

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2005 No. (W.)

**LOCAL GOVERNMENT,
WALES**

The Valuation Tribunals (Wales)
Regulations 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

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Regulations 2005**

Made [] 2005

*Coming into force in accordance with
regulation 1(2) 2005*

The National Assembly for Wales, in exercise of the powers vested in it under 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, and after consultation with the Council on Tribunals as required by section 8 of the Tribunals and Inquiries Act 1992 hereby make the following Regulations:

PART I

General

Name and commencement

1.—(1) These Regulations are called the Valuation Tribunals (Wales) Regulations 2005.

(2) Regulation 1 to 24 of these Regulations come into force on the start date and all other regulations will come into force on the start date +1 month.

Application

2. These Regulations apply to tribunals in Wales only and to proceedings in Wales in relation to appeals under section 16 or paragraph 3(1) of Schedule 3 to the Local Government Finance Act 1992.

Interpretation

3. [To be completed].

Revocation

4. The following are revoked:

the Valuation Tribunals (Wales) Regulations 1995; regulations 1 to 5 of the Valuation Tribunals (Amendments) (Wales) Regulations 2001; and the Valuation Tribunals (Wales) (Amendments) Regulations 2004.

PART II

Establishment of the Valuation Tribunal Service for Wales, its Governing Council and the Regional Valuation Tribunals.

Establishment of the Valuation Tribunal Service for Wales and its Governing Council

5. On the S.D there will be established a Valuation Tribunal Service for Wales. The Valuation Tribunal Service for Wales will comprise of the four Regional Valuation Tribunals established under Regulation 11.

6. On S.D there will be established a Governing Council for the Valuation Tribunal Service for Wales.

7. Subject to regulations 20 and 21 the functions of the Valuation Tribunal Service for Wales under these Regulations will be performed on its behalf by its Governing Council.

Membership of the Governing Council of the Valuation Tribunal Service for Wales

8. The membership of the Governing Council will consist of :

- (a) the presidents of the four Regional Valuation Tribunals in Wales established in accordance with regulation 15; and
- (b) any person appointed by the National Assembly for Wales under Regulation 9.

9. The National Assembly for Wales may appoint a person to the Governing Council.

Appointment of the Director and Deputy Director of the Governing Council

10.—(1) Within the prescribed period, the members of the Governing Council must in accordance with the following provisions of this regulation appoint a person to be Director of the Governing Council and appoint a person to be Deputy Director of the Governing Council.

(2) The persons to be appointed under this Regulation must be members of the Governing Council and of a Regional Valuation Tribunal.

(3) The persons to be appointed will be determined by a simple majority of votes cast, each member of the Governing Council having one vote.

(4) Where an election under paragraph (3) results in a tie, the persons to be appointed from amongst the candidates with equal votes will be determined by lot.

(5) No other election for the appointment of a Director and/or Deputy Director of the Governing Council other than in accordance with this regulation will be held before the expiry of two weeks beginning on the day on which notice of the election is issued by the Chief Clerk in accordance with paragraph (6).

(6) The notices required by paragraph (5) must be served on all persons who are members of the Governing Council 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 National Assembly for Wales will, after consultation with such members of the Governing Council as it sees fit and subject to paragraph (2), appoint one of their number to be Director and/or Deputy Director as appropriate.

(8) The Director and Deputy Director will hold office until whichever of the following first occurs —

- (a) the expiration of a period of 2 years from the date upon which the Director or Deputy Director takes office;
- (b) the Director or Deputy Director ceases to be a member of the Governing Council;
- (c) notice of the Director or Deputy Director's resignation under paragraph (9) takes effect;
- (d) notice of termination under paragraph (10) takes effect.

(9) A Director or Deputy Director may resign their office by giving not less than one month's notice in writing to the National Assembly for Wales.

(10) The National Assembly for Wales may, after consultation with such of the members of the Governing Council as it sees fit, by giving notice in writing to the Director and/or Deputy Director as appropriate terminate their office.

(11) If the Director of the Governing Council is unable, through illness or absence from the UK or any other cause, to carry out their functions under these Regulations, then those functions will, with the authorisation in writing of the Director or, if the Director is unable to provide it, of the Chief Clerk, be carried out by the Deputy Director of the Governing Council.

(12) In this regulation “prescribed period” means one month beginning with SD, or three months from the date of a vacancy occurring.

