuance of any provision of this regulation, the appellant’s appeal would fall to be dealt with, and the President of that Valuation Tribunal determines that it must not be dealt with by that Valuation Tribunal, it will be dealt with by such other Valuation Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(5) Where the appellant is an employee of the Valuation Tribunal Service for Wales, the appeal will be dealt with by a Special Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(6) Where it appears to the President of a Valuation Tribunal which, but for this paragraph, would deal with an appeal, that by reason of a conflict of interests, or the appearance of such conflict, it would be inappropriate for an appeal to be dealt with by that Valuation Tribunal, the Valuation Tribunal Service for Wales will, on being so notified by the President, appoint another Valuation Tribunal to deal with that appeal.

(7) Notwithstanding the provisions of this regulation, where it appears appropriate to the Valuation Tribunal Service for Wales, it may appoint a Special Tribunal to deal with an appeal.

(8) Where—

- (a) the appellant is a former member or employee of an old Tribunal, and
- (b) in pursuance of paragraph (1) or (2), any appeal of a person referred to in paragraph (a) would fall to be dealt with by a Valuation Tribunal whose area includes all or part of the area of that old Tribunal, and
- (c) the President of the Valuation Tribunal determines that the appeal must not be dealt with by that Tribunal

it will be dealt with by a Special Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(9) In cases dealt with under paragraphs (5), (7) or (8), the Valuation Tribunal Service for Wales will appoint one of the Clerks appointed under regulation 18(5) or (7) to serve that Tribunal.

Time limits

26.—(1) An appeal by a person in relation to whom the condition mentioned in section 16(7) (a) or (b) is fulfilled will be dismissed unless it is initiated in accordance with this Part not later than the expiry of two months beginning with the date of service of the billing authority's notice under that section.

(2) When the condition mentioned in section 16(7)(c) is fulfilled, an appeal by the aggrieved person will be dismissed unless it is initiated within four months of the date of service of that person's notice under section 16(4).

(3) An appeal under paragraph 3 of Schedule 3 to the 1992 Act will be dismissed unless it is initiated not later than the expiry of two months beginning with the date of service of written notice of the imposition of the penalty.

(4) An appeal against a completion notice will be dismissed unless it is initiated not later than the expiry of four weeks beginning with the date of service of the notice.

(5) Notwithstanding paragraphs (1) to (4), the President may authorise an appeal to be entertained where the President is satisfied that the failure of the person aggrieved to initiate the appeal as provided by this regulation has arisen by reason of circumstances beyond that person's control.

(6) For the purposes of this regulation, "the President" ("*y Llywydd*") also means, in cases dealt with under regulation 25(5), (7) or (8), the Director of the Governing Council of the Valuation Tribunal Service for Wales.

Initiating an appeal

27.—(1) An appeal must be initiated by serving on the Clerk a notice in writing ("a notice of appeal") ("*hysbysiad am apêl*").

(2) Where the appeal is made under section 16, the notice of appeal must contain the following information—

- (a) the grounds on which the appeal is made;
- (b) the date on which the notice under section 16(4) was served on the billing authority; and
- (c) the date, if any, on which the appellant was notified by the authority as mentioned in section 16(7)(a) or (b).

(3) Where the appeal is an appeal against a completion notice, the notice of appeal must be accompanied by—

- (a) a copy of the completion notice; and
- (b) a statement of the grounds on which the appeal is made.

(4) Where the appeal is against the imposition of a penalty, the notice of appeal must contain the following information—

- (a) the grounds on which the appeal is made; and
- (b) the date of service of written notice of the imposition of a penalty.

(5) The Clerk must, within two weeks of service of the notice of appeal, notify the appellant that the Clerk has received it, and must serve a copy of it on the billing authority whose decision, action or notice is the subject of the appeal, and any other billing authority appearing to the Clerk to be concerned.

Arrangements for appeals

28.—(1) It will be the duty of the President of a Valuation Tribunal to secure that arrangements are made for appeals to be determined in accordance with the following provisions of this Part.

