
STATUTORY INSTRUMENTS

1995 No. 3056

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

The Valuation Tribunals (Wales) Regulations 1995

<i>Made</i>	- - - -	<i>24th November 1995</i>
<i>Laid before Parliament</i>		<i>30th November 1995</i>
<i>Coming into force</i>		
<i>Regulations 1 to 14</i>		<i>1st January 1996</i>
<i>Remainder</i>		<i>1st April 1996</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 140(4) and 143(1) and (2) of and paragraphs 1, 3 to 8, 11, 12 and 14 to 16 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 8 of the Tribunals and Inquiries Act 1992(2) hereby makes the following Regulations:

**PART I
GENERAL**

Citation, commencement, interpretation and application

- 1.—(1) These Regulations may be cited as the Valuation Tribunals (Wales) Regulations 1995.
- (2) Regulations 1 to 14 of these Regulations shall come into force on 1st January 1996 and all other regulations thereof shall come into force on 1st April 1996.
- (3) In these Regulations, unless the context otherwise requires—

(1) 1988 c. 41. See definition of “prescribed” in section 146(6). Paragraphs 1, 5, 6, 8, 11, 15 and 16 of Schedule 11 are amended by paragraph 88 of Schedule 13 to the Local Government Finance Act 1992 (c. 14).

(2) 1992 c. 53. See paragraph 28 in Part 1 of Schedule 1.

- “area”, in relation to a tribunal, means the area for which it is established by regulation 2;
- “chairman”, in relation to a tribunal, means a person appointed to the position of chairman under regulation 6 and the president of that tribunal;
- “clerk”, in relation to a tribunal, means the clerk of the tribunal appointed under regulation 9;
- “initial appointments” means the first appointments of members of a tribunal;
- “member” means a member of a tribunal;
- “old tribunal” means a valuation tribunal in Wales which existed immediately before 1st January 1996;
- “president”, in relation to a tribunal, means the president of that tribunal, appointed under regulation 5;
- “relevant old tribunal” means an old tribunal whose area, or the greater part of whose area, lies within the area of a tribunal established by regulation 2;
- “specified relevant old tribunal” means—
- (a) in relation to the South Wales Valuation Tribunal, the Mid Glamorgan Valuation Tribunal,
 - (b) in relation to the East Wales Valuation Tribunal, the Gwent Valuation Tribunal,
 - (c) in relation to the North Wales Valuation Tribunal, the Clwyd Valuation Tribunal, and
 - (d) in relation to the West Wales Valuation Tribunal, the Dyfed Valuation Tribunal;
- “the 1988 Act” means the Local Government Finance Act 1988;
- “the 1992 Act” means the Local Government Finance Act 1992(3);
- “tribunal” subject to regulations 15 and 34, means a tribunal established by regulation 2.

(4) Any notice which is by virtue of any provision of these Regulations to be served on any person may be served by post.

(5) These Regulations apply to tribunals in Wales and to proceedings in relation to appeals under section 23 of the 1988 Act or under section 16 or paragraph 3(1) of Schedule 3 to, the 1992 Act.

PART II

ESTABLISHMENT OF TRIBUNALS

Establishment of tribunals

2.—(1) On 1st April 1996 there shall be established a valuation tribunal for each of the areas ascertained in accordance with column 1 of Schedule 1.

- (a) (2) (a) Each tribunal shall have the name given to it in column 2 of Schedule 1 with the addition, in the case of its English name, of the words “Valuation Tribunal”, and, in the case of its Welsh name, of the words “Tribiwnlys Prisio”.
- (b) The Welsh name of each tribunal is shown in column 2 immediately after its English name.

Appointment of members

3.—(1) The members of a tribunal established by regulation 2 shall, subject to regulation 14, and paragraphs (2) and (3) below, be appointed by the councils prescribed in relation to that tribunal in column 4 of Schedule 1 (“the appointing councils”) after consultation with the president of the tribunal, or, before the first appointment of a president, with the president of the relevant old tribunal.

(3) 1992 c. 14.

(2) The total number of members of a tribunal shall be the number specified in relation to that tribunal in column 3 of Schedule 1 and the number of members to be appointed by an appointing council shall be the number specified in relation to that council in column 5 of Schedule 1.

(3) Where at the expiry of one month from 1st January 1996 or three months from a vacancy occurring, as the case may be, an appointing council has failed to make an appointment in accordance with paragraph (1), that appointment may be made by the Secretary of State after consultation with the president of the tribunal, or, before the first appointment of a president, with the president of the relevant old tribunal.

(4) No appointment under paragraph (1) shall be valid if its effect would be that the number of members of the tribunal appointed by that appointing council who are members of an appointing council exceeded the number equal to one third of the total of the number of members of the tribunal to be appointed by that council.

(5) Paragraph (4) shall not be construed as affecting the validity of the appointment of a member of a tribunal who becomes a member of an appointing council after his appointment takes effect.

Duration of membership

4.—(1) Each appointment of a member shall, subject to regulation 14(1), have effect for such period not exceeding six years as the council or person making the appointment may specify after consultation with the president of the tribunal or, before the first appointment of a president, with the president of the relevant old tribunal.

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

- (a) the period specified under paragraph (1) expires;
- (b) notice of his removal under paragraph (3) takes effect;
- (c) he becomes disqualified from membership as provided in regulation 7;
- (d) he attains the age of 72 years;
- (e) he resigns the office by notice in writing to the president.