Establishment of the Regional Valuation Tribunals

11.—(1) There will be established a Regional Valuation Tribunal for each of the areas set out in column 1 of Schedule 1.

(2) —

- (a) Each tribunal will have the name given to it in column 2 of Schedule 1.
- (b) The Welsh language name of each Regional Valuation Tribunal is shown in column 2 immediately after its English language name.

Appointment of Regional Valuation Tribunal Members

12.—(1) The members of a Regional Valuation Tribunal established by Regulation 11, subject to the following paragraphs of this regulation, will consist of;

- (a) those appointed by the councils prescribed in relation to that Regional Valuation Tribunal in column 4 of Schedule 1 (“the councils”) and the president jointly, and
- (b) those appointed by the National Assembly for Wales, after consultation with the president of the Regional Valuation Tribunal;

(2) The maximum number of members that can be appointed by the councils and the president is the number specified in relation to that Regional Valuation Tribunal in column 3 of Schedule 1 and the maximum number of members that can be appointed by a council and the president is the number specified in relation to that council in column 5 of Schedule 1.

(3) The minimum number of members that must be appointed by the councils and the president is two-thirds of the number specified in relation to that Regional Valuation Tribunal in column 3 of Schedule 1 and the minimum number of members that must be appointed by a council and the president is two-thirds of the number specified in relation to that council in column 5 of Schedule 1.

(4) Subject to regulation 14(1), on S.D, all members of an old tribunal appointed by a Council and the president of that old tribunal will be appointed a member of the Regional Valuation Tribunal for the area previously covered by that old tribunal.

(5) For the purposes of this regulation, appointments made under paragraph (4) will be regarded as if made by the Council which appointed the member to the old tribunal and the President.

(6) For the purposes of regulation 14(1), the duration of membership of a member appointed under paragraph (4) will commence on S.D.

(7) The National Assembly for Wales must appoint a minimum of one member for each of the Regional Valuation Tribunals named in column 2 of Schedule 1.

(8) On S.D., all members of an old tribunal appointed by the National Assembly for Wales will be appointed a member of the Regional Valuation Tribunal for the area previously covered by that old tribunal.

(9) Where at the expiry of 3 months from a vacancy occurring in a Regional Valuation Tribunal, a council and the president of the Regional Valuation Tribunal have failed to make an appointment in accordance with paragraph (1), that appointment may be made by the National Assembly for Wales after consultation with the president of the Regional Valuation Tribunal.

(10) No appointment under paragraph (1) will be valid if its effect would be that the number of members of the Regional Valuation Tribunal, appointed by that council and the president, who are members of the council exceed one third of the total number of members of the Regional Valuation Tribunal appointed by that council and the president.

(11) Paragraph (10) must not be construed as affecting the validity of the appointment of a member of a Regional Valuation Tribunal who becomes a member of a council after his appointment takes effect.

(12) Paragraph (10) must not be construed as affecting the validity of the appointment of a member of a Regional Valuation Tribunal who was, and remains, a member of a council if, at the time his appointment took effect, the number of members of the Regional Valuation Tribunal, appointed by that council and the president, who were members of the council did not exceed one third of the total number of members of the Regional Valuation Tribunal appointed by that council and the president.

(13) If the number of members of a Regional Valuation Tribunal, appointed by a council and the president, who are members of that council exceed one third of the total number of members of the Regional Valuation Tribunal, appointed by that council and the president, that council and the president must within three months jointly make such appointments as necessary under paragraph 1(a) to enable that council and the president's appointments under paragraph 1(a) to comply with paragraph (10) of this regulation.

(14) Where at the expiry of three months and a council and the president having failed to make such appointments as necessary in accordance with paragraphs (1(a)) and (13), those appointments must be made by the National Assembly for Wales after

consultation with the president of that Regional Valuation Tribunal.

13. In considering their appointments under regulation 12 a Council will have regard to the desirability of appointing persons who, the Council considers, possesses knowledge, experience and expertise gained as a member of a Regional Valuation Tribunal and/or an old tribunal.

Duration of membership of Regional Valuation Tribunals

14.—(1) Each appointment of a member will have effect for such period not exceeding 6 years as the person or persons making the appointment may specify, after consultation in the case of an appointment by the National Assembly for Wales with the president of the Regional Valuation Tribunal.

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

- (a) the period specified under paragraph (1) expires;
- (b) notice of that member's removal under paragraph (3) or (4) takes effect;
- (c) that member becomes disqualified from membership as provided in regulation 17;
- (d) that member resigns the office by notice in writing to the president.