(2) This paragraph applies where an appeal under this Part and an appeal under one or more of the following—

- (a) regulations made under section 55 of the 1988 Act;
- (b) regulations made under section 24 of the 1992 Act;

relate to the same property.

(3) Where paragraph (2) applies—

- (a) the President will secure that the appeals are dealt with in such order as appears to that President best designed to secure the interests of justice;
- (b) the valuation officer or the listing officer (as the case may be) and the billing authority must be joined as a party to an appeal under this Part;

(4) In paragraph (3), “valuation officer” (“*swyddog prasio*”) means the officer appointed under section 61(1)(a) of the 1988 Act.

(5) The Clerk must as soon as is reasonably practicable serve a copy of the notice of appeal on a person who has been made a party in accordance with paragraph (3).

(6) For the purposes of this regulation, “the President of a Valuation Tribunal” (“*Llywydd Tribiwnlys Prasio*”) also means, in cases dealt with under regulation 25(5), (7) or (8), the Director of the Governing Council of the Valuation Tribunal Service for Wales.

Withdrawal

29.—(1) An appeal may be withdrawn by notice in writing given to the Clerk before the commencement of a hearing or of consideration of written representations by a Tribunal.

(2) The Clerk must notify the appellant when the notice of withdrawal has been received, and must serve a copy of the notice on all the other parties to the appeal.

Disposal by written representations

30.—(1) An appeal may be disposed of on the basis of written representations if all the parties have given their agreement in writing.

(2) Where all the parties have given their agreement as mentioned in paragraph (1), the Clerk must serve notice on the parties accordingly; and, within four weeks of service of such a notice on a party, each party may serve on the Clerk a notice stating—

- (a) the reasons or further reasons for the disagreement giving rise to the appeal; or
- (b) that party does not intend to make further representations.

(3) A copy of any notice served in pursuance of paragraph (2) must be served by the Clerk and on the other party or parties to the appeal, and must be accompanied by a statement of the effect of paragraphs (4) and (5).

(4) Any party on whom a notice is served under paragraph (3) may, within four weeks of that service, serve on the Clerk a further notice stating that party's reply to the other party's statement, or that that party does not intend to make further representations, as the case may be; and the Clerk must serve a copy of any such further notice on the other party or parties.

(5) After the expiry of four weeks beginning with the expiry of the period of four weeks mentioned in paragraph (4) the Clerk must submit copies of—

- (a) any information transmitted to the Clerk under these Regulations, and
- (b) any notice under paragraph (2) or (4),

to a Tribunal constituted as provided in regulation 34.

(6) The Tribunal to which an appeal is referred as provided in paragraph (5) may if it thinks fit—

- (a) require any party to furnish in writing further particulars of the grounds relied on and of any relevant facts or contentions; or
- (b) order that the appeal be disposed of on the basis of a hearing.

(7) Where a Tribunal requires any party to furnish any particulars under paragraph (6)(a), the Clerk must serve a copy of such particulars on every other party, and each such party may within four weeks of such service serve on the Clerk any further statement that party wishes to make in response.

Notice of hearing

31.—(1) Where the appeal is to be disposed of on the basis of a hearing, the Clerk must, not less than four weeks before the date in question, serve on the parties notice of the date, time and place appointed for the hearing.

(2) The Clerk will advertise the date, time and place appointed for any hearing by causing a notice giving such information to be conspicuously displayed—

- (a) outside an office of the billing authority appointed by the authority for that purpose, or
- (b) in another place within that authority's area.

(3) The notice required by paragraph (2) must name a place where a list of the appeals to be heard may be inspected.

(4) Where the hearing of an appeal has been postponed, the Clerk must take such steps as are reasonably practicable in the time available—

- (a) to notify the parties of the postponement; and

- (b) to advertise the postponement.

Disqualification from participating

32.—(1) A person will be disqualified from participating as a member in the hearing or determination of, or acting as Clerk or officer of a Tribunal in relation to, an appeal if that person is a member of the relevant billing authority.