(3) The appointing council by which any member was appointed shall, if so directed by the Secretary of State after consultation with the council and with the president, by notice in writing give that member such period of notice of termination of office under this paragraph as may be so directed.

(4) Where a member is appointed a president or chairman of a tribunal in accordance with these Regulations and the duration of his membership of the tribunal would end by the application of paragraph (2)(a), his membership shall continue, except for the purposes of regulations 5(2), 6(2) and 6(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 5, or of a chairman to fill the vacancy under regulation 6, as the case may be, or when such an election of a president, or chairman, takes place, as the case may be, whichever is the earlier, in this regulation referred to as the “interim period”.

(5) Where a president’s or chairman’s membership continues during the interim period in accordance with paragraph (4), a vacancy shall arise for the purposes of these Regulations in the case of a president for a member, a chairman and a president, and in the case of a chairman for a member and a chairman, from the expiration of the period referred to in paragraph (2)(a) and, in particular, from that date that president or chairman shall not by virtue of the operation of this paragraph constitute one of the number of members determined in accordance with regulation 3(2), or one of the number of members to be appointed chairman determined in accordance with regulation 6(1).

The president

5.—(1) Within the prescribed period, the members of each tribunal shall in accordance with the following provisions of this regulation appoint a person to be president of the tribunal.

(2) The person to be appointed shall be a member of the tribunal and shall be determined by election by a simple majority of votes cast, each member having one vote.

(3) Where an election under paragraph (2) or (12) results in a tie, the person to be appointed from among the candidates with equal votes shall be determined by lot.

(4) The first election held in pursuance of this regulation shall not be held before the expiry of one week beginning on the day on which notice of the election is issued in accordance with paragraph (6) by the clerk of the specified relevant old tribunal.

(5) No other election for the appointment of a president in pursuance of this regulation shall 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 clerk of the tribunal.

(6) The notices required by paragraphs (4) and (5) shall be served on all persons who are members of the tribunal on the date on which the notice in question is 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 Secretary of State shall, after consultation with such of the members of the tribunal as he sees fit, appoint one of their number to be president.

(8) The president shall hold office until whichever of the following first occurs—

- (a) the expiration of the interim period referred to in regulation 4(4);
- (b) he ceases to be a member of the tribunal;
- (c) notice of his resignation under paragraph (9) takes effect;
- (d) notice of termination under paragraph (10) takes effect.

(9) A president may resign his office as such by giving not less than one month's notice in writing to the Secretary of State.

(10) The Secretary of State may, after consultation with such of the members of a tribunal as he sees fit, by giving notice in writing to the president terminate his office as such.

(11) In this regulation, "the prescribed period" means two months beginning with 1st January 1996, or three months beginning with a vacancy occurring in the office of president, as the case may be; and the validity of any election shall not be affected by there being a vacancy among the members of a tribunal.

(12) If the president is unable, through illness or absence from the United Kingdom or any other cause, to carry out his functions under these Regulations, then those functions shall, with the authorisation in writing of the president or, if he is unable to provide it, of the clerk of the tribunal, be carried out by one of the chairmen of the tribunal appointed for this purpose by the members of the tribunal and elected by them by a simple majority of votes cast, each member having one vote.

Chairmen

6.—(1) The number of members of a tribunal to be appointed to the position of chairman shall be stated by the Secretary of State.

(2) The president shall constitute one of the chairmen and the members of a tribunal shall, in accordance with this regulation, appoint the remaining number of chairmen within the prescribed period by election from among their number.

(3) The first election in pursuance of this regulation shall not be held before the expiry of one week beginning on the day on which notice of the election is issued in accordance with paragraph (5) by the clerk of the specified relevant old tribunal.

(4) No other election in pursuance of this regulation shall 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 clerk of the tribunal.

(5) The notices required by paragraphs (3) and (4) shall be served on all persons who are members of the tribunal at the date on which the notice in question is issued.

(6) The members elected as chairmen shall be the appropriate number of members who have the highest number of votes cast.

(7) For the purposes of paragraph (6) each member shall 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 results in a tie, the person or persons to be appointed from among the candidates with equal votes shall be determined by lot.

(8) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the Secretary of State shall, after consultation with the president, appoint the appropriate number of members to be chairmen.

(9) A chairman shall hold office until whichever of the following occurs—

- (a) the expiration of the interim period referred to in regulation 4(4);
- (b) he ceases to be a member of the tribunal;
- (c) he 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 tribunal's other chairmen by giving notice in writing to a chairman terminate his office; and
- (b) shall if so directed by the Secretary of State give a chairman notice in writing terminating his office, which notice shall take effect on the expiry of such period as may be so directed.

(11) Before giving a direction under paragraph (10)(b) the Secretary of State shall consult the president.

(12) In this regulation—

“the appropriate number” means the stated number less the number of persons for the time being holding office as chairman;

“the prescribed period” means two months beginning with 1st January 1996, or three months beginning with a vacancy occurring among the stated number, or such a vacancy which would occur but for the application of regulation 4(4), as the case may be; and

“the stated number” means the number stated by the Secretary of State in pursuance of paragraph (1).

