

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Local Government Finance Act 1988, Part 2 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 11 **E+W**

#### TRIBUNALS

#### [<sup>F1</sup>PART 2 **E+W**

#### VALUATION TRIBUNALS: WALES]

##### Textual Amendments

- F1** 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>[F2]</sup>, in relation to Wales, of one or more tribunals] (to be known as [<sup>F3</sup>valuation tribunals]).
- (2) The regulations may include such provision as he sees fit
- <sup>F4</sup>(a) .....
- (b) <sup>F5</sup>... in relation to membership, staff, accommodation, equipment, procedure and other matters relating to tribunals.

##### Textual Amendments

- F2** 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)
- F3** 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))
- F4** Sch. 11 Pt. 2 para. 1(2)(a) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 4\(b\)](#), [Sch. 18 Pt. 17](#); S.I.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)
- F5** Words in Sch. 11 Pt. 2 para. 1(2)(b) repealed (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 4\(c\)](#), [Sch. 18 Pt. 17](#); S.I.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>F6</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

- F6** 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)

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Local Government Finance Act 1988, Part 2 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Jurisdiction*

- 2 The tribunals shall exercise the jurisdiction conferred on them by—
  - (a) section 23 above;
  - (b) regulations under section 55 above.
  - [<sup>F7</sup>(c) paragraph 4 of Schedule 4A above.]
  - [<sup>F8</sup>(ca) paragraph 5C of Schedule 9 above;]
  - <sup>F9</sup>[(d) section 16 of the 1992 Act;
  - (e) regulations under section 24 of that Act;
  - (f) paragraph 3 of Schedule 3 to that Act.]

**Textual Amendments**

**F7** 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)**

**F8** Sch. 11 para. 2(ca) inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), **ss. 72(5)**, 128(1)(a)

**F9** 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))

<sup>F10</sup>3 .....

**Textual Amendments**

**F10** 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

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Local Government Finance Act 1988, Part 2 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 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 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>F11</sup>remuneration and] travelling, subsistence and other allowances [<sup>F12</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

- F11** 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)
- F12** 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>F13</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;

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Local Government Finance Act 1988, Part 2 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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;
  - (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>F14</sup>valuation tribunal], for the purposes of [<sup>F15</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>F16</sup>(6) .....

#### Textual Amendments

- F13** 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)
- F14** 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))
- F15** 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)
- F16** 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>F17</sup>... may include provision requiring a tribunal to—
- (a) maintain a permanent office, and

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Local Government Finance Act 1988, Part 2 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(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.

#### Textual Amendments

**F17** 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>F18</sup>Dealing with appeals]*

#### Textual Amendments

**F18** 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>F19</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

**F19** 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)

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

Local Government Finance Act 1988, Part 2 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.