(2) In this regulation “relevant billing authority” (“*awdurdod bilio perthnasol*”) means—

- (a) in the case of an appeal against a completion notice, the billing authority in whose area is situated the dwelling which is the subject matter of the appeal; and
- (b) in any other case, the billing authority whose decision is being appealed against.

(3) A person will be disqualified from participating as a member in the hearing or determination of, or acting as Clerk or officer of a Tribunal in relation to, an appeal if the appellant is that person’s spouse, civil partner or that person supports the appellant financially or is liable to do so.

(4) A person will not otherwise be disqualified from acting in any capacity in relation to an appeal by reason only of the fact that that person is a member of an authority which derives revenue directly or indirectly from payments in respect of council tax which may be affected by the exercise of that person’s functions.

Representation at the hearing

33. Any party to an appeal which is to be decided at a hearing may appear in person (with assistance from any person if that person wishes), by counsel or solicitor, or any other representative (other than a person who is a member of a Valuation Tribunal or the Governing Council of the Valuation Tribunal Service for Wales or an employee of the Valuation Tribunal Service for Wales).

Conduct of the hearing

34.—(1) Subject to paragraph (2), a Tribunal’s function of hearing or determining an appeal will be discharged by three members of Valuation Tribunals who must include at least one Chairperson; and a Chairperson will preside.

(2) Where all parties to an appeal who appear so agree, the appeal may be decided by two members of Valuation Tribunals, and notwithstanding the absence of a Chairperson.

(3) The hearing will take place in public, unless the Tribunal otherwise orders on the application of a party and on being satisfied that the interests of that party would be prejudicially affected.

(4) If the appellant fails to appear at the hearing, the Tribunal may dismiss the appeal, and if any other party does not appear the Tribunal may hear and determine the appeal in that party’s absence.

(5) The Tribunal may require any witness to give evidence under oath or affirmation, and will have power for that purpose to administer an oath or affirmation in due form.

(6) Parties at the hearing may be heard in such order as the Tribunal may determine, and may examine any witness before the Tribunal and call witnesses.

(7) A hearing may be adjourned for such time, to such place and on such terms (if any) as the Tribunal thinks fit; and reasonable notice of the time and place to which the hearing has been adjourned must be given to every party.

(8) If it thinks fit a Tribunal may, after notice to the parties inviting them to be present, inspect any dwelling which is the subject of an appeal.

(9) Subject to any provisions of this Part, the Tribunal—

- (a) must conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings;

- (b) must, so far as appears to it appropriate, seek to avoid formality in its proceedings; and
- (c) will not be bound by any enactment or rule of law relating to the admissibility of evidence before courts of law.

Evidence: general

35.—(1) This regulation applies to information supplied in pursuance of regulations under section 13 of, or Schedule 2 to, the 1992 Act.

(2) Subject to the following provisions of this regulation, information to which this regulation applies will in any relevant proceedings be admissible as evidence of any fact stated in it; and any document purporting to contain such information will, unless the contrary is shown, be presumed—

- (a) to have been supplied by the person by whom it purports to have been supplied; and
- (b) to have been supplied by that person in any capacity in which it purports to have been supplied.

(3) Information to which this regulation applies must not be used in any relevant proceedings by a billing authority unless—

- (a) not less than two weeks' notice, specifying the information to be so used and the dwelling or person to which or to whom it relates, has previously been given to every other party to the proceedings; and
- (b) any person who has given not less than 24 hours' notice of that person's intention to do so has been permitted by that authority at any reasonable time—
 - (i) to inspect the documents and other media in or on which such information is held; and
 - (ii) to make a copy of, or of any extract from, any document containing such information.

(4) If any information required to be made available for inspection in accordance with this regulation is not maintained in documentary form, the duty to make it so available is satisfied if a print-out, photographic image or other reproduction of the document, which has been obtained from the storage medium adopted in relation to the document, is made available for inspection.