(3) The council by which any member was jointly appointed will, if so directed by the National Assembly for Wales after consultation with the council and with the president of a Regional Valuation Tribunal, by notice in writing give that member such period of notice of termination of office under this paragraph as may be directed.

(4) The National Assembly for Wales may, after consultation with the president of the Regional Valuation Tribunal, give to any member appointed by it notice in writing giving such period of notice of termination of office as it may determine.

(5) Where a member is appointed a president or chairperson of a Regional Valuation Tribunal in accordance with these Regulations and the duration of that member's membership of the Regional Valuation Tribunal would end by the application of paragraph (2)(a), that member's membership will continue, except for the purposes of regulations 15(3), 16(3) and 16(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 15, or of a chairperson to fill the vacancy under regulation 16, as the case may be, or when such an election of a president, or chairperson, 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 chairperson’s membership continues during the interim period in accordance with paragraph (5), a vacancy will arise for the purposes of these Regulations in the case of a president for a member, a chairperson and a president, and in the case of a chairperson for a member and a chairperson, from the expiration of the period referred to in paragraph (2)(a) and, in particular, from that date that president or chairperson will not by virtue of the operation of this paragraph constitute one of the number of members determined in accordance with regulation 12(2), or one of the number of members to be appointed chairperson determined in accordance with regulation 16(1).

The presidents of the Regional Valuation Tribunals

15.—(1) On S.D., each President of an old tribunal will be appointed to the post of President for the Regional Valuation Tribunal for the area previously covered by their own tribunal.

(2) Within 3 months beginning with a vacancy occurring in the office of the president, the members of that president’s Regional Valuation Tribunal must in accordance with the following provisions of this regulation appoint a person to be president of that Regional Valuation Tribunal.

(3) The person to be appointed must be a member of the Regional Valuation Tribunal and will be determined by election by a simple majority of votes cast, each member having one vote.

(4) Where an election under paragraph (3) or (11) results in a tie, the person to be appointed from among the candidates with equal votes will be determined by lot.

(5) No election for the appointment of a president in pursuance of this regulation must be held before the expiry of 2 weeks beginning on the day on which notice of the election is issued in accordance with paragraph (6) by the Chief Clerk. The validity of any election will not be effected by there being a vacancy amongst the members of the Regional Valuation Tribunal.

(6) The notice required by paragraph (5) must be served on all persons who are members of the Regional Valuation Tribunal on the date on which the notice in question is issued.

(7) Where at the expiry of the period specified in paragraph (2) no election has taken place in accordance with the foregoing provisions of this regulation, the National Assembly for Wales must, after consultation with such of the members of the

Regional Valuation Tribunal as it sees fit, appoint one of their number to be president.

(8) The president appointed under this regulation will hold office until whichever of the following first occurs –

- (a) the expiration of the interim period referred to in regulation 14(5);
- (b) that president ceases to be a member of the Regional Valuation Tribunal;
- (c) notice of that president's resignation under paragraph (9) takes effect;
- (d) notice of termination under paragraph (10) takes effect.

(9) A president may resign office as such by giving not less than one month's notice in writing to the National Assembly for Wales.

(10) The National Assembly for Wales may, after consultation with such of the members of the Regional Valuation Tribunal as it sees fit, by giving notice in writing to the president terminate that president's office as such.

(11) If the president is unable, through illness or absence from the United Kingdom or any other cause, to carry out the president's functions under these regulations, then those functions will, with the authorisation in writing of the president or, if the president is unable to provide it, of the Chief Clerk, be carried out by one of the chairpersons of the Regional Valuation Tribunal appointed for this purpose by the members of the Regional Valuation Tribunal and elected by them by a simple majority of votes cast, each member having one vote.

(12) In this regulation "President of an old tribunal" means a President of an old tribunal in post as of the day before S.D.

Chairpersons of the regional valuation tribunals

16.—(1) On S.D., each chairman of an old tribunal will be appointed to the position of chairperson for the Regional Valuation Tribunal for the area previously covered by their old tribunal.

(2) Subject to paragraph (1), the number of members of a Regional Valuation Tribunal to be appointed to the position of chairperson will be determined by the Valuation Tribunal Service for Wales.

