
STATUTORY INSTRUMENTS

1995 No. 3056

The Valuation Tribunals (Wales) Regulations 1995

PART II

ESTABLISHMENT OF TRIBUNALS

Establishment of tribunals

2.—(1) On 1st April 1996 there shall be established a valuation tribunal for each of the areas ascertained in accordance with column 1 of Schedule 1.

- (a) (2) (a) Each tribunal shall have the name given to it in column 2 of Schedule 1 with the addition, in the case of its English name, of the words “Valuation Tribunal”, and, in the case of its Welsh name, of the words “Tribiwnlys Prisio”.
- (b) The Welsh name of each tribunal is shown in column 2 immediately after its English name.

Appointment of members

3.—(1) The members of a tribunal established by regulation 2 shall, subject to regulation 14, and paragraphs (2) and (3) below, be appointed by the councils prescribed in relation to that tribunal in column 4 of Schedule 1 (“the appointing councils”) after consultation with the president of the tribunal, or, before the first appointment of a president, with the president of the relevant old tribunal.

(2) The total number of members of a tribunal shall be the number specified in relation to that tribunal in column 3 of Schedule 1 and the number of members to be appointed by an appointing council shall be the number specified in relation to that council in column 5 of Schedule 1.

(3) Where at the expiry of one month from 1st January 1996 or three months from a vacancy occurring, as the case may be, an appointing council has failed to make an appointment in accordance with paragraph (1), that appointment may be made by the Secretary of State after consultation with the president of the tribunal, or, before the first appointment of a president, with the president of the relevant old tribunal.

(4) No appointment under paragraph (1) shall be valid if its effect would be that the number of members of the tribunal appointed by that appointing council who are members of an appointing council exceeded the number equal to one third of the total of the number of members of the tribunal to be appointed by that council.

(5) Paragraph (4) shall not be construed as affecting the validity of the appointment of a member of a tribunal who becomes a member of an appointing council after his appointment takes effect.

Duration of membership

4.—(1) Each appointment of a member shall, subject to regulation 14(1), have effect for such period not exceeding six years as the council or person making the appointment may specify after consultation with the president of the tribunal or, before the first appointment of a president, with the president of the relevant old tribunal.

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

- (a) the period specified under paragraph (1) expires;
- (b) notice of his removal under paragraph (3) takes effect;
- (c) he becomes disqualified from membership as provided in regulation 7;
- (d) he attains the age of 72 years;
- (e) he resigns the office by notice in writing to the president.

(3) The appointing council by which any member was appointed shall, if so directed by the Secretary of State after consultation with the council and with the president, by notice in writing give that member such period of notice of termination of office under this paragraph as may be so directed.

(4) Where a member is appointed a president or chairman of a tribunal in accordance with these Regulations and the duration of his membership of the tribunal would end by the application of paragraph (2)(a), his membership shall continue, except for the purposes of regulations 5(2), 6(2) and 6(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 5, or of a chairman to fill the vacancy under regulation 6, as the case may be, or when such an election of a president, or chairman, takes place, as the case may be, whichever is the earlier, in this regulation referred to as the “interim period”.

(5) Where a president’s or chairman’s membership continues during the interim period in accordance with paragraph (4), a vacancy shall arise for the purposes of these Regulations in the case of a president for a member, a chairman and a president, and in the case of a chairman for a member and a chairman, from the expiration of the period referred to in paragraph (2)(a) and, in particular, from that date that president or chairman shall not by virtue of the operation of this paragraph constitute one of the number of members determined in accordance with regulation 3(2), or one of the number of members to be appointed chairman determined in accordance with regulation 6(1).

The president

5.—(1) Within the prescribed period, the members of each tribunal shall in accordance with the following provisions of this regulation appoint a person to be president of the tribunal.

(2) The person to be appointed shall be a member of the tribunal and shall be determined by election by a simple majority of votes cast, each member having one vote.

(3) Where an election under paragraph (2) or (12) results in a tie, the person to be appointed from among the candidates with equal votes shall be determined by lot.

(4) The first election held in pursuance of this regulation shall not be held before the expiry of one week beginning on the day on which notice of the election is issued in accordance with paragraph (6) by the clerk of the specified relevant old tribunal.

