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WELSH STATUTORY INSTRUMENTS

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**2010 No. 713**

**The Valuation Tribunal for Wales Regulations 2010**

**PART 4**

Transitional Provisions

**Appointment of members of old Tribunals**

**21.**—(1) Subject to regulation 10(2), on 1 July 2010 any person who immediately before that date was a member of an old Tribunal appointed by a council and the President of that old Tribunal will be appointed a member of the Valuation Tribunal.

(2) For the purposes of this regulation, an appointment made under paragraph (1) will be regarded as if made—

- (a) by the council which appointed the member to the old Tribunal and the President; and
- (b) on the date on which the appointment to the old Tribunal was made.

(3) Subject to regulation 10(2), on 1 July 2010 any person who immediately before that date was a member of an old Tribunal appointed by the Welsh Ministers will be appointed a member of the Valuation Tribunal.

(4) On 1 July 2010 any person who immediately before that date was a member of the Governing Council of the old Service appointed by the Welsh Ministers will be appointed a member of the Governing Council.

(5) The Welsh Ministers may, after consultation with the President, give to any member appointed under paragraph (3) or (4) notice in writing giving such notice of termination of office as they determine.

**Continuing appointment of Chairpersons of old Tribunals**

**22.**—(1) Subject to regulation 12(4), on 1 July 2010 any member who immediately before that date was a Chairperson of an old Tribunal will be appointed a Chairperson of the Valuation Tribunal.

(2) Regulation 12(5) applies to a Chairperson appointed under paragraph (1) as it applies to a Chairperson appointed under regulation 12(2).

**Transfer of employees to the Valuation Tribunal**

**23.**—(1) Subject to paragraph (3), on 1 July 2010 any person who immediately before that date was employed by the old Service shall have his or her contract of employment transferred to the Valuation Tribunal and that contract will have effect as if originally made between the person so employed and the Valuation Tribunal.

(2) Without prejudice to paragraph (1)—

- (a) all the rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies will, by virtue of this regulation, be transferred to the Valuation Tribunal on the 1 July 2010;

- (b) anything done before that date by, or in relation to, the old Service in respect of that contract or that employee, will be deemed from 1 July 2010 to have been done by, or in relation to, the Valuation Tribunal.

(3) Paragraphs (1) and (2) are without prejudice to any right of any employee to terminate his or her contract of employment if a substantial change is made to his or her detriment in his or her working conditions, but no such right arises by reason only of the change in employer effected by this regulation.

### **Transfer of property, rights and liabilities**

**24.** On 1 July 2010 all the property, rights and liabilities of the old Service, not referred to in regulation 23, are transferred to the Valuation Tribunal.

### **Transferred appeals**

**25.—**(1) Any appeal to an old Tribunal which was initiated before 1 July 2010 and would, had it been initiated on or after that date, have fallen to be disposed of by the Valuation Tribunal established by regulation 4, will be transferred on 1 July 2010 to, and disposed of by, the Valuation Tribunal.

(2) On and after 1 July 2010—

- (a) the relevant statutory provisions will 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 Chairperson of that old Tribunal, had been done by or in relation to the Valuation Tribunal or, as the case may be, the Clerk, the President or a Chairperson of the Valuation Tribunal, and
  - (b) any reference (however framed) to a Clerk, President or a Chairperson of an old Tribunal in the relevant statutory provisions or instruments made under them will, 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 Chairperson of the Valuation Tribunal.
- (3) In this regulation “the relevant statutory provisions” means —
- (a) in relation to appeals under section 16 of, or paragraph 3(1) of Schedule 3 to, the 1992 Act, these Regulations;
  - (b) in relation to appeals under regulations made under section 24 of the 1992 Act, those regulations;
  - (c) in relation to appeals under Schedule 4A to the 1988 Act (completion notices), under paragraph 5C of Schedule 9 (civil penalties) of the 1988 Act and under regulations made under section 55 of the 1988 Act (“those Regulations”), those Regulations;
  - (d) in relation to appeals under section 45 of the Land Drainage Act 1991, that Act.

### **Winding Up**

**26.—**(1) The old Tribunals and the old Service will cease to exist on 1 July 2010.

(2) Subject to regulation 10, the members of the old Tribunals on 30 June 2010 will cease to hold office as such at the end of that day.

(3) The presidents of the old Tribunals on 30 June 2010 will cease to hold office as such at the end of that day.