(3) The president will constitute one of the chairpersons and the members of a Regional Valuation Tribunal must, in accordance with this regulation, appoint the remaining number of chairpersons within the prescribed period by election from among their number.

(4) No election in pursuance of this regulation must be held before the expiry of 2 weeks beginning on the day on which notice of the election is issued in accordance with paragraph (5) by the Chief Clerk.

(5) The notices required by paragraph (4) must be served on all persons who are members of the Regional Valuation Tribunal at the date on which the notice in question is issued.

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

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

(8) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the National Assembly for Wales must, after consultation with the president, appoint the appropriate number of members to be chairpersons.

(9) A chairperson appointed under this regulation will hold office until whichever of the following occurs –

- (a) the expiration of the interim period referred to in regulation 14(5);
- (b) that chairperson ceases to be a member of the Regional Valuation Tribunal;
- (c) that chairperson resigns by giving notice in writing to the president;
- (d) notice of termination under paragraph (10) takes effect.
- (e)

(10) The president –

- (a) may after consultation with each of the Regional Valuation Tribunals other chairpersons by giving notice in writing to a chairperson terminate that chairperson's office; and
- (b) must if so directed by the National Assembly for Wales give a chairperson notice in writing terminating that chairperson's office, which notice will take effect on the expiry of such period as may be so directed.

(11) Before giving a direction under paragraph (10)(b) the National Assembly for Wales must consult the president.

(12) In this regulation –

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

“the prescribed period” means 3 months beginning with a vacancy occurring among the stated number, or such a vacancy which would occur but for the application of regulation 14(5) as the case may be;

“the determined number” means the number stated by the Valuation Tribunal Service for Wales in pursuance of paragraph (2);

“the president” means a president elected or appointed under regulation 15; and

“chairman of an old tribunal” means a chairman of an old tribunal in post as of (day before S.D.).

Disqualification from membership of regional valuation tribunals

17.—(1) A person will be disqualified from being appointed or continuing to be a member of a Regional Valuation Tribunal if—

- (a) that person has been adjudged bankrupt; or
- (b) that person has made an arrangement with his creditors; or
- (c) that person has, within the five years immediately preceding that person’s appointment, or since that person’s 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) that person 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; or
- (e) that person or that person’s spouse is or becomes an employee of the Valuation Tribunal Service for Wales.

(2) A disqualification attaching to a person by reason of paragraph (1)(a) will cease —

- (a) unless the bankruptcy order made against that person is previously annulled, on that person’s 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 that person pays that person's 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, will be deemed to be the date of the conviction.

(5) For the purposes of this regulation, "member of a Regional Valuation Tribunal" means a member—

- (a) of a Regional Valuation Tribunal appointed under regulation 12; and/or
- (b) of the Governing Council of the Valuation Tribunal Service for Wales appointed under regulation 8.

Allowances

18.—(1) Members will be entitled to such travelling, subsistence and other allowances as the National Assembly for Wales may from time to time determine.

(2) For the purposes of this regulation "member" means a member of a Regional Valuation Tribunal and/or a member of the Governing Council of the Valuation Tribunal Service for Wales.

PART 3

Administration

Staff of the Valuation Tribunal Service for Wales

19.—(1) Within 1 month of S.D., the Valuation Tribunal Service for Wales must appoint an Interim Chief Clerk who will serve the Valuation Tribunal Service for Wales and its tribunals.

(2) The Interim Chief Clerk will hold office until the person appointed made under paragraph (3) takes office.

(3) Within 3 months of S.D.+1, the Valuation Tribunal Service for Wales must appoint a Chief Clerk who will serve the Valuation Tribunal Service for Wales and its tribunals.

(4) No appointments under paragraphs (1) or (3) will be valid unless it is made with the approval of the National Assembly for Wales.

(5) The Valuation Tribunal Service for Wales may appoint other employees as it so determines.

(6) The terms and conditions on which the Interim Chief Clerk, the Chief Clerk and the other employees are appointed will be such as the Valuation Tribunal Service for Wales may determine.

(7) The Valuation Tribunal Service for Wales will pay to its employees such remuneration and allowances as it may determine.

(8) No determination under paragraph (7) will be valid unless made with the approval of the National Assembly for Wales.

(9) The functions of the Interim Chief Clerk and the Chief Clerk appointed under paragraph (1) and (3) may be delegated to other employees of the Valuation Tribunal Service for Wales as the Valuation Tribunal Service for Wales so determines.

