
STATUTORY INSTRUMENTS

1991 No. 1

**COMMUNITY CHARGES,
ENGLAND AND WALES
RATING AND VALUATION**

**The Valuation and Community Charge Tribunals
(Amendment)(London) Regulations 1991**

Made - - - - - *8th January 1991*
Laid before Parliament - - *10th January 1991*
Coming into force - - *31st January 1991*

The Secretary of State, in exercise of the powers conferred on him by sections 143(1) and (2) and 146(6) of, and paragraphs 1 and 5 of Schedule 11 to, the Local Government Finance Act 1988⁽¹⁾, and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals as required by section 10 of the Tribunals and Inquiries Act 1971⁽²⁾, hereby makes the following Regulations:

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Valuation and Community Charge Tribunals (Amendment)(London) Regulations 1991 and shall come into force on 31st January 1991.

Interpretation

2. In these Regulations—

“London tribunal” means a valuation and community charge tribunal whose name is mentioned in column 1 of the Table in regulation 3;

(1) 1988 c. 41.

(2) 1971 c. 62. Valuation and community charge tribunals were added to Schedule 1 to the 1971 Act by paragraph 41 of Schedule 12 to the 1988 Act.

Status: This is the original version (as it was originally made).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

“the principal Regulations” means the Valuation and Community Charge Tribunals Regulations 1989(3);

“the 1990 Regulations” means the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1990(4);

“the operative day” means the day on which these Regulations come into force;

“the transfer day” means 18th February 1991; and

“transferred borough” means any of the following, namely, the London boroughs of Camden, Islington and Lambeth and the Royal Borough of Kensington and Chelsea.

PART II

ALTERATION OF AREAS

Alteration of areas

3. On and after the transfer day, the area for which is established each of the valuation and community charge tribunals whose name is mentioned in column 1 of the Table below shall be ascertained by column 2; and column 1 to the principle Regulations shall be amended accordingly.

Table

Column 1 Name of tribunal	Column 2 Area of jurisdiction
Central London	The City of London; the City of Westminster; the Inner Temple; the Middle Temple
London North East	The London boroughs of Barking and Dagenham, Hackney, Havering, Islington, Newham, Redbridge, Tower Hamlets and Waltham Forest
London North West	The London boroughs of Barnet, Brent, Camden, Ealing, Enfield, Haringey, Harrow and Hillingdon
London South East	The London boroughs of Bexley, Bromley, Croydon, Greenwich, Lambeth and Southwark
London South West	The London boroughs of Hammersmith and Fulham, Hounslow, Merton, Richmond, Sutton and Wandsworth, and the Royal Boroughs of Kensington and Chelsea and Kingston upon Thames

Alteration of appointing bodies

4. Column 3 of Schedule 1 to the principal Regulations, in so far as it applies to the Central London Valuation and Community Charge Tribunal, shall be amended on the transfer day by the

(3) S.I.1989/439.

(4) S.I. 1990/582, as amended by S.I. 1990/769, 1822 and 2025.

substitution for the words “The councils of the boroughs comprised in the area” of the words “Westminster City Council”.

PART III

TRANSITIONAL PROVISIONS

Membership

5.—(1) Notwithstanding regulation 4(2) of the principal Regulations, each member appointed to the Central London Valuation and Community Charge Tribunal by the council of a transferred borough shall, on and after the transfer day, continue to hold office as a member of that Tribunal until that office terminates in accordance with regulation 6(2) of the principal Regulations.

(2) On the termination of an office of a member to whom paragraph (1) applies, the vacancy arising shall be filled by a person appointed by the Common Council or by Westminster City Council.

(3) Subject to regulation 8, each member of the London South West Valuation and Community Charge Tribunal (“the South West Tribunal”) appointed by the council of the London borough of Lambeth shall, on the transfer day—

- (a) cease to be a member of that Tribunal;
- (b) become a member of the London South East Valuation and Community Charge Tribunal (“the South East Tribunal”); and
- (c) hold office as a member of the South East Tribunal as if the unexpired period of his membership of the South West Tribunal specified under regulation 6(1) of the principal Regulations had been specified in relation to the South East Tribunal.

