

*Status: Point in time view as at 26/10/2023.*

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## SCHEDULES

### SCHEDULE 11

Section 136.

#### TRIBUNALS

#### [<sup>F1</sup>PART 1

#### THE VALUATION TRIBUNAL FOR ENGLAND

##### Textual Amendments

- F1** Sch. 11 Pt. 1 inserted (1.4.2008 with the exception of Sch. 11 paras. A2, A3, A18, 12.12.2008 for the purpose of the insertion of Sch. 11 para. A3, 1.10.2009 in so far as not already in force) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 15 para. 2](#); S.I. 2008/917, art. 2(1)(w)(2); S.I. 2008/3110, arts. 2(j), 6(c)(i)

##### *Establishment*

- A1 There shall be a Valuation Tribunal for England.

##### *Jurisdiction*

- A2 (1) The jurisdiction of the existing English tribunals, including their jurisdiction under current legislation, is transferred to the Tribunal.
- (2) The jurisdiction of the existing English tribunals under current legislation is their jurisdiction under any of the following—

##### *This Act*

- Regulations under section 55.
- Paragraph 4 of Schedule 4A.
- Paragraph 5C of Schedule 9.

##### *Land Drainage Act 1991 (c. 59)*

Section 45.

##### *Local Government Finance Act 1992 (c. 14)*

- Section 16.
- Regulations under section 24.
- Paragraph 3 of Schedule 3.

- (3) The jurisdiction transferred by this paragraph is to be exercised as regards all appeals under that jurisdiction, whether made before or after the transfer.

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- (4) The existing English tribunals are the valuation tribunals established in relation to England by regulations under this Schedule (prior to its amendment by the Local Government and Public Involvement in Health Act 2007) which are in existence immediately before this paragraph comes into force.
- A3 (1) This paragraph applies as regards any matter which falls within the jurisdiction of the Tribunal.
- (2) The Secretary of State may by regulations provide that, where the persons mentioned in sub-paragraph (3) below agree in writing that the matter is to be referred to arbitration, the matter shall be so referred.
- (3) The persons are the persons who, if the matter were to be the subject of an appeal to the Tribunal, would be the parties to the appeal.

#### *Membership*

- A4 The Tribunal is to consist of the following members—
- (a) the President of the Valuation Tribunal for England;
  - (b) one or more Vice-Presidents of the Valuation Tribunal for England;
  - (c) the members of a panel of persons to act as chairmen of the Tribunal;
  - (d) other persons appointed as members of the Tribunal.
- A5 A Vice-President has the functions assigned to him by the President.
- A6 (1) This paragraph applies if—
- (a) the office of President is vacant, or
  - (b) the President is absent or otherwise unable to act.
- (2) The President's functions may be exercised by any Vice-President.
- A7 (1) It is for the Lord Chancellor to appoint the members of the Tribunal.
- (2) It is for the Secretary of State to determine the terms and conditions on which members of the Tribunal are to be appointed.
- (3) Paragraphs A11 to A13 make further provision about determination of remuneration etc.
- A8 (1) It is for the Secretary of State to determine the following matters—
- (a) how many Vice-Presidents the Tribunal is to have;
  - (b) how many members the panel of chairmen is to have;
  - (c) how many other members the Tribunal is to have.
- (2) A determination under this paragraph may specify, in relation to a class of member—
- (a) a particular number, or
  - (b) a minimum number or a maximum number, or both.
- (3) Before making a determination under this paragraph the Secretary of State must consult both of the following—
- (a) the President;
  - (b) the Valuation Tribunal Service.

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### *Tenure of office*

- A9 (1) A member of the Tribunal shall hold office in accordance with the terms and conditions of his appointment.
- (2) That is subject to the other provisions of this Schedule.
- A10 The Lord Chancellor may remove a member of the Tribunal from office if the Lord Chancellor is satisfied that the member is—
- (a) unable,
  - (b) unwilling, or
  - (c) unfit (whether because of misbehaviour or otherwise),
- to perform his functions as a member of the Tribunal.

### *Remuneration, allowances & pension*

- A11 It is for the Secretary of State to determine what (if any) remuneration is payable to the President and the Vice-Presidents.
- A12 It is for the Secretary of State to determine what (if any) allowances (including travelling and subsistence allowances) are payable to the members of the Tribunal.
- A13 It is for the Secretary of State to determine—
- (a) what (if any) pension is payable to, or in respect of, a person who has held office as President or Vice-President, and
  - (b) what (if any) amounts are payable towards provision for the payment of a pension to, or in respect of, a person who has held office as President or Vice-President.
- A14 The Valuation Tribunal Service must pay any amount which is payable in accordance with a determination made by the Secretary of State under paragraph A11, A12 or A13.

### *Organisation & delegation*

- A15 The President may make arrangements for the organisation of the Tribunal (whether in divisions or otherwise).
- A16 (1) The President or a Vice-President may delegate any of his functions to any other member of the Tribunal.
- (2) But where the President or a Vice-President has been selected to deal with an appeal, that person may not delegate any function of deciding that appeal.
- (3) A member of the Tribunal to whom a function is delegated under sub-paragraph (1) may delegate the function to any other member of the Tribunal (unless the delegation under sub-paragraph (1) does not allow such sub-delegation).
- (4) Any delegation under sub-paragraph (1) or (3) must be made in writing.