(10) Where at the expiry of the periods specified in paragraphs (1) and (3) no appointment has taken place in accordance with the provisions of this regulation, the National Assembly for Wales may, after consultation with such members of the Governing Council as it sees fit, appoint an Interim Chief Clerk or Chief Clerk as appropriate.

Administration

20.—(1) Subject to regulation 7 and 21 the functions of the Valuation Tribunal Service for Wales under these regulations may be performed on its behalf by two or more members of its Governing Council, who must, subject to paragraph (2), include the Director of the Governing Council.

(2) Where it is impracticable for the Director of the Governing Council to perform any of the Director's functions under paragraph (1), that function will be performed by the deputy Director.

(3) The administration of the allowances of members of the Regional Valuation Tribunals and the governing council and of the remuneration and allowances of the Valuation Tribunal Service for Wales's employees will be the responsibility of the Chief Clerk.

(4) In respect of any payment under regulation 18 the Chief Clerk must keep a record for each Regional Valuation Tribunal and the Governing Council of the name of the recipient and the amount and reason for the payment, and must permit any person authorised by the National Assembly for Wales to inspect and make copies of such records.

Accommodation and Equipment

21. The Valuation Tribunal Service for Wales must maintain a permanent office; and the Chief Clerk will have the function on behalf of the Valuation Tribunal Service for Wales of making such arrangements as will 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

22.—(1) A President of a Regional Valuation Tribunal, the Director of the Governing Council or the Chief Clerk may request the permission of a county or county borough council in Wales for the use of any premises belonging to that council by a Regional Valuation Tribunal or its members, a special tribunal, the Governing Council, the Chief Clerk or employees of the Valuation Tribunal Service for Wales, on such days as may be specified in the request.

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

PART 4

Transitional Provisions

Transferred Appeals

23.—(1) Any appeal to an old tribunal which was initiated before S.D+1 and would, had it been initiated on or after that date have fallen to be disposed of by a Regional Valuation Tribunal established by Regulation 11, will be transferred on the S.D.+1 to, and disposed of by, that Regional Valuation Tribunal (“the new Tribunal”).

(2) On and after S.D+1 —

- (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 chairman of that old tribunal, had been done by or in relation to the new tribunal, or as the case may be, the Chief Clerk, the president or a chairperson 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 will, so far as is required for giving effect to this regulation, be construed as a reference to the Chief Clerk, or, as the case may be, the president or a chairperson of the new 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 the Council Tax (Alteration of Lists and Appeals) Regulations 1993, those Regulations;
- (c) in relation to appeals under Schedule 4A to the 1988 Act (completion notices), under the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1990 (“the 1990 Regulations”) or under regulation 36 of the Non-Domestic Rating (Chargeable Amounts) Regulations 1994, the 1990 Regulations;
- (d) in relation to appeals under section 2(5B) and paragraph 11(2) of Schedule 1 to the Rating (Disabled Persons) Act 1978, that Act;
- (e) in relation to appeals under section 78 of the Land Drainage Act 1976 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, that Act; and
- (g) in relation to appeals under the Mixed Hereditaments (Certificate) Regulations 1967, those Regulations

Winding Up

24.—(1) The old tribunals will cease to exist on the S.D.+1.

(2) Notwithstanding Regulation 6 of the Valuation and Community Charge Tribunals Regulations 1989, and subject to regulation 12 the members of the old tribunals on last date before S.D.+1 will cease to hold office as such at the end of that day.

PART 5

Council Tax Appeals

Interpretation

25.—(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 1 of the 1992 Act (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 1 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 30(1);

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

“special tribunal” means a tribunal established under regulation 26(5), (7) or (8);

“tribunal”, unless the context otherwise requires, means the members of a —

(a) regional valuation tribunal convened in accordance with this Part; and

(b) a special tribunal established under regulation 26(5), (7) or (8)

for the purpose 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.

Jurisdiction

26.—(1) Subject to the following paragraphs of this regulation —

(a) an appeal other than an appeal against the imposition of a penalty will be dealt with by the Regional Valuation 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 will be dealt with by the Regional Valuation 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 that person 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 Regional Valuation Tribunals,

the appeals will be dealt with, subject to paragraph (3), by such one of those Regional Valuation Tribunals as that person may elect by giving notice in writing to the Chief Clerk.