Presidents

6.—(1) Where on the operative day the president for the time being of a London tribunal is a person appointed as a member of that tribunal by the council of a transferred borough, that person shall cease to hold office as president at the end of the day immediately preceding the transfer day.

(2) Paragraph (1) does not apply where the office of the president terminates before the transfer day in accordance with regulation 7(8) of the principal Regulations.

(3) Where paragraph (1) applies, regulation 7 of the principal Regulations shall have effect as if—

- (a) the prescribed period were three months beginning on the operative day; and
- (b) where notice of election is given before the transfer day, persons who become members of the tribunal on the transfer day by virtue of these Regulations were entitled to receive notice of, and vote in, the election.

Transferred appeals

7.—(1) This regulation applies to any appeal to a London tribunal which—

- (a) was initiated before the transfer day, and
- (b) would, had it been initiated on or after the transfer day, have fallen by virtue of these Regulations to be disposed of by a different tribunal (the “new tribunal”);

and in relation to which—

- (c) if the appeal is such as may be disposed of by written representations, there has not been given such written agreement as would enable it so to be disposed of; and
- (d) no notice of a hearing has been given.

(2) An appeal to which this regulation applies shall be transferred to, and disposed of by, the new tribunal; and on and after the transfer day the relevant statutory provisions shall apply as if anything done in relation to the appeal by the clerk, the president or a chairman of the tribunal from which it is transferred had been done by the clerk, or as the case may be the president or a chairman of, the new tribunal.

(3) In this regulation “the relevant statutory provisions” means—

- (a) in relation to appeals under section 23 of the Local Government Finance Act 1988, the principal Regulations;
- (b) in relation to appeals under Schedule 4A to that Act⁽⁵⁾ (completion notices) or under the 1990 Regulations, those Regulations;
- (c) in relation to appeals under the General Rate Act 1967⁽⁶⁾, that Act; and
- (d) in relation to appeals under the Mixed Hereditaments (Certificate) Regulations 1967⁽⁷⁾, those Regulations.

Non-transferred appeals

8. Any appeal which, on the transfer day, has begun to be disposed of by the London South West Valuation and Community Charge Tribunal (whether by way of commencement of consideration of written representations, or of commencement of a hearing) shall continue to be disposed of by that Tribunal notwithstanding that any member appointed to dispose of the appeal ceases by virtue of the preceding provisions of these Regulations to be a member of that tribunal on that day; and any such member shall continue to be a member of that Tribunal—

- (a) so far as is necessary for that purpose of disposing of that appeal; and
- (b) for the purpose of regulation 31 (review of decisions) of the principal Regulations or, as the case may be, regulation 44 of the 1990 Regulations, in respect of any review of the decision in relation to that appeal.

Signed by authority of the Secretary of State

8th January 1991

Michael Portillo
Minister of State,
Department of the Environment

(5) Schedule 4A is inserted by paragraph 36 of Schedule 5 to the Local Government and Housing Act 1989(c. 42).
(6) 1967 c. 9. Such appeals were transferred, and the 1967 Act amended, by the Valuation and Community Charge Tribunals (Transfer of Jurisdiction) Regulations 1989 (S.I. 1989/440).
(7) S.I. 1967/637.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations redistribute the work of the London Valuation and Community Charge Tribunals. Regulation 3 reduces the area for which the Central London tribunal is established, to that of the Cities of London and Westminster and the Temples. The borough of Islington is added to the area of the London North East tribunal, Camden to the area of the London North West tribunal, Lambeth to the area of the London South East tribunal and Kensington and Chelsea to the area of the London South West tribunal.

Regulation 4 alters the bodies who may appoint members to these tribunals, to correspond with their altered jurisdiction.

Regulations 5 and 6 make consequential and transitional provision concerning the transfer of members.

Regulations 7 and 8 make transitional provision about hearings where proceedings have been begun on the day of transfer (18th February 1991).