Disqualification from membership

7.—(1) A person shall be disqualified from being appointed or continuing to be a member of a tribunal if—

- (a) he has been adjudged bankrupt; or
- (b) he has made an arrangement with his creditors; or
- (c) he has, within the five years immediately preceding his appointment, or since his 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) he is for the time being disqualified from being a member of a local authority in pursuance of section 19 or 20 of the Local Government Finance Act 1982(4); or

- (e) he is aged 72 years or more; or
 - (f) he or his spouse is or becomes an employee of that tribunal.
- (2) A disqualification attaching to a person by reason of paragraph (1)(a) shall cease—
- (a) unless the bankruptcy order made against that person is previously annulled, on his 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) shall cease—
- (a) if he pays his 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 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, shall be deemed to be the date of the conviction.

Allowances

8. Members shall be entitled to such travelling, subsistence and other allowances as the Secretary of State may, with the approval of the Treasury, from time to time determine.

PART III ADMINISTRATION

Staff

- 9.—(1) Each tribunal shall appoint a clerk of the tribunal, and may appoint other employees.
- (2) No appointment under paragraph (1) shall be valid unless it is made with the approval of the Secretary of State.
- (3) The terms and conditions on which the clerk and the other employees are appointed shall be such as the tribunal may determine.
- (4) The tribunal shall pay to its employees such remuneration and allowances as it may determine.
- (5) No determination under paragraph (4) shall be valid unless made with the approval of the Secretary of State given with the Treasury's consent.

Administration

- 10.—(1) The functions of the tribunal under regulation 9 may be performed on its behalf by two or more of its members, who shall, subject to paragraph (2), include the president.
- (2) Where it is impracticable for the president to perform any of his functions under paragraph (1), that function shall be performed by one of the tribunal's chairmen nominated by him for the purpose.
- (3) The administration of members' allowances and of the remuneration and allowances of the tribunal's employees shall be the responsibility of the clerk.
- (4) In respect of any payment under regulation 8, each tribunal shall keep a record of the name of the recipient and the amount and reason for the payment, and shall permit any person authorised by the Secretary of State to inspect and make copies of such records.

Accommodation and equipment

11. The tribunal shall maintain a permanent office; and the clerk of the tribunal shall have the function on behalf of the tribunal of making such arrangements as shall secure that it has such other accommodation, and such secretarial and other equipment, as is sufficient for the performance of its functions.

Use of public rooms

12.—(1) The president or clerk of a tribunal may request the permission of a county or county borough council the whole or any part of whose area is within the area of the tribunal for the use of any premises belonging to that council by the tribunal or its members, clerk or employees, on such days as may be specified in the request.

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

PART IV

TRANSITIONAL PROVISIONS

Transferred appeals

13.—(1) Any appeal to an old tribunal which was initiated before 1st April 1996 and would, had it been initiated on or after that date have fallen to be disposed of by a tribunal established by regulation 2, shall be transferred on 1st April 1996 to, and disposed of by, that tribunal (“the new tribunal”).

(2) On and after 1st April 1996—

- (a) the relevant statutory provisions shall 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 chairman 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 shall, 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 chairman of the new tribunal.

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

- (a) in relation to appeals under section 23 of the 1988 Act or under section 16 of, or paragraph 3(1) of Schedule 3 to, the 1992 Act, these Regulations;
- (b) in relation to appeals under the Council Tax (Alteration of Lists and Appeals) Regulations 1993⁽⁵⁾, those Regulations;
- (c) in relation to appeals under Schedule 4A to the 1988 Act⁽⁶⁾ (completion notices), under the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1990 (“the 1990 Regulations”)⁽⁷⁾ or under regulation 36 of the Non-Domestic Rating (Chargeable Amounts) Regulations 1994⁽⁸⁾, the 1990 Regulations;

⁽⁵⁾ S.I. 1993/290, as amended by S.I. 1994/1746.

⁽⁶⁾ Schedule 4A is inserted by paragraph 36 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).

⁽⁷⁾ S.I. 1990/582, as amended by S.I. 1990/769 and 1882, 1991/1 and 471 and 1993/291.

⁽⁸⁾ S.I. 1994/3279.

- (d) in relation to appeals under section 2(5B) and paragraph 11(2) of Schedule 1 to the Rating (Disabled Persons) Act 1978(9), that Act;
- (e) in relation to appeals under section 78 of the Land Drainage Act 1976(10) or section 45 of the Land Drainage Act 1991, the Act of 1976 or, as the case may be, the Act of 1991;
- (f) in relation to appeals under the General Rate Act 1967(11), that Act; and
- (g) in relation to appeals under the Mixed Hereditaments (Certificate) Regulations 1967(12), those Regulations.

Winding up and initial membership

14.—(1) The old tribunals shall cease to exist on 1st April 1996.

(2) Notwithstanding regulation 6 of the Valuation and Community Charge Tribunals Regulations 1989(13), the members of the old tribunals on 31st March 1996 shall cease to hold office as such at the end of that day.

(3) Of the initial appointments—

- (a) one third shall be appointed for a period of 2 years;
- (b) one third shall be appointed for a period of 4 years; and
- (c) the remainder shall be appointed for a period of 6 years.

(4) In considering their initial appointments an appointing council shall have regard to the desirability of appointing persons who, the council consider, possess knowledge, experience and expertise gained as a member of an old tribunal.