### *Dealing with appeals*

- A17 (1) The President must make tribunal business arrangements.
- (2) Tribunal business arrangements are arrangements which provide for the selection of the member or members of the Tribunal to deal with any appeal made to the Tribunal.

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- (3) Tribunal business arrangements must provide for at least one senior member of the Tribunal to deal with an appeal.
  - (4) The senior members of the Tribunal are—
    - (a) the President;
    - (b) the Vice-Presidents;
    - (c) the members of the panel of chairmen.
  - (5) Tribunal business arrangements must comply with, and are subject to, regulations under paragraph A19.
- A18 (1) This paragraph applies if a member of the Tribunal dealing with an appeal becomes unable to act.
- (2) The other members dealing with the appeal may continue to deal with the appeal.
  - (3) Or, if the member who becomes unable to act is the only member dealing with the appeal, a further selection must be made in accordance with tribunal business arrangements.

*f<sup>2</sup>Power for member of First-tier Tribunal to act as member of the Tribunal*

#### Textual Amendments

**F2** Sch. 11 para. A18A and cross-heading inserted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\)](#), [Sch. 4 para. 2](#)

- A18A (1) A member of the First-tier Tribunal (an “FTT member”) may act as a member of the Valuation Tribunal for England.
- (2) An FTT member may only act as a member of the Tribunal—
    - (a) at the request of the President and with the approval of the Senior President of Tribunals,
    - (b) in relation to an appeal that relates, in whole or in part, to a council tax reduction scheme made or having effect as if made by a billing authority in England, and
    - (c) if the FTT member is not disqualified from being, or acting as, a member of the Tribunal.
  - (3) A request under sub-paragraph (2)(a)—
    - (a) may relate to a particular appeal or to appeals of a particular kind,
    - (b) may be made only if the President thinks that FTT members are likely to have particular expertise that is relevant to the determination of the appeal, or to appeals of the kind, to which it relates.
  - (4) An approval under sub-paragraph (2)(a) may relate to a particular appeal or to appeals of a particular kind.
  - (5) The President may withdraw a request at any time; and an FTT member acting as a Tribunal member in response to a request must cease to do so if it is withdrawn.
  - (6) References in this Schedule and in regulations made under paragraph A19 to a member of the Tribunal include an FTT member acting as a member of the Tribunal.

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- (7) But sub-paragraph (6) does not apply—
- (a) to paragraph A7, A8, A9, A10 or A12 (which make provision about the appointment and removal of, numbers of, and payments to, members of the Tribunal);
  - (b) to regulations under paragraph A19, if and to extent that the regulations provide that it does not apply.
- (8) The Valuation Tribunal Service may make payments to the Lord Chancellor in respect of the expenditure incurred by the Lord Chancellor in paying remuneration, allowances or expenses to an FTT member whilst acting as a member of the Tribunal.
- (9) In this paragraph—
- (a) references to an appeal include a review by the Tribunal of a decision made by it on an appeal,
  - (b) “council tax reduction scheme” has the same meaning as in Part 1 of the Local Government Finance Act 1992 (see section 13A(9) of that Act).]

#### *Regulations*

- A19 (1) The Secretary of State may, by regulations, make provision in relation to procedure or any other matter relating to the Tribunal.
- (2) Regulations under this paragraph may include provision about any of these matters—
- (a) the circumstances in which persons are disqualified from becoming or continuing to be members of the Tribunal;
  - (b) the circumstances in which members of the Tribunal are to be disqualified from acting;
  - (c) the factors which are not to disqualify persons from becoming or continuing to be members of the Tribunal;
  - (d) the factors which are not to disqualify members of the Tribunal from acting;
  - (e) the functions of the Tribunal relating to an appeal which may be discharged on its behalf by the clerk of the Tribunal or by any other member of the Tribunal's staff.
- (3) Regulations under this paragraph may not make provision in relation to staff, accommodation and equipment.
- (4) Part 3 makes further provision about the kind of regulations that may be made under this paragraph.

#### *Interpretation*

- A20 In this Part—
- (a) “Tribunal” means the Valuation Tribunal for England;
  - (b) “President” means President of the Valuation Tribunal for England;
  - (c) “Vice-President” means Vice-President of the Valuation Tribunal for England;
  - (d) “panel of chairmen” means the panel of persons to act as chairmen of the Tribunal;
  - (e) “Tribunal's staff” means the staff provided to the Tribunal by (or under arrangements made by) the Valuation Tribunal Service.]

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## [<sup>F3</sup>PART 2

### VALUATION TRIBUNALS: WALES]

#### Textual Amendments

- F3** Sch. 11 Pt. 2: Sch. 11 paras. 1-7A renumbered as Sch. 11 Pt. 2 (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 3](#); S.I. 2008/3110, art. 6(c)(ii)

#### *Establishment*

- 1 (1) The Secretary of State shall make regulations providing for the establishment[<sup>F4</sup>, in relation to Wales, of one or more tribunals] (to be known as [<sup>F5</sup>valuation tribunals]).
- (2) The regulations may include such provision as he sees fit
- <sup>F6</sup>(a) .....
- (b) <sup>F7</sup>... in relation to membership, staff, accommodation, equipment, procedure and other matters relating to tribunals.