(3) Where the appellant is a member of the Regional Valuation Tribunal which, but for this paragraph, would deal with the appellant's appeal, it must not be dealt with by that Regional Valuation Tribunal but by such other Regional Valuation Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(4) Where the appellant is a former member of the Regional Valuation Tribunal by which, in pursuance of any provision of this Regulation, the appellant's appeal would fall to be dealt with, and the president of that Regional Valuation Tribunal determines that it must not be dealt with by that Regional Valuation Tribunal, it will be dealt with by such other tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(5) Where the appellant is an employee of the Valuation Tribunal Service for Wales, the appeal will be dealt with by a special tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(6) Where it appears to the president of a Regional Valuation Tribunal which, but for this paragraph, would deal with an appeal, that by reason of a conflict of interests, or the appearance of such conflict, it would be inappropriate for an appeal to be dealt with by that Regional Valuation Tribunal, the Valuation Tribunal Service for Wales will, on being so notified by the president, appoint another Regional Valuation Tribunal to deal with that appeal.

(7) Notwithstanding the provisions of this regulation, where it appears appropriate to the Valuation Tribunal Service for Wales, the Chief Clerk will, on being so notified by the Valuation Tribunal Service for Wales, appoint a special tribunal to deal with an appeal.

(8) 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 Regional Valuation Tribunal whose area includes all or part of the area of that old tribunal, and
- (c) the president of the Regional Valuation Tribunal determines that the appeal must not be dealt with by that tribunal

it will be dealt with by such other tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

Time limits

27.—(1) An appeal by a person in relation to whom the condition mentioned in section 16(7)(a) or (b) is fulfilled will 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) When the condition mentioned in section 16(7)(c) is fulfilled, an appeal by the aggrieved person will 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 will 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 will 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 the president 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.

(6) For the purposes of this regulation, "the president" also means, in cases dealt with under regulation 26(5), (7) or (8), the Director of the Governing Council of the Valuation Tribunal Service for Wales.

Initiating an appeal

28.—(1) An appeal must be initiated by serving on the Chief Clerk a notice in writing ("a notice of appeal").

(2) Where the appeal is made under section 16, the notice of appeal must 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 the appellant 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 must 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 must 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 Chief Clerk must, within two weeks of service of the notice of appeal, notify the appellant that the Chief Clerk has received it, and must 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

29.—(1) It will be the duty of the president of a Regional Valuation Tribunal 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;
- (c) Regulation 13 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993;

relate to the same property.

(3) Where paragraph (2) applies —

- (a) the president will secure that the appeals are dealt with in such order as appears to that president 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) must be joined as a party to the appeal under this Part;
- (c) the billing authority must 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).

(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 Chief Clerk must 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).

(6) For the purposes of this regulation, “the president of a Regional Valuation Tribunal” also means, in cases dealt with under regulation 26(5), (7) or (8), the Director of the Governing Council of the Valuation Tribunal Service for Wales.

Withdrawal

30.—(1) An appeal may be withdrawn by notice in writing given to the Chief Clerk before the commencement of a hearing or of consideration of written representations by a tribunal.

(2) The Chief Clerk must notify the appellant when the notice of withdrawal has been received, and must serve a copy of the notice on all the other parties to the appeal.

Disposal by written representations

31.—(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 Chief Clerk must serve notice on the parties accordingly; and, within four weeks of service of such a notice on a party, each party may serve on the Chief Clerk a notice stating —

(a) the reasons or further reasons for the disagreement giving rise to the appeal; or

(b) that party does not intend to make further representations.

(3) A copy of any notice served in pursuance of paragraph (2) must be served by the Chief Clerk and on the other party or parties to the appeal, and must 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 Chief Clerk a further notice stating that party’s reply to the other party’s statement, or that that party does not intend to make further representations, as the case may be; and the Chief Clerk must 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 Chief Clerk must 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 35.

(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 Chief Clerk must serve a copy of such particulars on every other party, and each such party may within four weeks of such service serve on the Chief Clerk any further statement that party wishes to make in response.

Notice of hearing

32.—(1) Where the appeal is to be disposed of on the basis of a hearing, the Chief Clerk must, 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 Chief Clerk will advertise the date, time and place appointed for any hearing by causing a notice giving such information to be conspicuously displayed at the Valuation Tribunal Service for Wales office; and

(a) outside an office of the billing authority appointed by the authority for that purpose, or

(b) in another place within that authority's area.