PART V

COMMUNITY CHARGE APPEALS

Interpretation

15.—(1) In this Part—

“appeal” means an appeal under section 23 of the 1988 Act;

“notice of appeal” means a notice under regulation 18(1);

“registration officer” means a community charges registration officer appointed for the purposes of section 26 of the 1988 Act;

“tribunal”, unless the context otherwise requires, means the members of a tribunal convened in accordance with this Part for the purposes of disposing of an appeal.

(2) Any reference in the following provisions of this Part—

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- (9) 1978 c. 40. Section 2(5B) and paragraph 11(2) of Schedule 1 to the 1978 Act were repealed by the Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990 (S.I. 1990/776) subject to savings for certain purposes relating to rates and precepts in relation to a period ending before 1st April 1990.
 - (10) 1976 c. 70. Section 78(5)(a) and (b) and part of section 78(6) were substituted by the Valuation and Community Charge Tribunals (Transfer of Jurisdiction) Regulations 1989 (S.I. 1989/440). Section 78 was repealed by section 3(1) and Schedule 3 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) subject to savings as to the making of drainage rates in respect of financial years beginning before 1993. Section 45(5) and (6) of the Land Drainage Act 1991 (c. 59) contains the provisions formerly in section 78(5) and (6) of the 1976 Act and relates to appeals against determination in relation to financial years beginning in or after 1993.
 - (11) 1967 c. 9. Such appeals were transferred, and the 1967 Act was amended by the Valuation and Community Charge Tribunals (Transfer of Jurisdiction) Regulations 1989 (S.I. 1989/440).
 - (12) S.I. 1967/637 as amended by S.I. 1989/440.
 - (13) S.I. 1989/439 to which there are amendments not relevant to this regulation.

- (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 1988 Act.

Jurisdiction

16.—(1) Subject to the provisions of this regulation, an appeal shall be dealt with by the tribunal established for the area of the billing authority or registration officer whose decision is the subject matter of the appeal.

(2) Where—

- (a) a person is shown in more than one community charges register as subject to a personal community charge, and
 - (b) he appeals under section 23(2)(a) or (b) against both or all the entries, and
 - (c) in pursuance of paragraph (1) the appeals would fall to be dealt with by different tribunals,
- the appeals shall be dealt with by such one of those tribunals as he may choose.

(3) Where the appellant is a member or employee of the tribunal which, but for this paragraph, would deal with his appeal, it shall not be dealt with by that tribunal but by such other tribunal as may be appointed for the purpose by the Secretary of State.

(4) Where the appellant is a former member or employee of the tribunal by which, in pursuance of any provision of this regulation, his appeal would fall to be dealt with, and the president determines that it shall not be dealt with by the tribunal, it shall be dealt with by such other tribunal as may be appointed for the purpose by the Secretary of State.

(5) Where—

- (a) the appellant is a former member or employee of an old tribunal, and
 - (b) in pursuance of paragraph (1) and (2), his appeal would fall to be dealt with by a tribunal whose area includes all or part of the area of that old tribunal, and
 - (c) the president determines that the appeal shall not be dealt with by that tribunal,
- it shall be dealt with by such other tribunal as may be appointed for the purpose by the Secretary of State.

Time limits

17.—(1) An appeal by a person who is aggrieved as mentioned in section 24(4)(a) or (b) shall be dismissed unless it is initiated in accordance with this Part not later than the expiry of two months beginning with the day on which the authority or, as the case may be, the registration officer notified him in accordance with that subsection that his grievance was believed not to be well founded, or that steps had been taken to deal with the grievance, as the case may be.

(2) Where as mentioned in section 24(4)(c) a person has not been notified as provided in section 24(4)(a) or (b), an appeal by that person shall be dismissed unless it is initiated within four months of the date of service of that aggrieved person's notice under section 24.

(3) Notwithstanding paragraphs (1) and (2), the president may authorise an appeal to be entertained where he 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.

Initiating an appeal

18.—(1) An appeal shall be initiated by serving on the clerk of the tribunal having jurisdiction in relation to the appeal a notice in writing (a “notice of appeal”) containing the following information—

- (a) the grounds on which the appeal is made;
- (b) the date on which the aggrieved person’s notice under section 24 was served on the billing authority or registration officer, as the case may be;
- (c) the date, if any, on which he was notified by the authority or officer as mentioned in section 24(4)(a) or (b).

(2) The clerk shall within two weeks of service of the notice of appeal, notify the appellant that he has received it, and shall serve a copy of it on the billing authority or registration officer whose decision or action is the subject of the appeal, and any other billing authority or registration officer appearing to him to be concerned.

Arrangements for appeals

19. It shall be the duty of the president to secure that arrangements are made for appeals to be determined in accordance with the following provisions of this Part.

Withdrawal

20.—(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.

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

Disposal by written representations

21.—(1) An appeal may be disposed of on the basis of written representations if the following conditions are satisfied—

- (a) all the parties have given their agreement in writing; and
- (b) the respondent (or, if there is more than one, each of them) has, within 28 days of being notified by the clerk that the appellant has agreed to the appeal being disposed of by written representations, served on the clerk either a notice containing the reasons or further reasons for believing the appellant’s grievance not to be well founded, or a notice stating that he or it does not intend to make further representations.

(2) The clerk shall within 14 days of receipt of a notice under paragraph (1)(b) serve on the appellant a copy of that notice and a statement of the effect of paragraph (3).