#### Textual Amendments

- F4** Words in Sch. 11 Pt. 2 para. 1(1) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 4\(a\)](#); S.I. 2008/3110, art. 6(c)(ii)
- F5** Words in Sch. 11 para. 1(1) substituted (6.3.1992) by 1992 c. 14, s. 117(1), [Sch. 13 para. 88\(1\)](#) (with s. 118(1)(2)(4))
- F6** Sch. 11 Pt. 2 para. 1(2)(a) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 4\(b\)](#), [Sch. 18 Pt. 17](#); S.I. 2008/3110, art. 6(c)(ii)
- F7** Words in Sch. 11 Pt. 2 para. 1(2)(b) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 4\(c\)](#), [Sch. 18 Pt. 17](#); S.I. 2008/3110, art. 6(c)(ii)

- [<sup>F8</sup>1A In this Part, references to a tribunal are references to any tribunal established in relation to Wales by regulations under paragraph 1.]

#### Textual Amendments

- F8** Sch. 11 Pt. 2 para. 1A inserted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 5](#); S.I. 2008/3110, art. 6(c)(ii)

#### *Jurisdiction*

- 2 The tribunals shall exercise the jurisdiction conferred on them by—
- (a) section 23 above;
- (b) regulations under section 55 above.
- [<sup>F9</sup>(c) paragraph 4 of Schedule 4A above.]
- [<sup>F10</sup>(ca) paragraph 5C of Schedule 9 above;]
- [<sup>F11</sup>(cb) regulations under paragraph 6AA of Schedule 9 above;]
- [<sup>F12</sup>(cc) paragraph 7A of Schedule 9 above;]
- [<sup>F13</sup>(d) section 16 of the 1992 Act;

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- (e) regulations under section 24 of that Act;
- (f) paragraph 3 of Schedule 3 to that Act.]

#### Textual Amendments

- F9** Sch. 11 para. 2(c) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, [Sch. 5 para. 76\(2\)](#)
- F10** Sch. 11 para. 2(ca) inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), [ss. 72\(5\)](#), 128(1)(a)
- F11** Sch. 11 para. 2(cb) inserted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 152\(4\)](#), 175(3)(l)
- F12** Sch. 11 para. 2(cc) inserted (1.4.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 153\(5\)](#), 157(4)(b)
- F13** Sch. 11 para. 2(d)-(f) inserted (6.3.1992) by [1992 c. 14](#), s. 117(1), [Sch. 13 para. 88\(2\)](#) (with s. 118(1)(2)(4))

**F14**<sub>3</sub> .....

#### Textual Amendments

- F14** Sch. 11 Pt. 2 para. 3 repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 6\(1\)](#), [Sch. 18 Pt. 17](#) (with [Sch. 15 para. 6\(2\)](#)); S.I. 2008/3110, art. 6(c)(ii)

#### *Arbitration*

- 4 (1) This paragraph applies as regards any matter which falls within the jurisdiction conferred on tribunals by or under this Act.
- (2) The Secretary of State may by regulations provide that, where the persons mentioned in sub-paragraph (3) below agree in writing that the matter is to be referred to arbitration, the matter shall be so referred.
- (3) The persons are the persons who, if the matter were to be the subject of an appeal to a tribunal, would be the parties to the appeal.

#### *Membership*

- 5 (1) Regulations under paragraph 1 above may include provision—
  - (a) that the number of members of a tribunal is to be such as is determined by the Secretary of State;
  - (b) for the appointment by a prescribed person or persons of the members of each tribunal;
  - (c) that one of the members is to be president of the tribunal;
  - (d) that the president is to be appointed by the members by a prescribed method, and that if one is not so appointed within a prescribed period the president is to be appointed by the Secretary of State after consulting such prescribed persons as he sees fit;
  - (e) that some of the members (who may include the president) are to be appointed to the position of chairman, that the number to be appointed is to be stated by a prescribed person or persons, and that the appointments are

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- to be made by the members themselves by a prescribed method or (if they default) by a prescribed person or persons;
- (f) that persons are to be disqualified from becoming or continuing to be members in prescribed circumstances;
  - (g) that members are to be disqualified from acting in cases falling within prescribed descriptions;
  - (h) that prescribed factors are not to disqualify persons from becoming or continuing to be members;
  - (i) that prescribed factors are not to disqualify members from acting;
  - (j) as to the duration (subject to disqualification, termination or resignation) of any appointment as president or member or chairman;
  - (k) allowing the Secretary of State to terminate an appointment as president;
  - (l) requiring the person or persons who appointed a member to terminate the appointment if the Secretary of State so directs after consulting the person or persons who made the appointment;
  - (m) allowing a president to terminate a person's appointment as chairman, and requiring a president to do so if the Secretary of State directs him to do so;
  - (n) allowing a person appointed as president or member or chairman to resign if such notice as may be prescribed is given;
  - (o) that a person who ceases to be president or member or chairman is to be eligible for re-appointment in prescribed circumstances;
  - (p) that a member is to be entitled to such [<sup>F15</sup>remuneration and] travelling, subsistence and other allowances [<sup>F16</sup>as the Secretary of State may, with the approval of the Treasury, from time to time determine].
- (2) The regulations may include provision for the administration of members' allowances to be the responsibility of the clerk of the tribunal.

