

SCHEDULE 2

Regulations 11, 12 and 13

Election procedure

Part 1 –

General

1. Eligible members must make an appointment within three months of a vacancy occurring.
2. The person or persons to be appointed must be a member or members of the Valuation Tribunal (but subject to paragraph 12(a)) and will be determined by election.
3. The Governing Council must secure that arrangements are made for ballots required by these Regulations.
4. The arrangements must make provision as described in paragraphs 5 to 22.
5. The Governing Council must fix a date for an election (“the election day”).
6. The chief executive must arrange for a preliminary notice of an election to be published and notified to all members at least 56 days before the election day.
7. Nominations to be made to the chief executive must be received by the chief executive by a day fixed by the Governing Council but not less than 35 days before the election day.
8. Subject to paragraph 9(a), if the number of candidates for a vacancy does not exceed the number of vacancies, the candidate or candidates are to be appointed.
 - (a) (a) In the case of an election of both a regional representative and a deputy regional representative, if there are two or more candidates, an election by voting papers (“a poll”) must be held.
 - (b) In the case of other elections, if the number of persons nominated for a vacancy exceeds the number of vacancies, a poll must be held.
10. In the case of an election of the President—
 - (a) each eligible member has one vote; and
 - (b) the person appointed will be determined by election by a simple majority of votes cast.
11. In the case of an election of chairpersons—
 - (a) each eligible member will have a number of votes equal to the appropriate number and may cast no more than one vote for each candidate; and
 - (b) the members elected will be the appropriate number of members who have the highest number of votes cast.
12. In the case of an election of regional representatives—
 - (a) the person to be appointed must be —
 - (i) a member of the Valuation Tribunal who was appointed by the President and by a council within the region in which the vacancy for the regional representative arises; and
 - (ii) a Chairperson;
 - (b) each eligible member will have one vote; and
 - (c) where there are vacancies for both a regional representative and a deputy regional representative, the member elected as regional representative will be the member who

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has the highest number of votes cast and the member elected as the deputy regional representative will be the member who has the second highest number of votes cast.

13. Where any election results in a tie, the person or persons to be appointed from among the candidates with equal votes will be determined by lot.

14. The chief executive must send to each eligible member a notice of poll to be received at least 21 days before the election day.

15. The notice of poll must—

- (a) state the purpose of the poll and the last day for receipt of voting papers;
- (b) be accompanied by a voting paper which shall state the number of candidates to be elected and contain a list of the eligible candidates;
- (c) be accompanied by any statement of not more than 500 words supplied by a candidate for circulation with the notice of poll.

16. The notice required by paragraph 15 must be served on all persons who are eligible members on the date on which the notice is sent.

17. The chief executive must send a duplicate voting paper to any eligible member on written request if it appears to the chief executive that the original has not been received by the member or has been spoilt, lost or destroyed.

18. An eligible member must complete the voting paper by personally placing a cross on the right-hand side of the voting paper opposite the name of the candidate for whom the member wishes to vote, inserting their address in the place provided (unless it has already been inserted) and personally signing the voting paper.

19. The chief executive must reject any voting paper which is unsigned, improperly completed or which is ambiguous in its intentions.

20. On the election day the chief executive must count the voting papers for each candidate.

21. The chief executive must publish a report on the poll which contains—

- (a) the total number of voting papers received;
- (b) the number of voting papers rejected and the grounds of rejection;
- (c) the total number of votes cast for each candidate; and
- (d) the name of the candidate or candidates elected.

22.—(1) If a candidate withdraws their nomination, or notification of their death is received by the chief executive, after the last day for receiving nominations but before voting papers have been circulated, the procedure to be adopted is as follows—

- (i) if two or more candidates remain, the election is to proceed in all respects as if the candidate had never been nominated;
- (ii) if one candidate only remains, that candidate is to be declared elected.

(2) If a candidate withdraws their nomination, or notification of their death is received by the chief executive, after voting papers have been circulated but before the election date, the procedure to be adopted is as follows—

- (i) if two or more candidates remain, the election is to continue;
- (ii) if one candidate remains, the voting papers are to be disregarded and that candidate is to be declared elected.

(3) Subject to sub-paragraph (4), where in any election two or more candidates are to be elected, the procedures shall be followed with the necessary adaptations to achieve the corresponding result.

(4) Where the circumstances of sub-paragraph (1) or (2) arise in the case of an election of both a regional representative and a deputy regional representative—

- (a) if two or more candidates remain, the election is to proceed in all respects as if the candidate (whose nomination is withdrawn or whose death is notified to the chief executive) had never been nominated;
- (b) if one candidate only remains, that candidate is to be declared elected as the regional representative.

23. The validity of any election will not be affected by there being a vacancy amongst the members of the Valuation Tribunal.

24.—(1) The Governing Council may authorise electronic voting in any poll. Any member eligible to vote in such a poll may do so by electronic voting, if the member so wishes.

(2) Electronic voting must be administered by the chief executive to ensure that the electronic voting procedures safeguard the confidentiality of individual votes in the poll vote and ensure that only members eligible to vote in the poll are able to vote under those procedures.

(3) All votes cast by electronic means must be transmitted to the chief executive not later than the date on or before which voting papers in the poll concerned must be received by the chief executive.

(4) A member who has returned a voting paper in any poll must not vote electronically in that poll, and a member who has voted electronically in a poll must not return a voting paper in that poll.

25.—(1) In this Schedule the following terms have the meanings indicated.

(2) “Appropriate number” has the same meaning as in regulation 12 or 13, as the case may be.

(3) “Eligible member” means—

- (a) in the case of an election of the President, a member of the Valuation Tribunal who is a member on the date on which the notice of poll is sent;
- (b) in the case of an election of Chairpersons, a member of the Valuation Tribunal who is a member on the date on which the notice of poll is sent;
- (c) in the case of an election of regional representatives, a member of the Valuation Tribunal on the date on which the notice of poll is sent and who was appointed by the President and a council within the region in which the vacancy for the regional representative occurred.

(4) In respect of sub-paragraphs (3)(a) and (b), “member of the Valuation Tribunal” includes a member—

- (a) who was appointed by the National Assembly for Wales or the Welsh Ministers under the 2005 Regulations,
- (b) whose appointment is continued under regulation 21(3), and
- (c) who is a member on the date on which the notice of poll is sent.

(5) In respect of sub-paragraph (3)(c), member of the Valuation Tribunal includes a member—

- (a) who was appointed by the National Assembly for Wales or the Welsh Ministers under the 2005 Regulations for an old Tribunal whose area corresponds to the area of a region which is specified in Schedule 1 and in which the vacancy has occurred,
- (b) whose appointment is continued under regulation 21(3), and
- (c) who is a member on the date on which the notice of poll is sent.

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Part 2 – Transition

26. For the purposes of applying Part 1 of this Schedule to the elections of the first President and the first regional representatives—

- (a) the election date in each case is 22 June 2010;
- (b) the preliminary notice to be given under paragraph 6 of this Schedule must be given no later than 8 April 2010;
- (c) the nominations must be received no later than 21 days after the giving of the preliminary notice;
- (d) the notice of poll to be given under paragraph 14 of this Schedule must be sent so as to be received no later than 28 May 2010;
- (e) the date specified in the notice of poll for return of the voting papers must be 18 June 2010;
- (f) the chief executive of the old Service is authorised to carry out the functions and responsibilities of the chief executive as specified in Part 1 of this Schedule.