(3) After the expiry of 21 days from the issue of the notice to the appellant as mentioned in paragraph (2), the clerk shall submit copies of the notice of appeal, of any respondent’s notice and any response to such a notice made by the appellant within 14 days of its service on him, to a tribunal constituted as mentioned in regulation 25(1).

(4) The tribunal may if it thinks fit require any party to furnish in writing further particulars of the grounds relied on and of any relevant facts or contentions.

Notice of hearing

22.—(1) Where the appeal is to be disposed of on the basis of a hearing, the clerk shall, 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 shall advertise the date, time and place appointed for any hearing by causing a notice giving such information to be conspicuously displayed—

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

(3) The notice required by paragraph (2) shall name a place where a list of the appeals to be heard (other than appeals in relation to an excepted register entry) may be inspected.

(4) In this regulation “excepted register entry” means any entry on the community charges register in relation to which, in pursuance of regulations under paragraph 17 of Schedule 2 to the 1988 Act, the registration officer is under no duty to include the name of the person who is the subject of the entry in the extract which is to be compiled from the information in the register.

(5) Where the hearing of an appeal has been postponed, the clerk shall 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

23.—(1) A person shall 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 he is a member of a billing authority—

- (a) whose decision is being appealed against; or
- (b) whose registration officer took the decision which is being appealed against.

(2) A person shall be disqualified from participating in the hearing or determination of, or acting as clerk or officer of a tribunal in relation to an appeal, if the appellant is his spouse or he supports the appellant financially or is liable to do so.

(3) A person shall not otherwise be disqualified from acting in any capacity in relation to an appeal by reason only of the fact that he is a member of an authority which derives revenue directly or indirectly from charges which may be affected by the exercise of his functions.

Representation at the hearing

24. Any party to an appeal which is to be decided at a hearing may appear in person (with assistance from any person if he wishes), by counsel or solicitor, or any other representative (other than a person who is a member or an employee of the tribunal).

Conduct of the hearing

25.—(1) Subject to paragraph (2), a tribunal’s function of hearing or determining an appeal shall be discharged by three members of the tribunal who shall include at least one chairman; and a chairman shall preside.

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

(3) The hearing shall 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 his absence.

(5) The tribunal may require any witness to give evidence by oath or affirmation, and shall 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 shall be given to every party.

(8) Subject to any provision of this Part, the tribunal—

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

Evidence: general

26.—(1) This regulation applies to information supplied in pursuance of regulations under any of paragraphs 6 to 10 and 13 to 15 of Schedule 2 to the 1988 Act.

(2) Subject to the following provisions of this regulation, information to which this regulation applies shall in any relevant proceedings be admissible as evidence of any fact stated in it; and any document purporting to contain such information shall, 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 shall not be used in any relevant proceedings by a billing authority or registration officer unless—

- (a) not less than two weeks' notice, specifying the information to be so used and the residence and person to which 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 his intention to do so has been permitted by that authority or officer, at any reasonable time, to inspect and take extracts from the documents or other media in or on which such information is held.

(4) In this regulation “relevant proceedings” means any proceedings on or in consequence of an appeal, and any proceedings on or in consequence of a reference to arbitration under regulation 33.

Evidence of registers

27. An extract from a community charges register may be proved by the production of a copy of the relevant part of it purporting to be certified to be a true copy by the registration officer.

Decisions on appeals

28.—(1) An appeal may be decided by a majority of the members participating; and where (pursuant to regulation 25(2)) it falls to be disposed of by two members and they are unable to agree, it shall 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 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 shall—

- (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 shall be accompanied by a statement of the reasons for the decision.

(4) Nothing in paragraph (3) shall require notice to be given to a party if it would be repetitive of any document supplied to him in accordance with regulation 30.

Orders

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

- (a) the alteration of any community charges register;
- (b) the alteration of any estimate made under regulations made under Schedule 2 to the 1988 Act;
- (c) the revocation of any designation of an individual as a responsible individual in pursuance of regulations under Schedule 2 to the 1988 Act;
- (d) the quashing of a penalty imposed under Schedule 3 to the 1988 Act;
- (e) the revocation of a designation under section 5.

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

Records of decisions etc

30.—(1) It shall be the duty of the clerk to make arrangements for each decision, each order made under regulation 29 and the effect of each certificate and revocation under regulation 31 to be recorded.

(2) Records may be kept in any form, whether documentary or otherwise, and shall contain the particulars specified in Schedule 2 hereto.

(3) A copy, in documentary form, of the relevant entry in the record shall, 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 shall 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 records which are required to be made by paragraph (1).

(6) If without reasonable excuse a person having custody of the records intentionally obstructs a person in exercising the right conferred by paragraph (5) he shall 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 shall 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 shall, unless the contrary is proved, be sufficient evidence of the document and of the facts it records.

Review of decisions

31.—(1) Subject to paragraph (2), a tribunal constituted as provided in paragraph (3) shall have power on written application by a party to review or set aside by certificate under the hand of the presiding member any decision on the grounds that—

- (a) the decision was wrongly made as a result of clerical error;
- (b) a party did not appear and can show reasonable cause why he did not do so;
- (c) 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;
- (d) 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 property which, or, as the case may be, the person who, was the subject of the tribunal's decision;
- (e) the interests of justice otherwise require such a review.