#### Textual Amendments

**F15** Words in Sch. 11 Pt. 2 para. 5(1)(p) inserted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 15 para. 7; S.I. 2008/3110, art. 6\(c\)\(ii\)](#)

**F16** Words in Sch. 11 para. 5(1)(p) substituted (6.3.1992) by [1992 c. 14, s. 117\(1\), Sch. 13 para. 88\(3\)](#) (with [s. 118\(1\)\(2\)\(4\)](#))

#### Staff

- 6 (1) Regulations under paragraph 1 above <sup>F17</sup>... may include provision—
- (a) that a tribunal shall appoint a clerk of the tribunal and may appoint other employees;
  - (b) that a tribunal shall pay to its employees such remuneration and allowances as the tribunal determines;
  - (c) that (subject to disqualification) employees shall be appointed on such other terms and conditions as the tribunal may determine;
  - (d) that an appointment shall be invalid unless made with the approval of the Secretary of State;
  - (e) that a determination as to remuneration or allowances shall be invalid unless made with the approval of the Secretary of State given with the Treasury's consent;



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- (f) that persons are to be disqualified from becoming or continuing to be employees in prescribed circumstances;
  - (g) that employees are to be disqualified from acting in cases falling within prescribed descriptions;
  - (h) that prescribed factors are not to disqualify persons from becoming or continuing to be employees;
  - (i) that prescribed factors are not to disqualify employees from acting.
- (2) The regulations may include provision—
- (a) that any function of making an appointment, or determining remuneration or allowances or other terms or conditions, may be performed on behalf of a tribunal by two or more of its members;
  - (b) that one of those members must be the president.
- (3) The regulations may include provision for the administration of employees' remuneration and allowances to be the responsibility of the clerk of the tribunal.
- (4) The regulations may include provision that where a person ceases to be employed by a local valuation panel and immediately becomes employed by a [<sup>F18</sup>valuation tribunal], for the purposes of [<sup>F19</sup>the Employment Rights Act 1996] his period of employment by the panel shall count as a period of employment by the tribunal and the change of employment shall not break the continuity of the period of employment.
- (5) For the purposes of sub-paragraph (4) above a local valuation panel is a local valuation panel constituted under a scheme under section 88 of the 1967 Act.
- <sup>F20</sup>(6) .....

#### Textual Amendments

- F17** Words in Sch. 11 Pt. 2 para. 6(1) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 8](#), [Sch. 18 Pt. 17](#); S.I. 2008/3110, art. 6(c)(ii)
- F18** Words in Sch. 11 para. 6(4) substituted (6.3.1992) by [1992 c. 14](#), s. 117(1), [Sch. 13 para. 88\(4\)](#) (with s. 118(1)(2)(4))
- F19** Words in Sch. 11 para. 6(4) substituted (22.8.1996) by [1996 c. 18](#), ss. 240, 243, [Sch. 1 para. 38](#) (with ss. 191-195, 202)
- F20** Sch. 11 para. 6(6) repealed (6.3.1992) by [1992 c. 14](#), s. 117, [Sch. 13 para. 88\(5\)](#), [Sch. 14](#) (with s. 118(1)(2)(4))

#### Accommodation and equipment

- 7 (1) Regulations under paragraph 1 above <sup>F21</sup>... may include provision requiring a tribunal to—
- (a) maintain a permanent office, and
  - (b) make arrangements to secure that the tribunal has such other accommodation, and such secretarial and other equipment, as is sufficient for the performance of its functions.
- (2) The regulations may include provision that any function as to accommodation or equipment may be performed on behalf of a tribunal by its clerk.

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#### Textual Amendments

**F21** Words in Sch. 11 Pt. 2 para. 7(1) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 15 para. 9, **Sch. 18 Pt. 17**; S.I. 2008/3110, art. 6(c)(ii)

### *[<sup>F22</sup>Dealing with appeals]*

#### Textual Amendments

**F22** Sch. 11 Pt. 2 para. 7A cross-heading substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 15 para. 10(1)**; S.I. 2008/3110, art. 6(c)(ii)

<sup>F23</sup>7A(1) Regulations under paragraph 1 above may include—

- (a) provision for determining which tribunal is to deal with an appeal;
- (b) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by its clerk or other prescribed employee;
- (c) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by one of its members;
- (d) provision that prescribed functions of a tribunal relating to an appeal may be discharged on its behalf by some of its members;
- (e) provision as to the selection of a member who is to discharge functions relating to an appeal on behalf of a tribunal (which may include provision that he must be the president or a chairman);
- (f) provision as to the number and selection of members who are to discharge functions relating to an appeal on behalf of a tribunal (which may include provision that one of them must be the president or a chairman).