(5) No other election for the appointment of a president in pursuance of this regulation shall be held before the expiry of two weeks beginning on the day on which notice of the election is issued in accordance with paragraph (6) by the clerk of the tribunal.

(6) The notices required by paragraphs (4) and (5) shall be served on all persons who are members of the tribunal 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 Secretary of State shall, after consultation with such of the members of the tribunal as he sees fit, appoint one of their number to be president.

(8) The president shall hold office until whichever of the following first occurs—

- (a) the expiration of the interim period referred to in regulation 4(4);
- (b) he ceases to be a member of the tribunal;
- (c) notice of his resignation under paragraph (9) takes effect;
- (d) notice of termination under paragraph (10) takes effect.

(9) A president may resign his office as such by giving not less than one month's notice in writing to the Secretary of State.

(10) The Secretary of State may, after consultation with such of the members of a tribunal as he sees fit, by giving notice in writing to the president terminate his office as such.

(11) In this regulation, "the prescribed period" means two months beginning with 1st January 1996, or three months beginning with a vacancy occurring in the office of president, as the case may be; and the validity of any election shall not be affected by there being a vacancy among the members of a tribunal.

(12) If the president is unable, through illness or absence from the United Kingdom or any other cause, to carry out his functions under these Regulations, then those functions shall, with the authorisation in writing of the president or, if he is unable to provide it, of the clerk of the tribunal, be carried out by one of the chairmen of the tribunal appointed for this purpose by the members of the tribunal and elected by them by a simple majority of votes cast, each member having one vote.

Chairmen

6.—(1) The number of members of a tribunal to be appointed to the position of chairman shall be stated by the Secretary of State.

(2) The president shall constitute one of the chairmen and the members of a tribunal shall, in accordance with this regulation, appoint the remaining number of chairmen within the prescribed period by election from among their number.

(3) The first election in pursuance of this regulation shall not be held before the expiry of one week beginning on the day on which notice of the election is issued in accordance with paragraph (5) by the clerk of the specified relevant old tribunal.

(4) No other election in pursuance of this regulation shall be held before the expiry of two weeks beginning on the day on which notice of the election is issued in accordance with paragraph (5) by the clerk of the tribunal.

(5) The notices required by paragraphs (3) and (4) shall be served on all persons who are members of the tribunal at the date on which the notice in question is issued.

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

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

(8) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the Secretary of State shall, after consultation with the president, appoint the appropriate number of members to be chairmen.

(9) A chairman shall hold office until whichever of the following occurs—

- (a) the expiration of the interim period referred to in regulation 4(4);
- (b) he ceases to be a member of the tribunal;
- (c) he resigns by giving notice in writing to the president;
- (d) notice of termination under paragraph (10) takes effect.

(10) The president—

- (a) may after consultation with each of the tribunal's other chairmen by giving notice in writing to a chairman terminate his office; and

- (b) shall if so directed by the Secretary of State give a chairman notice in writing terminating his office, which notice shall take effect on the expiry of such period as may be so directed.
- (11) Before giving a direction under paragraph (10)(b) the Secretary of State shall consult the president.
- (12) In this regulation—
- “the appropriate number” means the stated number less the number of persons for the time being holding office as chairman;
- “the prescribed period” means two months beginning with 1st January 1996, or three months beginning with a vacancy occurring among the stated number, or such a vacancy which would occur but for the application of regulation 4(4), as the case may be; and
- “the stated number” means the number stated by the Secretary of State in pursuance of paragraph (1).

Disqualification from membership

7.—(1) A person shall be disqualified from being appointed or continuing to be a member of a tribunal if—

- (a) he has been adjudged bankrupt; or
 - (b) he has made an arrangement with his creditors; or
 - (c) he has, within the five years immediately preceding his appointment, or since his 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) he 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⁽¹⁾; or
 - (e) he is aged 72 years or more; or
 - (f) he or his spouse is or becomes an employee of that tribunal.
- (2) A disqualification attaching to a person by reason of paragraph (1)(a) shall cease—
- (a) unless the bankruptcy order made against that person is previously annulled, on his 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 he pays his 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, shall be deemed to be the date of the conviction.

Allowances

8. Members shall be entitled to such travelling, subsistence and other allowances as the Secretary of State may, with the approval of the Treasury, from time to time determine.

(1) 1982 c. 32.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
