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# SCHEDULES

## SCHEDULE 11

### TRIBUNALS

#### [<sup>F1</sup>PART 2

#### VALUATION TRIBUNALS: WALES]

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#### Textual Amendments

- F1** Sch. 11 Pt. 2: Sch. 11 paras. 1-7A renumbered as Sch. 11 Pt. 2 (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 3](#); S.I. 2008/3110, art. 6(c)(ii)

#### *Establishment*

- 1 (1) The Secretary of State shall make regulations providing for the establishment[<sup>F2</sup>, in relation to Wales, of one or more tribunals] (to be known as [<sup>F3</sup>valuation tribunals]).
- (2) The regulations may include such provision as he sees fit
- <sup>F4</sup>(a) .....
- (b) <sup>F5</sup>... in relation to membership, staff, accommodation, equipment, procedure and other matters relating to tribunals.

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#### Textual Amendments

- F2** Words in Sch. 11 Pt. 2 para. 1(1) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 4\(a\)](#); S.I. 2008/3110, art. 6(c)(ii)
- F3** Words in Sch. 11 para. 1(1) substituted (6.3.1992) by 1992 c. 14, s. 117(1), [Sch. 13 para. 88\(1\)](#) (with s. 118(1)(2)(4))
- F4** Sch. 11 Pt. 2 para. 1(2)(a) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 4\(b\)](#), [Sch. 18 Pt. 17](#); S.I. 2008/3110, art. 6(c)(ii)
- F5** Words in Sch. 11 Pt. 2 para. 1(2)(b) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 4\(c\)](#), [Sch. 18 Pt. 17](#); S.I. 2008/3110, art. 6(c)(ii)

- [<sup>F6</sup>1A In this Part, references to a tribunal are references to any tribunal established in relation to Wales by regulations under paragraph 1.]

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#### Textual Amendments

- F6** Sch. 11 Pt. 2 para. 1A inserted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 5](#); S.I. 2008/3110, art. 6(c)(ii)

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### *Jurisdiction*

- 2 The tribunals shall exercise the jurisdiction conferred on them by—
- (a) section 23 above;
  - (b) regulations under section 55 above.
  - [<sup>F7</sup>(c) paragraph 4 of Schedule 4A above.]
  - [<sup>F8</sup>(ca) paragraph 5C of Schedule 9 above;]
  - [<sup>F9</sup>(cb) regulations under paragraph 6AA of Schedule 9 above;]
  - [<sup>F10</sup>(cc) paragraph 7A of Schedule 9 above;]
  - [<sup>F11</sup>(d) section 16 of the 1992 Act;
  - (e) regulations under section 24 of that Act;
  - (f) paragraph 3 of Schedule 3 to that Act.]

#### **Textual Amendments**

- F7** Sch. 11 para. 2(c) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, [Sch. 5 para. 76\(2\)](#)
- F8** Sch. 11 para. 2(ca) inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), [ss. 72\(5\)](#), 128(1)(a)
- F9** Sch. 11 para. 2(cb) inserted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 152\(4\)](#), 175(3)(l)
- F10** Sch. 11 para. 2(cc) inserted (1.4.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 153\(5\)](#), 157(4)(b)
- F11** Sch. 11 para. 2(d)-(f) inserted (6.3.1992) by [1992 c. 14](#), s. 117(1), [Sch. 13 para. 88\(2\)](#) (with s. 118(1)(2)(4))

<sup>F12</sup>3 .....

#### **Textual Amendments**

- F12** Sch. 11 Pt. 2 para. 3 repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 6\(1\)](#), [Sch. 18 Pt. 17](#) (with [Sch. 15 para. 6\(2\)](#)); S.I. 2008/3110, art. 6(c)(ii)

### *Arbitration*

- 4 (1) This paragraph applies as regards any matter which falls within the jurisdiction conferred on tribunals by or under this Act.
- (2) The Secretary of State may by regulations provide that, where the persons mentioned in sub-paragraph (3) below agree in writing that the matter is to be referred to arbitration, the matter shall be so referred.
- (3) The persons are the persons who, if the matter were to be the subject of an appeal to a tribunal, would be the parties to the appeal.