#### Textual Amendments

**F23** Sch. 11 para. 8(1) renumbered as Sch. 11 Pt. 2 para. 7A (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 15 para. 10(2); S.I. 2008/3110, art. 6(c)(ii)

### <sup>F24</sup>PART 3

#### PROCEDURE, ORDERS ETC]

#### Textual Amendments

**F24** Sch. 11 Pt. 3: Sch. 11 paras. 8-12A renumbered as Sch. 11 Pt. 3 (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 15 para. 3**; S.I. 2008/3110, art. 6(c)(ii)

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## *[<sup>F25</sup> Procedure*

### **Textual Amendments**

**F25** Sch. 11 Pt. 2 para. 8(1) and cross-heading inserted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 11](#); S.I. 2008/3110, art. 6(c)(ii)

- 8 (1) Regulations under paragraph A19 or paragraph 1 may include provision of any kind specified in this paragraph.]
- (2) The regulations may include provision—
- (a) prescribing the procedure to be followed for initiating an appeal, and authorising or requiring it to be dismissed if it is not initiated within a prescribed time;
  - (b) authorising an appeal to be disposed of on the basis of written representations in prescribed circumstances;
  - (c) prescribing the procedure to be followed before the hearing of an appeal;
  - (d) authorising an appeal to be withdrawn before the hearing in prescribed circumstances.
- (3) The regulations may include provision prescribing the procedure to be followed at the hearing of an appeal, and such provision may include provision—
- (a) requiring the hearing to take place in public except in prescribed circumstances;
  - (b) as to the persons entitled to appear and to be heard on behalf of parties to the appeal;
  - (c) authorising the hearing to proceed in the absence of a party or parties to the appeal in prescribed circumstances;
  - (d) requiring persons to attend to give evidence and produce documents;
  - (e) that no rule of confidentiality applicable to the Commissioners of Inland Revenue shall prevent the disclosure for the purposes of the appeal of particulars delivered documents (within the meaning of Part I of the 1992 Act);
  - (ea) as to evidence generally (whether written evidence or oral evidence given under oath or affirmation) and, in particular, as to the use as evidence of particulars delivered [<sup>F26</sup>documents,] of information supplied under—
    - (i) Schedule 9 above;
    - (ii) regulations under Schedule 2 above;
    - (iii) section 82 of the 1967 Act; or
    - [<sup>F27</sup>(iv) paragraph 15A or 15B of Schedule 2 to the 1992 Act or regulations under that Schedule;]
  - <sup>F28</sup>... of information disclosed by virtue of section 1(1) of the Non-Domestic Rating (Information) Act 1996 [<sup>F29</sup> or of information supplied under section 131 of the Welfare Reform Act 2012 for purposes relating to council tax;];
  - (f) as to the adjournment of the hearing.
- (4) The regulations may include provision—
- (a) that where two or more members of a tribunal are acting the decision of the majority is to prevail or, if the votes are equal, the appeal is to be reheard;

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- (b) requiring reasons for a decision to be given;
  - (c) authorising a decision to be given orally or in writing;
  - (d) authorising a decision to be reserved;
  - (e) authorising or requiring an order to be made in consequence of a decision;
  - [<sup>F30</sup>(f) that an order may require a register or list to be altered (prospectively or retrospectively);
  - (fa) that an order may require the designation of an individual as a responsible individual or as a certification officer, or a designation under section 5 above, to be revoked;
  - (fb) that an order may require an estimate to be quashed or altered;
  - (fc) that an order may require a penalty to be quashed;
  - (fd) that an order may require a decision of a billing authority to be reversed;
  - (fe) that an order may require a calculation (other than an estimate) of an amount to be quashed and may require the amount to be recalculated;]
  - (g) that an order may require any ancillary matter to be attended to;
  - (h) authorising or requiring a tribunal to review or set aside a decision, or to vary or revoke an order, of the tribunal in prescribed circumstances.
- (5) The regulations may include provision—
- (a) requiring decisions and orders to be recorded;
  - (b) as to the proof of decisions and orders;
  - (c) authorising the correction of clerical errors in records of decisions and orders;
  - (d) requiring decisions, orders and corrections to be communicated to the parties to appeals.
- (6) The regulations may include provision that, subject to any other provision of the regulations, a tribunal may regulate its own procedure.
- (7) The regulations may include provision that a person who without reasonable excuse fails to comply with any requirement imposed by the regulations under subparagraph (3)(d) above shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### Textual Amendments

- F26** Word in Sch. 11 para. 8(3)(ea) substituted (22.5.1996) by 1996 c. 13, s. 1(3)(a)
- F27** Sch. 11 para. 8(3)(ea)(iv) substituted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\)](#), s. 17(6)(a)
- F28** Word in Sch. 11 para. 8(3)(ea) omitted (31.10.2012) by virtue of [Local Government Finance Act 2012 \(c. 17\)](#), s. 17(6)(b)
- F29** Words in Sch. 11 para. 8(3)(ea) inserted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\)](#), s. 17(6)(c)
- F30** Sch. 11 para. 8(4)(f)-(fe) substituted (6.3.1992) for Sch. 11 para. 8(4)(f) by 1992 c. 14, s. 117(1), [Sch. 13 para. 88\(7\)](#) (with s. 118(1)(2)(4))