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

(3) So far as is reasonably practicable, the tribunal appointed to review a decision shall consist of the same members as constituted the tribunal which took the decision.

(4) If a tribunal sets aside a decision in pursuance of this regulation, it shall revoke any order made in consequence of that decision and shall order a re-hearing or redetermination before either the same or a different tribunal.

(5) The clerk shall as soon as reasonably practicable notify the parties to the appeal in writing of—

- (a) the issue of any certificate under paragraph (1); and
- (b) the revocation of any order under paragraph (4).

(6) 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 shall notify the High Court as soon as reasonably practicable after the occurrence of the relevant event.

(7) In paragraph (6)—

“the relevant day” means the day on which, as the case may be,—

- (a) the application under paragraph (1) is made;
- (b) it is determined that the tribunal will not undertake a review under that paragraph; or
- (c) an event referred to in sub-paragraph (a) or (b) of paragraph (5) occurs; and

“the relevant event”, in relation to a relevant day, means the event occurring on that day.

Appeals

32.—(1) An appeal shall 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 the appellant, the authority or registration officer whose decision he appealed against, or any other person who was party to the appeal.

(2) An appeal under paragraph (1) may be dismissed if it is not made within four weeks of the date of the decision or order that is the subject of the appeal.

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

(4) Billing authorities and registration officers shall act in accordance with any order made by the High Court; and paragraph 9 or 10 (as the case may be) of Schedule 11 to the 1988 Act shall have effect subject to this requirement.

Arbitration

33.—(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 question were to be the subject of an appeal to the tribunal, would be the parties to the appeal, the question shall be referred to arbitration.

(2) Section 31 of the Arbitration Act 1950(**14**) shall 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 paragraphs 9 and 10 of Schedule 11 to the 1988 Act shall apply to such an order as they apply to orders recorded in pursuance of this Part.

PART VI

COUNCIL TAX APPEALS

Interpretation

34.—(1) In this Part—

“appeal”, unless the context otherwise requires, means an appeal under—

- (a) section 16 (appeals: general) of the 1992 Act;
- (b) paragraph 3(1) of Schedule 3 (penalties) to the 1992 Act; or
- (c) paragraph 4 of Schedule 4A to the 1988 Act as it applies for the purposes of Part I of the 1992 Act(**15**) (in this Part called an “appeal against a completion notice”);

“completion notice” means a notice under Schedule 4A to the 1988 Act as it applies for the purposes of Part I of the 1992 Act (Council Tax: England and Wales);

“list” means a valuation list compiled under section 22 of the 1992 Act;

“listing officer”, 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” means a notice under regulation 37(1);

“penalty” means a penalty imposed under paragraph 1 of Schedule 3 to the 1992 Act;

“tribunal”, unless the context otherwise requires, means the members of a tribunal convened in accordance with this Part for the purposes of disposing of an appeal.

(2) 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.

(14) 1950 c. 27.

(15) See section 17(1) of the Local Government Finance Act 1992. Schedule 4A is inserted by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraph 36 and amended by the Local Government Finance Act 1992, Schedule 13, paragraph 83.

Jurisdiction

35.—(1) Subject to paragraphs (2), (3) and (4)—

- (a) an appeal other than an appeal against the imposition of a penalty shall be dealt with by the 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 shall be dealt with by the 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 he 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 tribunals,

the appeals shall be dealt with, subject to paragraph (3), by such one of those tribunals as he may, by notice in writing given to the clerks of those different tribunals, elect.

(3) Where the appellant is an employee or member of the tribunal which, but for this paragraph, would deal with his appeal, it shall not be dealt with by that tribunal but by such other tribunal as may be appointed for the purpose by the Secretary of State.

(4) Where the appellant is a former member or employee of the tribunal by which, in pursuance of any provision of this regulation, his appeal would fall to be dealt with, and the president determines that it shall not be dealt with by the tribunal, it shall be dealt with by such other tribunal as may be appointed for the purpose by the Secretary of State.

(5) Where—

- (a) the appellant is a former member or employee of an old tribunal, and
- (b) in pursuance of paragraph (1) or (2), his appeal would fall to be dealt with by a tribunal whose area includes all or part of the area of that old tribunal, and
- (c) the president determines that the appeal shall not be dealt with by that tribunal,

it shall be dealt with by such other tribunal as may be appointed for the purpose by the Secretary of State.

Time limits

36.—(1) An appeal by a person in relation to whom the condition mentioned in section 16(7) (a) or (b) is fulfilled shall 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) Where the condition mentioned in section 16(7)(c) is fulfilled, an appeal by the aggrieved person shall be dismissed unless it is initiated within four months of the date of service of his notice under section 16(4).

(3) An appeal under paragraph 3 of Schedule 3 to the 1992 Act shall 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 shall 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 he 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.

Initiating an appeal

37.—(1) An appeal shall be initiated by serving on the clerk of the tribunal having jurisdiction in relation to the appeal a notice in writing (a“ notice of appeal”).

(2) Where the appeal is made under section 16, the notice of appeal shall 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 he 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 shall 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 shall 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 shall, within two weeks of service of the notice of appeal, notify the appellant that he has received it, and shall 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 him to be concerned.

Arrangements for appeals

38.—(1) It shall be the duty of the president 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) Part V of these Regulations;
- (b) regulation 12 of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(16);
- (c) regulation 13 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993(17);

relate to the same property.