### *Membership*

- 5 (1) Regulations under paragraph 1 above may include provision—
- (a) that the number of members of a tribunal is to be such as is determined by the Secretary of State;

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- (b) for the appointment by a prescribed person or persons of the members of each tribunal;
- (c) that one of the members is to be president of the tribunal;
- (d) that the president is to be appointed by the members by a prescribed method, and that if one is not so appointed within a prescribed period the president is to be appointed by the Secretary of State after consulting such prescribed persons as he sees fit;
- (e) that some of the members (who may include the president) are to be appointed to the position of chairman, that the number to be appointed is to be stated by a prescribed person or persons, and that the appointments are to be made by the members themselves by a prescribed method or (if they default) by a prescribed person or persons;
- (f) that persons are to be disqualified from becoming or continuing to be members in prescribed circumstances;
- (g) that members are to be disqualified from acting in cases falling within prescribed descriptions;
- (h) that prescribed factors are not to disqualify persons from becoming or continuing to be members;
- (i) that prescribed factors are not to disqualify members from acting;
- (j) as to the duration (subject to disqualification, termination or resignation) of any appointment as president or member or chairman;
- (k) allowing the Secretary of State to terminate an appointment as president;
- (l) requiring the person or persons who appointed a member to terminate the appointment if the Secretary of State so directs after consulting the person or persons who made the appointment;
- (m) allowing a president to terminate a person's appointment as chairman, and requiring a president to do so if the Secretary of State directs him to do so;
- (n) allowing a person appointed as president or member or chairman to resign if such notice as may be prescribed is given;
- (o) that a person who ceases to be president or member or chairman is to be eligible for re-appointment in prescribed circumstances;
- (p) that a member is to be entitled to such [<sup>F13</sup>remuneration and] travelling, subsistence and other allowances [<sup>F14</sup>as the Secretary of State may, with the approval of the Treasury, from time to time determine].

- (2) The regulations may include provision for the administration of members' allowances to be the responsibility of the clerk of the tribunal.

#### Textual Amendments

**F13** Words in Sch. 11 Pt. 2 para. 5(1)(p) inserted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 7](#); S.I. 2008/3110, art. 6(c)(ii)

**F14** Words in Sch. 11 para. 5(1)(p) substituted (6.3.1992) by 1992 c. 14, s. 117(1), [Sch. 13 para. 88\(3\)](#) (with s. 118(1)(2)(4))

#### Staff

- 6 (1) Regulations under paragraph 1 above <sup>F15</sup>... may include provision—

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- (a) that a tribunal shall appoint a clerk of the tribunal and may appoint other employees;
  - (b) that a tribunal shall pay to its employees such remuneration and allowances as the tribunal determines;
  - (c) that (subject to disqualification) employees shall be appointed on such other terms and conditions as the tribunal may determine;
  - (d) that an appointment shall be invalid unless made with the approval of the Secretary of State;
  - (e) that a determination as to remuneration or allowances shall be invalid unless made with the approval of the Secretary of State given with the Treasury's consent;
  - (f) that persons are to be disqualified from becoming or continuing to be employees in prescribed circumstances;
  - (g) that employees are to be disqualified from acting in cases falling within prescribed descriptions;
  - (h) that prescribed factors are not to disqualify persons from becoming or continuing to be employees;
  - (i) that prescribed factors are not to disqualify employees from acting.
- (2) The regulations may include provision—
- (a) that any function of making an appointment, or determining remuneration or allowances or other terms or conditions, may be performed on behalf of a tribunal by two or more of its members;
  - (b) that one of those members must be the president.
- (3) The regulations may include provision for the administration of employees' remuneration and allowances to be the responsibility of the clerk of the tribunal.
- (4) The regulations may include provision that where a person ceases to be employed by a local valuation panel and immediately becomes employed by a [<sup>F16</sup>valuation tribunal], for the purposes of [<sup>F17</sup>the Employment Rights Act 1996] his period of employment by the panel shall count as a period of employment by the tribunal and the change of employment shall not break the continuity of the period of employment.
- (5) For the purposes of sub-paragraph (4) above a local valuation panel is a local valuation panel constituted under a scheme under section 88 of the 1967 Act.

<sup>F18</sup>(6) .....

#### Textual Amendments

- F15** Words in Sch. 11 Pt. 2 para. 6(1) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 8](#), [Sch. 18 Pt. 17](#); S.I. 2008/3110, art. 6(c)(ii)
- F16** Words in Sch. 11 para. 6(4) substituted (6.3.1992) by [1992 c. 14](#), s. 117(1), [Sch. 13 para. 88\(4\)](#) (with s. 118(1)(2)(4))
- F17** Words in Sch. 11 para. 6(4) substituted (22.8.1996) by [1996 c. 18](#), ss. 240, 243, [Sch. 1 para. 38](#) (with ss. 191-195, 202)
- F18** Sch. 11 para. 6(6) repealed (6.3.1992) by [1992 c. 14](#), s. 117, [Sch. 13 para. 88\(5\)](#), [Sch. 14](#) (with s. 118(1)(2)(4))

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### *Accommodation and equipment*

- 7 (1) Regulations under paragraph 1 above<sup>F19</sup> ... may include provision requiring a tribunal to—
- (a) maintain a permanent office, and
  - (b) make arrangements to secure that the tribunal has such other accommodation, and such secretarial and other equipment, as is sufficient for the performance of its functions.
- (2) The regulations may include provision that any function as to accommodation or equipment may be performed on behalf of a tribunal by its clerk.