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## [[<sup>F31</sup> Orders

### Textual Amendments

**F31** Word in Sch. 11 para. 8(3)(ea) substituted (22.5.1996) by 1996 c. 13, s. 1(3)(a)

- 9 (1) This paragraph applies where a tribunal orders—
- <sup>F32</sup>[ the community charges registration officer for a charging authority to alter
  - (a) the authority's community charges register,
  - (b) the valuation officer for a billing authority to alter a local non-domestic rating list of the authority,
  - (c) the central valuation officer to alter a central non-domestic rating list, or
  - (d) the listing officer for a billing authority to alter the authority's valuation list.]
- (2) If the order is recorded in accordance with any provision included in regulations under [<sup>F33</sup>paragraph A19 or paragraph 1] above, the officer or authority ordered shall—
- (a) alter the register or list concerned accordingly, and
  - (b) attend to any ancillary matter provided for in the order (such as the repayment of an amount, or the allowance of an amount by way of deduction against a sum due).

### Textual Amendments

**F32** Sch. 11 para. 9(1)(a)-(d) substituted (6.3.1992) for para. 9(1)(a)-(c) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(8)** (with s. 118(1)(2)(4))

**F33** Words in Sch. 11 Pt. 2 para. 9(2) substituted (1.10.2009) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, s. 245(5), **Sch. 15 para. 12**; S.I. 2008/3110, art. 6(c)(ii)

### Modifications etc. (not altering text)

**C1** Sch. 11 paras. 9 and 10 modified by S.I. 1989/439, **reg. 32(4)**

**C2** Sch. 11 paras. 9 and 10 applied by S.I. 1989/439, **reg. 33(3)**

Sch. 11 para. 9 modified (1.4.1993) by S.I. 1993/290, **reg. 32(5)** and (1.4.1993) by S.I. 1993/291, **reg. 47(6)**

Sch. 11 para. 9 applied (1.4.1993) by S.I. 1993/290, **reg. 33(3)** and (1.4.1993) by S.I. 1993/291, **reg. 48(3)**

**C3** **Sch. 11 para. 9** applied (1.4.2023) by **The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023 (S.I. 2023/350)**, regs. 1(2), **57(2)**

- 10 (1) This paragraph applies where a tribunal orders—
- (a) the community charges registration officer for a charging authority to revoke a designation of an individual as a certification officer under regulations under section 30 above,
  - (b) a charging authority to alter an estimate, made for the purposes of regulations under Schedule 2 above, of the amount a person is liable to pay in respect of a community charge of the authority,
  - (c) the community charges registration officer for a charging authority to revoke a designation of an individual as a responsible individual under regulations under Schedule 2 above,
  - (d) a charging authority to quash a penalty imposed by it under Schedule 3 above,

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- (e) the community charges registration officer for a charging authority to quash a penalty imposed by him under Schedule 3 above, or
  - (f) the community charges registration officer for a charging authority to revoke a designation under section 5 above.
- (2) If the order is recorded in accordance with any provision included in regulations under [<sup>F34</sup>paragraph A19 or paragraph 1] above, the authority or officer ordered shall—
- (a) revoke the designation, alter the estimate or quash the penalty accordingly, and
  - (b) attend to any ancillary matter provided for in the order (such as the repayment of an amount, or the allowance of an amount by way of deduction against a sum due).

#### Textual Amendments

**F34** Words in Sch. 11 Pt. 2 para. 10(2) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 15 para. 13](#); S.I. 2008/3110, art. 6(c)(ii)

#### Modifications etc. (not altering text)

**C4** Sch. 11 paras. 9 and 10 modified by [S.I. 1989/439, reg. 32\(4\)](#)

**C5** Sch. 11 paras. 9 and 10 applied by [S.I. 1989/439, reg. 33\(3\)](#)

- <sup>F35</sup>[
- 10A (1) This paragraph applies where a tribunal orders a billing authority—
- (a) to reverse a decision that a particular dwelling is a chargeable dwelling for the purposes of Chapter I of Part I of the 1992 Act, or that a particular person is liable to pay council tax in respect of such a dwelling,
  - (b) to quash or alter an estimate of an amount which a person is liable to pay to the authority in respect of council tax,
  - (c) to quash a calculation (other than an estimate) of such an amount, or to recalculate the amount, or
  - (d) to quash a penalty imposed by the authority under [<sup>F36</sup>regulations under section 14C of or] Schedule 3 to the 1992 Act.
- (2) If the order is recorded in accordance with any provision included in regulations under [<sup>F37</sup>paragraph A19 or paragraph 1] above, the authority ordered shall—
- (a) reverse the decision, quash or alter the estimate, quash the calculation, recalculate the amount or quash the penalty accordingly; and
  - (b) attend to any ancillary matter provided for in the order (such as the repayment of an amount, or the allowance of an amount by way of deduction against a sum due).]

