
WELSH STATUTORY INSTRUMENTS

2010 No. 713

The Valuation Tribunal for Wales Regulations 2010

PART 2

Establishment of the Valuation Tribunal for Wales

Establishment of the Valuation Tribunal for Wales

4. On 1 April 2010 there will be established the Valuation Tribunal for Wales.

Establishment of the Governing Council

5. On 1 July 2010 there will be established a Governing Council for the Valuation Tribunal.

Membership of the Governing Council

6.—(1) The membership of the Governing Council will consist of:

- (a) the President of the Valuation Tribunal appointed in accordance with regulation 11;
- (b) the regional representatives (but not the deputy regional representatives) appointed in accordance with regulation 13; and
- (c) any person appointed by the Welsh Ministers under regulation 7.

(2) If a regional representative as described in paragraph (1)(b) is unable, through illness or absence or any other cause, to act as a member of the Governing Council, then the deputy regional representative for that region may take the place of the regional representative and shall have the same powers as the regional representative who is unable to act.

Welsh Ministers' appointee

7.—(1) The Welsh Ministers may appoint one person to the Governing Council.

(2) This regulation is subject to the provisions of regulation 21(4) concerning the appointment to the Governing Council on 1 July 2010.

(3) The Welsh Ministers may, after consultation with the President, give to any person appointed under paragraph (1) notice in writing giving such notice of termination of office as they determine.

Functions of the Governing Council

8.—(1) The functions of the Valuation Tribunal under Parts 2 to 4 (except regulation 18(1)) will be performed on its behalf by the Governing Council.

(2) The Governing Council may determine that the functions of the Valuation Tribunal under Parts 2 to 4 (except regulation 18(1)) may be performed on its behalf by two or more members of the Governing Council one of whom must be the President.

(3) Paragraph (2) does not apply to the appointment of the chief executive.

(4) Paragraphs (1) and (2) are subject to the provisions in regulations 16(6), 17 and Schedule 2 conferring functions on the chief executive.

Appointment of Valuation Tribunal members

9.—(1) Subject to the following paragraphs of this regulation, the members of the Valuation Tribunal, will consist of those persons appointed by the councils prescribed in column 3 of Schedule 1 (“the councils”) and the President jointly.

(2) The number of members to be appointed by a council and the President is the number specified in relation to that council in column 4 of Schedule 1.

(3) For the purposes of this regulation, a vacancy only occurs when the number of members appointed by a council and the President falls below the number specified in relation to that council in column 4 of Schedule 1.

(4) Where at the expiry of three months from a vacancy occurring in the Valuation Tribunal a council and the President have failed to make an appointment in accordance with paragraph (1), that appointment may be made by the Welsh Ministers after consultation with the President.

(5) No appointment under paragraph (1) will be valid if its effect would be that the number of members of the Valuation Tribunal, appointed by a council and the President, who are members of the council exceed the number specified in relation to the council in column 5 of Schedule 1.

(6) Paragraph (5) must not be construed as affecting the validity of the appointment of a member of the Valuation Tribunal who becomes a member of a council after that person’s appointment takes effect.

(7) This regulation is subject to the provisions of regulation 21 concerning the appointment of members on 1 July 2010.

Duration of membership of the Valuation Tribunal

10.—(1) Each appointment of a member under regulation 9 will have effect for such period not exceeding six years as the person or persons making the appointment may specify.

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

- (a) the period specified under paragraph (1) expires;
- (b) notice of that member’s removal under paragraph (3) takes effect;
- (c) that member becomes disqualified from membership as provided in regulation 14;
- (d) that member resigns the office by notice in writing to the President.

(3) The chief executive will, if so directed by the Welsh Ministers, after the Welsh Ministers have consulted with the relevant council and with the President, by notice in writing give a member such period of notice of termination of office under this paragraph as may be directed.

The President of the Valuation Tribunal

11.—(1) The first appointment to the office of President is to be made in accordance with Part 1 of Schedule 2 but subject to Part 2 of that Schedule.

(2) In the case of a subsequent vacancy occurring in the office of the President, the members of the Valuation Tribunal must in accordance with Part 1 of Schedule 2 appoint a person to be President.

(3) Where no appointment has taken place in accordance with Schedule 2, the Welsh Ministers must, after consultation with such of the members of the Valuation Tribunal as they see fit, appoint one of the Valuation Tribunal’s members to be President.