(3) The notice required by paragraph (2) must 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 Chief Clerk must 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

33.—(1) A person will 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 that person 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 will 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 that person’s spouse or that person supports the appellant financially or is liable to do so.

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

34. Any party to an appeal which is to be decided at a hearing may appear in person (with assistance from any person if that person wishes), by counsel or solicitor, or any other representative (other than a person who is a member of a Regional Valuation Tribunal or the Governing Council of the Valuation Tribunal Service for Wales or an employee of the Valuation Tribunal Service for Wales).

Conduct of the hearing

35.—(1) Subject to paragraph (2), a tribunal’s function of hearing or determining an appeal will be discharged by three members of Regional Valuation Tribunals who must include at least one chairperson; and a chairperson will preside.

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

(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 that party’s absence.

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

Evidence: general

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

(2) Subject to the following provisions of this regulation, information to which this regulation applies will in any relevant proceedings be admissible as evidence of any fact stated in it; and any document purporting to contain such information will, 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 must 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 that person's 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 43.

Evidence of lists and other documents

37.—(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.

(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.

Decisions on appeals

38.—(1) An appeal may be decided by a majority of the members participating; and where (pursuant to regulation 35(2)), it falls to be disposed of by two members and they are unable to agree, it must be remitted by the Chief 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 must —

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

(4) Nothing in paragraph (3) will require notice to be given to a party if it would be repetitive of any

document supplied to him in accordance with regulation 41.

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

Orders

39.—(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

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

(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 38(3) or regulation 41(3)) of the decision in question.

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

(8) The Chief Clerk must 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 Chief Clerk must 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

41.—(1) It will be the duty of the Chief Clerk to make arrangements for each decision, each order made under regulation 39 and the effect of each certificate and revocation under regulation 40 to be recorded.

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

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

Appeals

42.—(1) An appeal will 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 40 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 must act in accordance with any order made by the High Court; and paragraph 10A of Schedule 11 to the 1988 Act will have effect subject to this requirement.

Arbitration

43.—(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 will be referred to arbitration.

(2) Section 94 of the Arbitration Act 1996 will 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 will apply to such an order as it applies to orders recorded in pursuance of this Part.

SCHEDULE 1

ESTABLISHMENT OF REGIONAL VALUATION TRIBUNALS AND APPOINTMENT OF MEMBERS

Regulations 11, 12

1	2	3	4	5
Area of jurisdiction	Name	Total number of members of each tribunal	[Councils]	Numbers of members to be appointed by [each council]
The counties of Monmouthshire and Powys and the county boroughs of Blaenau Gwent, Caerphilly, Newport and Torfaen	East Wales Regional Valuation Tribunal Tribiwnlys Priso Rhanbarthol Dwyrain Cymru	66	Blaenau Gwent County Borough Council	9
			Caerphilly County Borough Council	9
			Monmouthshire County Council	9
			Newport County Borough Council	9
			Powys County Council	21
			Torfaen County Borough Council	9
The counties of Anglesey, Gwynedd, Denbighshire and Flintshire and the county boroughs of Conwy and Wrexham	North Wales Regional Valuation Tribunal Tribiwnlys Priso Rhanbarthol Gogledd Cymru	54	Conwy County Borough Council	9
			Anglesey County Council	9
			Gwynedd County Council	9
			Denbighshire County Council	9
			Flintshire County Council	9

			Wrexham County Borough Council	9
				9
The county of Cardiff and the county boroughs of Bridgend, Merthyr Tydfil, Rhondda, Cynon, Taff and the Vale of Glamorgan	South Wales Regional Valuation Tribunal Tribiwnlys Priso Rhanbarthol De Cymru	57	Bridgend County Borough Council	9
			Cardiff County Council	18
			Merthyr Tydfil County Borough Council	6
			Rhondda, Cynon, Taff County Borough Council	15
			The Vale of Glamorgan County Borough Council	9
				6
The counties of Ceredigion, Carmarthenshire, Pembrokeshire and Swansea and the county borough of Neath and Port Talbot	West Wales Regional Valuation Tribunal Tribiwnlys Priso Rhanbarthol Gornllewin Cymru	57	Ceredigion County Council	6
			Carmarthenshire County Council	12
			Neath and Port Talbot County Borough Council	12
			Pembrokeshire County Council	12
			Swansea County Council	15

SCHEDULE 2

CONTENTS OF RECORDS MADE UNDER PART [Insert No]

Regulation 41

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 40(7)