(3) Where paragraph (2) applies—

- (a) the president shall secure that the appeals are dealt with in such order as appears to him best designed to secure the interests of justice;
- (b) the valuation officer, the listing officer or the community charges registration officer (as the case may be) shall be joined as a party to the appeal under this Part;
- (c) the billing authority shall be joined as a party to the appeal under Part V of these Regulations, regulation 12 of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993 or regulation 13 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (as the case may be).

(16) S.I. 1993/291.

(17) S.I. 1993/290.

(4) In paragraph (3), “valuation officer” and “community charges registration officer” mean the officer appointed under section 61(1)(a) of the 1988 Act or for the purposes of section 26 of the 1988 Act, as the case may be, for the authority in whose area the property concerned is situated.

(5) The clerk shall 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).

Withdrawal

39.—(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.

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

Disposal by written representations

40.—(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 shall serve notice on the parties accordingly; and, within four weeks of service of such a notice on him, each party may serve on the clerk a notice stating—

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

(3) A copy of any notice served in pursuance of paragraph (2) shall be served by the clerk on the other party or parties to the appeal, and shall 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 his reply to the other party’s statement, or that he does not intend to make further representations, as the case may be; and the clerk shall 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 shall submit copies of—

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

to a tribunal constituted as provided in regulation 44.

(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 shall 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 he wishes to make in response.

Notice of hearing

41.—(1) Where the appeal is to be disposed of on the basis of a hearing, the clerk shall, not less than 4 weeks before the date in question, serve on the parties notice of the date, time and place appointed for the hearing.

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

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

(3) The notice required by paragraph (2) shall 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 shall 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

42.—(1) A person shall 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 he is a member of the relevant billing authority.

(2) In this regulation “relevant billing authority” 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 shall 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 his spouse or he supports the appellant financially or is liable to do so.

(4) A person shall not otherwise be disqualified from acting in any capacity in relation to an appeal by reason only of the fact that he 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 his functions.

Representation at the hearing

43. Any party to an appeal which is to be decided at a hearing may appear in person (with assistance from any person if he wishes), by counsel or solicitor, or any other representative (other than a person who is a member or an employee of the tribunal).

Conduct of the hearing

44.—(1) Subject to paragraph (2), a tribunal’s function of hearing or determining an appeal shall be discharged by three members of the tribunal who shall include at least one chairman; and a chairman shall preside.

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

(3) The hearing shall 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 his absence.

(5) The tribunal may require any witness to give evidence under oath or affirmation, and shall 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 shall 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) shall 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) shall, so far as appears to it appropriate, seek to avoid formality in its proceedings; and
- (c) shall not be bound by any enactment or rule of law relating to the admissibility of evidence before courts of law.

Evidence: general

45.—(1) This regulation applies to information supplied in pursuance of regulations under section 13 of, or under Schedule 2 to, the 1992 Act(**18**).

(2) Subject to the following provisions of this regulation, information to which this regulation applies shall in any relevant proceedings be admissible as evidence of any fact stated in it; and any document purporting to contain such information shall, 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 shall 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 his 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” means any proceedings on or in consequence of an appeal, and any proceedings on or in consequence of a reference to arbitration under regulation 52.

Evidence of lists and other documents

46.—(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.

(18) Regulations under section 13 were made by [S.I. 1992/554](#) and by [S.I. 1993/175](#). Regulations under Schedule 2 were made by [S.I. 1992/613](#); a relevant amending instrument is [S.I. 1992/3008](#).

(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” has the same meaning as in the Local Government Act 1972(19).

Decisions on appeals

47.—(1) An appeal may be decided by a majority of the members participating; and where (pursuant to regulation 44(2)), it falls to be disposed of by two members and they are unable to agree, it shall 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 shall—

- (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 shall be accompanied by a statement of the reasons for the decision.

(4) Nothing in paragraph (3) shall require notice to be given to a party if it would be repetitive of any document supplied to him in accordance with regulation 50.

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

Orders

48.—(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

49.—(1) Subject to paragraphs (2) and (3), a tribunal constituted as provided in paragraph (4) shall 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.

(19) 1972 c. 70. See, in particular, section 270(3).

(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 47(3) or regulation 50(3)) of the decision in question.

(4) So far as is reasonably practicable, the tribunal appointed to review a decision shall 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 he 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 shall revoke any order made in consequence of that decision and shall order a re-hearing or redetermination before either the same or a different tribunal.

(8) The clerk shall 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 shall notify the High Court as soon as reasonably practicable after the occurrence of the relevant event.

(10) In paragraph (9)—

“the relevant day” 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”, in relation to a relevant day, means the event occurring on that day.

Records of decisions, etc

50.—(1) It shall be the duty of the clerk to make arrangements for each decision, each order made under regulation 48 and the effect of each certificate and revocation under regulation 49 to be recorded.

(2) Records may be kept in any form, whether documentary or otherwise, and shall contain the particulars specified in Schedule 3 below.

(3) A copy, in documentary form, of the relevant entry in the record shall, 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 shall 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), he shall 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 shall 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 shall, unless the contrary is proved, be sufficient evidence of the document and of the facts it records.