(5) In this regulation “relevant proceedings” (“*achos(ion) perthnasol*”) means any proceedings on or in consequence of an appeal, and any proceedings on or in consequence of a reference to arbitration under regulation 42.

Evidence of lists and other documents

36.—(1) The contents of a list may be proved by the production of a copy of it, or of the relevant part, purporting to be certified to be a true copy by the listing officer.

(2) The contents of a completion notice may be proved by the production of a copy of it purporting to be certified to be a true copy by the proper officer of the billing authority.

(3) In paragraph (2) “proper officer” (“*swyddog priodol*”) has the same meaning as in the Local Government Act 1972(7).

Decisions on appeals

37.—(1) An appeal may be decided by a majority of the members participating; and where (pursuant to regulation 34(2)), it falls to be disposed of by two members and they are unable to agree, it must be remitted by the Clerk to be decided by a Tribunal consisting of three different members.

(2) Where an appeal is disposed of on the basis of a hearing, the decision of the Tribunal may be reserved or given orally at the end of the hearing.

(3) Subject to paragraph (4), as soon as is reasonably practicable after a decision has been made, it must—

- (a) in the case of a decision given orally, be confirmed,
- (b) in any other case, be communicated,

by notice in writing to the parties; and the notice must be accompanied by a statement of the reasons for the decision.

(4) Nothing in paragraph (3) will require notice to be given to a party if it would be repetitive of any document supplied to that person in accordance with regulation 41.

(5) In the case of an appeal against a completion notice, the Clerk must send notice of the decision to the listing officer appointed for the billing authority which is a party to the appeal.

(6) In this regulation, “member” (“*aelod*”) means a member of a Tribunal constituted in accordance with regulation 34.

Orders

38.—(1) On or after deciding an appeal the Tribunal may, in consequence of the decision, by order require—

- (a) an estimate to be quashed or altered;
- (b) a penalty to be quashed;
- (c) the decision of a billing authority to be reversed;
- (d) a calculation (other than an estimate) of an amount to be quashed and the amount to be recalculated.

(2) An order may require any matter ancillary to its subject-matter to be attended to.

Review of decisions

39.—(1) Subject to paragraphs (2) and (3), a Tribunal constituted as provided in paragraph (4) will have power on written application by a party to review or set aside by certificate under the hand of the presiding member—

- (a) any decision on any of the grounds mentioned in paragraph (5), and
- (b) a decision on an appeal against a completion notice, on the additional ground mentioned in paragraph (6).

(2) Paragraph (1) does not apply where an appeal against the decision in question has been determined by the High Court.

(3) An application under paragraph (1) may be dismissed if it is not made within the period of four weeks beginning on the day on which notice is given (whether in accordance with regulation 37(3) or regulation 40(3)) of the decision in question.

(4) So far as is reasonably practicable, the Tribunal appointed to review a decision will consist of the same members as constituted the Tribunal which took the decision.

(5) The grounds referred to in paragraph (1)(a) are—

- (a) that the decision was wrongly made as a result of clerical error;
- (b) that a party did not appear and can show reasonable cause why that party did not do so; and