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#### **Textual Amendments**

**F19** Words in Sch. 11 Pt. 2 para. 7(1) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 15 para. 9, **Sch. 18 Pt. 17**; S.I. 2008/3110, art. 6(c)(ii)

### *[<sup>F20</sup>Dealing with appeals]*

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#### **Textual Amendments**

**F20** Sch. 11 Pt. 2 para. 7A cross-heading substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 15 para. 10(1)**; S.I. 2008/3110, art. 6(c)(ii)

- [<sup>F21</sup>7A](1) Regulations under paragraph 1 above may include—
- (a) provision for determining which tribunal is to deal with an appeal;
  - (b) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by its clerk or other prescribed employee;
  - (c) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by one of its members;
  - (d) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by some of its members;
  - (e) provision as to the selection of a member who is to discharge functions relating to an appeal on behalf of a tribunal (which may include provision that he must be the president or a chairman);
  - (f) provision as to the number and selection of members who are to discharge functions relating to an appeal on behalf of a tribunal (which may include provision that one of them must be the president or a chairman).

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#### **Textual Amendments**

**F21** Sch. 11 para. 8(1) renumbered as Sch. 11 Pt. 2 para. 7A (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 15 para. 10(2); S.I. 2008/3110, art. 6(c)(ii)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by S.I. 2024/414 art. 5Sch. 1 para. 7

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 44A(2A) inserted by 2023 c. 53 Sch. para. 2(b)
- s. 44A(5)(e) inserted by 2023 c. 53 Sch. para. 2(c)
- s. 52A inserted by 2023 c. 53 s. 8
- s. 54(7A) inserted by 2023 c. 53 Sch. para. 34
- s. 57A(7A) inserted by 2023 c. 53 Sch. para. 4(d)
- s. 63A(1A) inserted by 2023 c. 53 s. 12(1)
- s. 63E inserted by 2023 c. 53 s. 12(2)
- s. 67(1A) inserted by 2023 c. 53 Sch. para. 7(a)
- s. 67(8A)(8B) inserted by 2023 c. 53 Sch. para. 37(a)
- s. 143(7A)-(7F) inserted by 2023 c. 53 Sch. para. 8(c)
- s. 143(9AZB) inserted by 2023 c. 53 Sch. para. 39(a)
- Sch. 4ZA inserted by 2023 c. 53 s. 1(3)
- Sch. 4ZB inserted by 2023 c. 53 s. 2(4)
- Sch. 5A para. 8 inserted by 2023 c. 53 Sch. para. 38
- Sch. 5A inserted by 2023 c. 53 s. 3(3)
- Sch. 9 para. 4B-4H and cross-heading inserted by 2023 c. 53 s. 13(2)
- Sch. 9 para. 4I-4M and cross-heading inserted by 2023 c. 53 s. 13(3)
- Sch. 9 para. 5BA-5BC and cross-heading inserted by 2023 c. 53 s. 13(6)
- Sch. 9 para. 5BD-5BF and cross-heading inserted by 2023 c. 53 s. 13(7)
- Sch. 9 para. 5CA and cross-heading inserted by 2023 c. 53 Sch. para. 46
- Sch. 9 para. 5CB inserted by 2023 c. 53 Sch. para. 47
- Sch. 9 para. 5F(1A)(1B) inserted by 2023 c. 53 Sch. para. 49(c)
- Sch. 9 para. 5F(A1) inserted by 2023 c. 53 Sch. para. 49(a)
- Sch. 9 para. 5FA inserted by 2023 c. 53 Sch. para. 50
- Sch. 9 para. 5FB inserted by 2023 c. 53 Sch. para. 51
- Sch. 9 para. 5ZA5ZB and cross-heading inserted by 2023 c. 53 s. 13(4)
- Sch. 9 para. 5ZC-5ZF and cross-heading inserted by 2023 c. 53 s. 13(5)
- Sch. 9 para. 7B inserted by 2023 c. 53 s. 10