#### Textual Amendments

**F35** Sch. 11 para. 10A inserted (6.3.1992) by [1992 c. 14, s. 117\(1\), Sch. 13 para. 88\(9\)](#) (with s. 118(1)(2)(4))

**F36** Words in Sch. 11 para. 10A(1)(d) inserted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\), s. 14\(9\)](#)

**F37** Words in Sch. 11 Pt. 2 para. 10A(2) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 15 para. 14](#); S.I. 2008/3110, art. 6(c)(ii)

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#### Modifications etc. (not altering text)

- C6 Sch. 11 para. 10A modified (W.) (15.2.2006) by [The Valuation Tribunals \(Wales\) Regulations 2005 \(S.I. 2005/3364\)](#), regs. 1(4), **41(5)**
- C7 Sch. 11 para. 10A applied (W.) (15.2.2006) by [The Valuation Tribunals \(Wales\) Regulations 2005 \(S.I. 2005/3364\)](#), regs. 1(4), **42(3)**

#### Appeals

- 11 (1) Regulations under [<sup>F38</sup>paragraph A19 or paragraph 1] above may include provision that—
- (a) 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 under section 23 above [<sup>F39</sup>section 16 of the 1992 Act, paragraph 3 of Schedule 3 to that Act or regulations under section 24 of that Act];
  - (b) an appeal shall lie to the [<sup>F40</sup>Upper Tribunal] in respect of a decision or order which is given or made by a tribunal on an appeal under [<sup>F41</sup>paragraph 4 of Schedule 4A above or regulations under section 55 above].
- (2) The regulations may include—
- (a) provision as to the persons who may appeal to the High Court or the [<sup>F42</sup>Upper Tribunal] ;
  - (b) provision authorising or requiring an appeal to the High Court or the [<sup>F42</sup>Upper Tribunal] to be dismissed if it is not initiated within a prescribed time;
  - (c) provision as to the powers of the High Court or the [<sup>F42</sup>Upper Tribunal] on an appeal to it (which may include provision allowing the tribunal's decision or order to be confirmed, varied, set aside, revoked or remitted, and provision allowing the making of any order the tribunal could have made);
  - <sup>F43</sup>[ (d) provision requiring a charging authority, the community charges registration officer for a charging authority, a billing authority, the valuation officer or listing officer for a billing authority, or the central valuation officer, to act in accordance with any order made by the High Court or the [<sup>F42</sup>Upper Tribunal] , and provision that paragraph 9, 10 or 10A above is to have effect subject to such a requirement.]

#### Textual Amendments

- F38** Words in Sch. 11 Pt. 2 para. 11(1) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 15 para. 15**; S.I. 2008/3110, art. 6(c)(ii)
- F39** Words in Sch. 11 para. 11(1) added (6.3.1992) by [1992 c. 14](#), s. 117(1), **Sch. 13 para. 88(10)(a)** (with s. 118(1)(2)(4))
- F40** Words in Sch. 11 para. 11(1)(b) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 188(a)** (with Sch. 5)
- F41** Words in Sch. 11 para. 11(1)(b) substituted (6.3.1992) by [1992 c. 14](#), s. 117(1), **Sch. 13 para. 88(10)(b)** (with s. 118(1)(2)(4))
- F42** Words in Sch. 11 para. 11(2)(a)-(d) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 188(a)** (with Sch. 5)



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**F43** Sch. 11 para. 11(2)(d) substituted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(11)** (with s. 118(1)(2)(4))

### *Inspection of records*

- 12 (1) This paragraph applies to records which relate to decisions and orders of a tribunal and which are required to be made under any provision included in regulations under [<sup>F44</sup>paragraph A19 or paragraph 1] above.
- (2) The regulations may include provision that a person may, at a reasonable time stated by or on behalf of the tribunal concerned and without making payment, inspect records to which this paragraph applies at the tribunal's permanent office.
- (3) The regulations may include provision that if without reasonable excuse a person having custody of records to which this paragraph applies intentionally obstructs a person in exercising a right under any provision included under sub-paragraph (2) above, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### **Textual Amendments**

**F44** Words in Sch. 11 Pt. 2 para. 12(1) substituted (1.10.2009) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, s. 245(5), **Sch. 15 para. 16**; S.I. 2008/3110, art. 6(c)(ii)

### *[<sup>F45</sup>Meaning of tribunal*

#### **Textual Amendments**

**F45** Sch. 11 Pt. 2 para. 12A and cross-heading inserted (1.10.2009) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, s. 245(5), **Sch. 15 para. 17**; S.I. 2008/3110, art. 6(c)(ii)

- 12A In this Part references to a tribunal are—
- (a) in relation to England, references to the Valuation Tribunal for England;
  - (b) in relation to Wales, references to a tribunal established under paragraph 1 of this Schedule.]