Appeals

51.—(1) An appeal shall 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 49 (review of decisions) 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 shall act in accordance with any order made by the High Court; and paragraph 10A of Schedule 11 to the 1988 Act⁽²⁰⁾ shall have effect subject to this requirement.

Arbitration

52.—(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 shall be referred to arbitration.

(2) Section 31 of the Arbitration Act 1950⁽²¹⁾ shall 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 shall apply to such an order as it applies to orders recorded in pursuance of this Part.

⁽²⁰⁾ Paragraph 10A was inserted by the Local Government Finance Act 1992, Schedule 13, paragraph 88(9).

⁽²¹⁾ 1950 c. 27.

PART VII

MISCELLANEOUS

Disapplication of Regulations

53. The Valuation and Community Charge Tribunals Regulations 1989⁽²²⁾ are amended by adding after regulation 1 the following regulation—

“Application

1A.—(1) These Regulations do not apply to new tribunals in Wales or to any proceedings before those tribunals.

(2) For the purposes of paragraph (1) “new tribunal” means a tribunal established by regulation 2 of the Valuation Tribunals (Wales) Regulations 1995.”.

Signed by authority of the Secretary of State for Wales

24th November 1995

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

(22) [S.I. 1989/439](#) to which there are amendments not relevant to this regulation.

SCHEDULE 1

Regulations 2 and 3

ESTABLISHMENT OF TRIBUNALS AND APPOINTMENT OF MEMBERS

1	2	3	4	5
Area of jurisdiction	Name	Total number of members of each tribunal	Appointing councils	Numbers of members to be appointed by each appointing council
The counties of Monmouthshire and Powys and the county boroughs of Blaenau Gwent, Caerphilly, Newport and Torfaen	East Wales Dwyrain Cymru	66	Blaenau Gwent County Borough Council	9
			Caerphilly County Borough Council	9
			Monmouthshire County Council	21
			Newport County Borough Council	9
			Powys County Council	
			Torfaen County Borough Council	
The counties of Anglesey, Caernarfonshire and Merionethshire, Denbighshire and Flintshire and the county boroughs of Aberconwy and Colwyn and Wrexham	North Wales Gogledd Cymru	54	Aberconwy and Colwyn County Borough Council	9
			Anglesey County Council	9
			Caernarfonshire and Merionethshire County Council	9
			Denbighshire County Council	
			Flintshire County Council	
			Wrexham County Borough Council	
The county of Cardiff and the	South Wales	57	Bridgend County Borough Council	9

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1 Area of jurisdiction	2 Name	3 Total number of members of each tribunal	4 Appointing councils	5 Numbers of members to be appointed by each appointing council
county boroughs of Bridgend, Merthyr Tydfil, Rhondda, Cynon, Taff and the Vale of Glamorgan	De Cymru	57	Cardiff County Council	18
				6
			Merthyr Tydfil County Borough Council	15
				9
			Rhondda, Cynon, Taff County Borough Council	
	The Vale of Glamorgan County Borough Council			
The counties of Cardiganshire, Carmarthenshire, Pembrokeshire and Swansea and the county borough of Neath and Port Talbot	West Wales	57	Cardiganshire County Council	6
				12
	Gorllewin Cymru		Carmarthenshire County Council	12
				12
			Neath and Port Talbot County Borough Council	15
			Pembrokeshire County Council	
	Swansea County Council			

SCHEDULE 2

Regulation 30

CONTENTS OF RECORDS MADE UNDER PART V

The appellant's name and address

The date of the appeal

The matter appealed against

The name of the billing authority or the title of any registration officer whose decision was appealed against

The date of the hearing or determination

The names of the parties who appeared, if any

The decision of the tribunal, and its date
The reasons for the decision
Any order made in consequence of the decision
The date of any such order

SCHEDULE 3

Regulation 50

CONTENTS OF RECORDS MADE UNDER PART VI

The appellant's name and address
The date of the appeal
The matter appealed against
The name of the billing authority whose decision was appealed against
The date of the hearing or determination
The names of the parties who appeared, if any
The decision of the tribunal and its date
The reasons for the decision
Any order made in consequence of the decision
The date of any such order
Any certificate setting aside the decision
Any revocation under regulation 49(7)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish new valuation tribunals in Wales and provide for the determination of appeals under section 23 of the Local Government Finance Act 1988 and section 16 and paragraph 3(1) of Schedule 3 to the Local Government Finance Act 1992 in relation to community charge and council tax respectively.

Parts II and III provide for the establishment of the tribunals on 1st April 1996. Regulation 2 establishes tribunals for each of the four areas of jurisdiction set out in Schedule 1. Regulations 3 and 4 make provision for the number of members for each tribunal, the number to be appointed by each appointing council, their appointment and the duration of membership.

Regulations 5 and 6 deal with the appointment of the tribunal's president and its chairmen. Regulation 7 provides for the circumstances in which a person is to be disqualified from membership. Regulation 8 provides for allowances payable to members.

Matters relating to staff, administration, accommodation and equipment are dealt with in regulations 9 to 12.

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Part IV contains transitional provisions in relation to transferred appeals, the winding up of existing tribunals and initial appointments of members.

Parts V and VI provide for the procedure for dealing with appeals in relation to community charges and council tax respectively.

Part VII has effect to amend the Valuation and Community Charge Tribunals Regulations 1989 in order to disapply those Regulations in relation to the tribunals established by these Regulations.