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STATUTORY INSTRUMENTS

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**1995 No. 363**

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

The Valuation and Community Charge Tribunals  
(Amendment) (England) Regulations 1995

<i>Made</i>	- - - -	<i>16th February 1995</i>
<i>Laid before Parliament</i>		<i>17th February 1995</i>
<i>Coming into force</i>	- -	<i>10th March 1995</i>

The Secretary of State for the Environment in exercise of powers conferred on him by sections 55, 140(4), 143(1) and (2) of, and paragraphs 1, 3(2), 5 and 8 of Schedule 11 to, the Local Government Finance Act 1988<sup>(1)</sup>, and section 24 of the Local Government Finance Act 1992<sup>(2)</sup> 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<sup>(3)</sup> hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Valuation and Community Charge Tribunals (Amendment) (England) Regulations 1995 and shall come into force on 10th March 1995.

(2) In these Regulations—

“the Non-Domestic Rating Regulations” means the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993<sup>(4)</sup>;

“the principal Regulations” means the Valuation and Community Charge Tribunals Regulations 1989<sup>(5)</sup>; and

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(1) 1988 c. 41.

(2) 1992 c. 14.

(3) 1992 c. 53. See paragraph 28 in Part 1 of Schedule 1.

(4) S.I. 1993/291.

(5) S.I. 1989/439. The Valuation and Community Charge Tribunals Regulations 1989 were amended by the Valuation and Community Charge Tribunals (Amendment) (London) Regulations 1991 (S.I. 1991 No. 1) and the Valuation and Community Charge Tribunals (Amendment) Regulations 1993 (S.I. 1993 No. 292).

“the 1993 Regulations” means the Council Tax (Alteration of Lists and Appeals) Regulations 1993(6).

(3) Expressions used in these Regulations which are also used in the principal Regulations have the same meaning as in those Regulations.

(4) Unless the context otherwise requires, any reference in the following provisions of these Regulations to a numbered regulation is a reference to the regulation so numbered in the principal Regulations.

### **Amendment of the principal Regulations**

2. The principal Regulations are amended in accordance with the following provisions of these Regulations in relation to tribunals the area of jurisdiction of which, set out in Schedule 1 of the principal Regulations, is in England.

### **Membership**

3. In regulation 4 there shall be added the following paragraph—

“(6) A person may not be appointed as a member of a tribunal if he or his spouse is an employee of that tribunal.”.

### **Appointment of members**

4. For paragraph (2) of regulation 5 there shall be substituted the following—

“(2) No appointment under regulation 4(2) shall be valid if its effect would be that the aggregate number of members of the tribunal appointed by that body who are members of a principal council exceeded the number equal to one third of the total of the number of members to be appointed by that body. For the purpose of this paragraph “principal council” means a district council, a county council, a London Borough Council, the Common Council of the City of London or the Council of the Isles of Scilly.”.

### **Duration of membership**

5.—(1) In paragraph (2) of regulation 6 before the words “each member” there shall be inserted the words “Subject to paragraph (5)”.

(2) In regulation 6 there shall be added the following paragraphs—

“(5) 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 7(2) and 8(2), for a period which ends with the expiration of the prescribed period for the election of a president to fill the vacancy under regulation 7, or of a chairman to fill the vacancy under regulation 8, 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”.

(6) Where a president’s or chairman’s membership continues during the interim period in accordance with paragraph (5), 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 regulation (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 4(1), or one of the number of members to be appointed chairman determined in accordance with regulation 8(1).”.

### **President**

- 6.—(1) In paragraph (3) of regulation 7 after “paragraph (2)” there shall be added “or (12)”.
- (2) In paragraph (5) of regulation 7 after the words “No other election” there shall be added the words “for the appointment of a president”.
- (3) For paragraph (8)(a) of regulation 7 there shall be substituted the following—
- “(a) the expiration of the interim period referred to in regulation 6(5);”.
- (4) In regulation 7 there shall be added the following paragraph—
- “(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**

- 7.—(1) For paragraph (2) of regulation 8 there shall be substituted the following—
- “(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.”.
- (2) For paragraph (9)(a) of regulation 8 there shall be substituted the following—
- “(a) the expiration of the interim period referred to in regulation 6(5);”.
- (3) In the definition of “prescribed period” in paragraph (12) of regulation 8 after the words “the stated number,” there shall be added the words “or such a vacancy which would occur but for the application of regulation 6(5).”.

### **Jurisdiction**

- 8.—(1) In regulations 16 and 35 there shall be added the following paragraph—
- “(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.”.
- (2) Regulation 17 of the 1993 Regulations and regulation 32 of the Non-Domestic Rating Regulations shall be renumbered 17(1) and 32(1) respectively and there shall be added to each such regulation the following paragraph—
- “(2) 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.”.

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

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Signed by authority of the Secretary of State

16th February 1995

*David Curry*  
Minister of State,  
Department of the Environment

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Valuation and Community Charge Tribunals Regulations 1989, which established the valuation tribunals and, as amended, prescribe procedures for dealing with appeals under section 23 of, and paragraph 4 of Schedule 4A to, the Local Government Finance Act 1988 (“the 1988 Act”), in connection with community charges and against completion notices for non-domestic rating purposes respectively, and appeals under section 16 of and paragraph 3(1) of Schedule 3 to the Local Government Finance Act 1992 (c. 14) (“the 1992 Act”) in connection with council tax and penalties for council tax purposes respectively. The Regulations also amend the Council Tax (Alteration of Lists and Appeals) Regulations 1993 which provide for the determination by valuation tribunals of appeals under section 24 of the 1992 Act in connection with alterations to valuation lists and the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993 which provide for such tribunals to determine appeals under section 55 of the 1988 Act in connection with alterations to non-domestic rating lists.

These Regulations provide for employees of the tribunal not to be eligible for membership of that tribunal (regulation 3) and for the number of members of a tribunal who are members of a principal council not to exceed one third (regulation 4).

These Regulations provide for a president or chairman whose period of membership has expired to continue in office until there has been an election to fill the vacancy, or the opportunity for such an election (regulation 5), and for the president to be one of the chairmen (regulation 7). These Regulations also provide for the president’s functions to be performed by another chairman if he is unable to perform them as a result of illness or absence abroad (regulation 6). In addition these Regulations provide that an appeal affecting a former employee or member of a tribunal may be transferred to another tribunal (regulation 8).