## **[<sup>F46</sup>PART 4**

### **MISCELLANEOUS]**

#### **Textual Amendments**

**F46** Sch. 11 Pt. 4: Sch. 11 paras. 13-18 renumbered as Sch. 11 Pt. 4 (1.10.2009) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, s. 245(5), **Sch. 15 para. 3**; S.I. 2008/3110, art. 6(c)(ii)



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*[<sup>F47</sup>Finance: Wales]*

**Textual Amendments**

**F47** Sch. 11 Pt. 2 para. 13 cross-heading substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\)](#), [Sch. 15 para. 18\(1\)](#); S.I. 2008/3110, art. 6(c)(i)

- 13 The Secretary of State shall make such payments as are necessary to meet any expenditure incurred in or in connection with the performance by [<sup>F48</sup>the tribunals established in relation to Wales by regulations under paragraph 1] of their functions (whether as regards remuneration, allowances, accommodation, equipment or otherwise).

**Textual Amendments**

**F48** Words in Sch. 11 Pt. 2 para. 13 substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\)](#), [Sch. 15 para. 18\(2\)](#); S.I. 2008/3110, art. 6(c)(ii)

*General*

- 14 Regulations under paragraph 3 above may include—
- <sup>F49</sup>(a) .....
  - (b) provision as to orders, which may include provision requiring the carrying out of an order made by a [<sup>F50</sup>valuation tribunal] in exercising jurisdiction conferred by the regulations;
  - (c) provision that an appeal shall lie to the [<sup>F51</sup>Upper Tribunal] in respect of a decision or order which is given or made by a [<sup>F50</sup>valuation tribunal] in exercising jurisdiction conferred by the regulations;
  - (d) provision as to the persons who may appeal to the [<sup>F51</sup>Upper Tribunal]<sup>F52</sup>... as to the powers of the [<sup>F51</sup>Upper Tribunal] on an appeal to it;
  - (e) provision requiring the carrying out of an order made by the [<sup>F51</sup>Upper Tribunal] on an appeal to it.

**Textual Amendments**

**F49** Sch. 11 para. 14(a) repealed (6.3.1992) by [1992 c. 14, s. 117](#), [Sch. 13 para. 88\(12\)](#), [Sch.14 \(with s. 118\(1\)\(2\)\(4\)\)](#)

**F50** Words in Sch. 11 para. 14(b)(c) substituted (6.3.1992) by [1992 c. 14, s. 117\(1\)](#), [Sch. 13 para. 88\(12\)\(b\)](#) (with [s. 118\(1\)\(2\)\(4\)](#))

**F51** Words in Sch. 11 para. 14(c)-(e) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 188\(b\)\(i\)](#) (with [Sch. 5](#))

**F52** Words in Sch. 11 para. 14(d) omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 188\(b\)\(ii\)](#) (with [Sch. 5](#))

- 15 Regulations under [<sup>F53</sup>paragraph A3 or paragraph 4] above may include—
- (a) provision applying enactments relating to arbitration;

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- (b) provision that an award in an arbitration may include any order a [<sup>F54</sup>valuation tribunal] could have made in the matter concerned;
- (c) provision requiring the carrying out of an order so included.

#### Textual Amendments

- F53** Words in Sch. 11 Pt. 2 para. 15 substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 15 para. 19](#); S.I. 2008/3110, art. 6(c)(ii)
- F54** Words in Sch. 11 para. 15(b) substituted (6.3.1992) by 1992 c. 14, s. 117(1), [Sch. 13 para. 88\(13\)](#) (with s. 118(1)(2)(4))

- 16 (1) Without prejudice to section 143(1) above, regulations under this Schedule may make different provision for cases where [<sup>F55</sup>valuation tribunals] exercise jurisdiction conferred on them by or under different provisions of this Act [<sup>F56</sup>or the 1992 Act].
- (2) Without prejudice to section 143(2) above, regulations under this Schedule may include provision amending, adapting, repealing or revoking any provision of or made under the 1967 Act or any other Act.

#### Textual Amendments

- F55** Words in Sch. 11 para. 16(1) substituted (6.3.1992) by 1992 c. 14, s. 117(1), [Sch. 13 para. 88\(14\)\(a\)](#) (with s. 118(1)(2)(4))
- F56** Words in Sch. 11 para. 16(1) added (6.3.1992) by 1992 c. 14, s. 117(1), [Sch. 13 para. 88\(14\)\(b\)](#) (with s. 118(1)(2)(4))

- 17 (1) Where a tribunal, arbitrator, umpire or court deals with a matter falling within the jurisdiction conferred on tribunals by section 23 above, section 8(3) above shall not apply as regards the matter if the tribunal, arbitrator, umpire or court so orders.
- (2) But sub-paragraph (1) above shall not have effect if the order is set aside on appeal.

#### Interpretation

- <sup>F57</sup>[ In this Schedule—
- 18 “the 1967 Act” means the <sup>M1</sup>General Rate Act 1967; and  
 “the 1992 Act” means the Local Government Finance Act 1992.]]]

#### Textual Amendments

- F57** Sch. 11 para. 18 substituted (6.3.1992) by 1992 c. 14, s. 117(1), [Sch. 13 para. 88\(15\)](#) (with s. 118(1)(2)(4))

#### Marginal Citations

- M1** 1967 c.9

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