- (c) that the decision is affected by a decision of, or a decision on appeal from, the High Court or the Lands Tribunal in relation to an appeal in respect of the dwelling which, or, as the case may be, the person who, was the subject of the Tribunal's decision.
- (6) The grounds mentioned in paragraph (1)(b) are that new evidence, the existence of which could not have been ascertained by reasonably diligent inquiry or could not have been foreseen, has become available since the conclusion of the proceedings to which the decision relates.
- (7) If a Tribunal sets aside a decision in pursuance of this regulation, it must revoke any order made in consequence of that decision and must order a re-hearing or redetermination before either the same or a different Tribunal.
- (8) The Clerk must as soon as reasonably practicable notify the parties to the appeal in writing of—
- (a) a determination that the Tribunal will not undertake a review under paragraph (1);
 - (b) the determination of the Tribunal, having undertaken a review under paragraph (1), that it will not set aside the decision concerned;
 - (c) the issue of any certificate under paragraph (1); and
 - (d) the revocation of any order under paragraph (7).
- (9) Where in relation to a decision in respect of which an application under paragraph (1) is made, an appeal to the High Court remains undetermined on the relevant day, the Clerk must notify the High Court as soon as reasonably practicable after the occurrence of the relevant event.
- (10) In paragraph (9)—
- “the relevant day” (“*diwrnod perthnasol*”) means the day on which, as the case may be,—
- (a) the application under paragraph (1) is made;
 - (b) the event referred to in any of sub-paragraphs (a) to (d) of paragraph (8) occurs; and
- “the relevant event” (“*digwyddiad perthnasol*”), in relation to a relevant day, means the event occurring on that day.
- (11) In this regulation, “member” (“*aelod*”) means a member of a Tribunal constituted in accordance with regulation 34.

Records of decisions, etc

- 40.**—(1) It will be the duty of the Clerk to make arrangements for each decision, each order made under regulation 38 and the effect of each certificate and revocation under regulation 39 to be recorded.
- (2) Records may be kept in any form, whether documentary or otherwise, and must contain the particulars specified in Schedule 2 below.
- (3) A copy, in documentary form, of the relevant entry in the record must, as soon as reasonably practicable after the entry has been made, be sent to each party to the appeal to which the entry relates.
- (4) Each record must be retained for the period of six years beginning on the day on which an entry was last made in it.
- (5) Any person may, at a reasonable time stated by or on behalf of the Tribunal concerned and without making payment, inspect the records which are required to be made by paragraph (1).
- (6) If, without reasonable excuse, a person having custody of the record intentionally obstructs a person in exercising the right conferred by paragraph (5), that person will be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(7) The member who presided at the hearing or determination of an appeal may authorise the correction of any clerical error in the record, and a copy of the corrected entry must be sent to the persons to whom a copy of the original entry was sent.

(8) The production in any proceedings in any court of law of a document purporting to be certified by the Clerk of a Tribunal to be a true copy of a record or decision of that Tribunal will, unless the contrary is proved, be sufficient evidence of the document and of the facts it records.

Appeals

41.—(1) An appeal will 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 and may be made by any party to the appeal.

(2) Subject to paragraph (3), an appeal under paragraph (1) may be dismissed if it is not made within four weeks of the date on which notice is given of the decision or order that is the subject matter of the appeal.

(3) Where—

(a) in relation to an application under paragraph (1) of regulation 39 made within four weeks of the date on which notice was given of the decision which is the subject matter of the appeal, notice is given as mentioned in paragraph (8)(a) of that regulation, or

(b) notice is given as mentioned in paragraph (8)(b) of that regulation,

the appeal may be dismissed if it is not made within four weeks of the service of the notice under that paragraph (8)(a) or (b).

(4) The High Court may confirm, vary, set aside, revoke or remit the decision or order of the Tribunal, and may make any order which the Tribunal could have made.

(5) Billing authorities must act in accordance with any order made by the High Court; and paragraph 10A of Schedule 11 to the 1988 Act will have effect subject to this requirement.

Arbitration

42.—(1) Where at any time before the beginning of a hearing or the consideration by a Tribunal of written representations it is so agreed in writing between the persons who, if a dispute were to be the subject of an appeal to the Tribunal, would be the parties to the appeal, the question will be referred to arbitration.

(2) Section 94 of the Arbitration Act 1996(8) will have effect for the purposes of the referral of a question in pursuance of this regulation as if such referral were to arbitration under another Act within the meaning of that section.

(3) In any arbitration in pursuance of this regulation, the award may include any order which could have been made by a Tribunal in relation to the question; and paragraph 10A of Schedule 11 to the 1988 Act will apply to such an order as it applies to orders recorded in pursuance of this Part.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁹⁾

6 December 2005

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