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

- (a) the expiration of the period of two years from the date on which the President takes office (and for the purposes of this paragraph the first appointee to the office of President is to be regarded as taking office on 1 July 2010);
- (b) the President ceases to be a member of the Valuation Tribunal;
- (c) notice of the President's resignation under paragraph (5) takes effect;
- (d) notice of termination under paragraph (6) takes effect.

(5) The President may resign office by giving not less than one month's notice in writing to the Welsh Ministers.

(6) The Welsh Ministers may, after consultation with such of the members of the Valuation Tribunal as they see fit, by giving notice in writing to the President terminate the President's appointment as such.

(7) 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 must be carried out by such member of the Governing Council as that Council from time to time determines.

(8) The President may authorise the President's function of appointment under regulation 9(1) to be discharged by a regional representative; and in this paragraph "regional representative" excludes a deputy regional representative.

Chairpersons of the Valuation Tribunal

12.—(1) The number of members of the Valuation Tribunal to be appointed to the position of Chairperson will be determined by the Valuation Tribunal.

(2) The President will constitute one of the Chairpersons and the members of the Valuation Tribunal must, in accordance with Part 1 of Schedule 2 but subject to regulation 22, appoint the remaining number of Chairpersons within the prescribed period by election from among their number.

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

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

- (a) that Chairperson ceases to be a member of the Valuation Tribunal;
- (b) that Chairperson resigns by giving notice in writing to the President;
- (c) notice of termination under paragraph (5) takes effect.

(5) The President—

- (a) may, after consultation with the Governing Council, by giving notice in writing to a Chairperson terminate that Chairperson's office; and
- (b) must, if so directed by the Welsh Ministers, 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.

(6) Before giving a direction under paragraph (5)(b) the Welsh Ministers must consult the President.

(7) In this regulation—

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

“the determined number” (“*y nifer rhagnodedig*”) means the number determined by the Valuation Tribunal in pursuance of paragraph (1);

“the prescribed period” (“*y cyfnod rhagnodedig*”) means three months beginning with a vacancy occurring among the determined number.

Regional representatives of the Valuation Tribunal

13.—(1) The first appointments to the offices of regional representative and deputy regional representative (in this regulation called “regional representative”) are to be made in accordance Part 1 of Schedule 2 but subject to Part 2 of that Schedule.

(2) In the case of subsequent vacancies occurring in the office of regional representative the members of the Valuation Tribunal must, in accordance with Part 1 of Schedule 2, appoint a regional representative or a deputy regional representative (as the case may be) for that region from among their number.

(3) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the Welsh Ministers must, after consultation with the President, appoint the appropriate number of members to be regional representatives.

(4) A regional representative appointed under this regulation will hold office until whichever of the following first occurs—

- (a) the expiration of the period of two years from the date on which the regional representative takes office (and for the purposes of this paragraph the first appointees to the office of regional representative are to be regarded as taking office on 1 July 2010);
- (b) that regional representative ceases to be a member of the Valuation Tribunal;
- (c) that regional representative resigns by giving notice in writing to the President;
- (d) notice of termination under paragraph (5) takes effect.

(5) The President—

- (a) may, after consultation with the Governing Council, by giving notice in writing to a regional representative terminate that regional representative’s office; and
- (b) must, if so directed by the Welsh Ministers, give a regional representative notice in writing terminating that regional representative’s appointment, which notice will take effect on the expiry of such period as may be so directed.

(6) Before giving a direction under paragraph (5)(b) the Welsh Ministers must consult the President.

(7) In this regulation—

“the appropriate number” (“*y nifer priodol*”) means, in the case of regional representatives, four less the number of persons for the time being holding office as such; and in the case of deputy regional representatives, four less the number of persons for the time being holding office as such; and

“the prescribed period” (“*y cyfnod rhagnodedig*”) means three months beginning with 1 April 2010 and thereafter three months beginning with the date when a vacancy for a regional representative occurs.

(8) For the purposes of these Regulations—

- (a) there are four regions;
- (b) the regions comprise the areas specified in column 1 of Schedule 1; and

- (c) the regions are to be known by the corresponding name in column 2 of that Schedule.

Disqualification from membership of the Valuation Tribunal

14.—(1) A person will be disqualified from being appointed or continuing to be a member of the 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.
- (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 the Valuation Tribunal” means a member—
- (a) of the Valuation Tribunal appointed under regulation 9;
 - (b) of the Governing Council appointed under regulation 7; or
 - (c) of an old Tribunal appointed to the Valuation Tribunal under regulation 21.