

2000 No. 409

**COUNCIL TAX, ENGLAND
RATING AND VALUATION, ENGLAND**

**The Valuation Tribunals (Amendment) (England)
Regulations 2000**

Made - - - - - *18th February 2000*
Laid before Parliament *25th February 2000*
Coming into force *17th March 2000*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by section 143(2) of, and paragraphs 1 and 5 of Schedule 11 to, the Local Government Finance Act 1988(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations, which extend to England only, may be cited as the Valuation Tribunals (Amendment) (England) Regulations 2000 and shall come into force on 17th March 2000.

Amendment of Regulations

2. The Valuation and Community Charge Tribunals Regulations 1989(b) are amended as provided in regulations 3 to 6(1).

Interpretation

3. In regulation 2(1) (interpretation)–

(a) the definition of “appointing body” is omitted;

(b) after the definition of “president” there is inserted–

““relevant authority”, in relation to a vacancy in the membership of a tribunal, means–

(i) in the case of an area in relation to which any of the area changes provisions applies, the authority which, in accordance with the provision in question, would have the power to appoint a member; and

(ii) in any other case, the authority which had the power to appoint or to participate in the appointment of the member whose membership has ceased, and for the purposes of this definition–

“the area changes provisions” means–

(i) regulation 3 of the Local Government Changes for England (Valuation and Community Charge Tribunals) Regulations 1996(c);

(a) 1988 c. 41. The relevant powers are devolved, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the reference to the Local Government Finance Act 1988 in Schedule 1.

(b) S.I. 1989/439, which by virtue of S.I. 1995/3056 applies to valuation tribunals in England only. Other relevant amendments are made by S.I. 1991/1, 1993/292, 1995/363, 1996/43, 1997/75 and 2954. Valuation and community charge tribunals were re-named valuation tribunals by section 15(1) of the Local Government Finance Act 1992 (c. 14).

(c) S.I. 1996/43.

- (ii) regulation 4 of the Local Government Changes for England (Valuation and Community Charge Tribunals) Regulations 1997(a); and
- (iii) regulation 3 of the Local Government Changes for England (Valuation Tribunals) Regulations 1997(b);”.

Membership of tribunals

4. For regulations 4 and 5(c) there is substituted—

“Membership

- 4.—(1) The Secretary of State shall determine the number of members of each tribunal.
- (2) The number of members so determined in relation to a tribunal shall be a multiple of—
- (a) the sum of any numbers specified in relation to that tribunal in column 4 of Schedule 1(d), or,
 - (b) where no number is so specified, the number of authorities specified or described in relation to that tribunal in column 3.
- (3) An appointment to fill any vacancy in the membership of a tribunal shall be made by the relevant authority and the president of the tribunal.

Appointments: supplementary

5.—(1) Where at the expiry of 28 days beginning on the day when a vacancy occurs or is created in the membership of a tribunal there has been no appointment made under regulation 4(3), the vacancy may be filled by the Secretary of State after consultation with the president of the tribunal concerned.

(2) No appointment under regulation 4(3) shall be valid if its effect would be that the aggregate number of members who—

- (a) are members of a principal council, and
- (b) have been appointed by, or (as the case may be) with the participation of, the relevant authority

exceeded the number equal to one third of the total of the number of members the authority concerned is entitled to participate in appointing in pursuance of regulation 4(3).

(3) Nothing in paragraph (2) shall be construed as affecting the validity of the appointment of a member who becomes a member of a principal council after his appointment takes effect.

(4) In this regulation “principal council” means the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly.”

Minor and consequential amendments

5.—(1) Regulation 6 (duration of membership)(e) is amended as follows:

- (a) for paragraph (1) there is substituted—

“(1) Each appointment of a member shall have effect for such period not exceeding six years as the persons making the appointment may specify on making the appointment.”;
- (b) for paragraph (3) there is substituted—

“(3) The persons by whom any member was, or fell to be, appointed shall, if so directed by the Secretary of State after consultation with those persons, by notice in writing give that member such period of notice of termination of office under this paragraph as may be so directed.”;
- (c) in paragraph (3A)(f) for the words from the beginning to “ceased to exist” there is substituted “Where a member was appointed by a body which has ceased to exist,”;
- (d) in paragraph (4) for the words “by the appointing body or bodies” there is substituted “by the president, after consultation with the relevant authority”.

(a) S.I. 1997/75.

(b) S.I. 1997/2954.

(c) Regulation 4 is as substituted by S.I. 1997/75, and regulation 5 as amended by S.I. 1993/292 and 1995/363.

(d) Schedule 1 is substituted by S.I. 1997/2954.

(e) Amended by S.I. 1995/363 and 1997/75.

(f) Inserted by S.I. 1997/75.

(2) In paragraph (1) of regulation 9 (disqualification from membership), there is added at the end—

“or

(f) is an employee or his spouse is an employee of that tribunal”.

(3) In Schedule 1 (tribunal membership), for the heading to column 3 there is substituted “relevant authority or authorities”.

Jurisdiction

6.—(1) Regulation 35 (council tax appeals: jurisdiction)(**a**) is amended by—

(a) the substitution, in paragraph (2) for the words, “subject to paragraph (3)”, of the words “subject to paragraphs (2A) and (3)”; and

(b) the insertion, after paragraph (2), of the following—

“(2A) Where it appears to the president of a tribunal which, but for this paragraph, would deal with an appeal, that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the Secretary of State shall, on being so notified by the president, appoint another tribunal to deal with that appeal.”.

(2) Regulation 17 (jurisdiction: exception) of the Council Tax (Alteration of Lists and Appeals) Regulations 1993(**b**) shall be amended by the insertion after paragraph (1) of the following—

“(1A) Where it appears to the president of the relevant valuation tribunal that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the Secretary of State shall, on being so notified by the president, appoint another tribunal to deal with that appeal.”.

(3) Regulation 32 (jurisdiction: exceptional cases) of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(**c**) is amended by the insertion after paragraph (1) of the following—

“(1A) Where it appears to the president of the relevant valuation tribunal that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the Secretary of State shall, on being so notified by the president, appoint another tribunal to deal with that appeal.”.

Saving

7. Nothing in these Regulations affects an appointment to fill a vacancy in the membership of a valuation tribunal which arises before 1st April 2000.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Hilary Armstrong
Minister of State,

18th February 2000

Department of the Environment, Transport and the Regions

(a) Amended by S.I. 1993/292 and 1995/363.

(b) S.I. 1993/290. Relevant amendment is by S.I. 1995/363.

(c) S.I. 1993/291. Relevant amendment is by S.I. 1995/363.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Valuation and Community Charge Tribunals Regulations 1989.

Regulation 4 makes provision for appointments to a tribunal to be made by a local authority and the president of the tribunal. It also shortens the period after which, if no appointment is made, the Secretary of State may make an appointment in default. It has effect where the appointment is to take effect on or after 1st April 2000 (*see* regulation 7).

Regulation 5 makes minor and consequential amendments.

Regulation 6 makes provision for the Secretary of State to appoint a different tribunal to deal with an appeal where in the case of the tribunal which would normally have jurisdiction there appears to be a conflict of interests, or the appearance of such a conflict and includes amendments to the Council Tax (Alteration of Lists and Appeals) Regulations 1993 and the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993.

These Regulations extend to England only.

£1.50

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E 0388 02/00 ON (MFK)