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STATUTORY INSTRUMENTS

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**1996 No. 43**

**The Local Government Changes for England (Valuation and Community Charge Tribunals) Regulations 1996**

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the Local Government Changes for England (Valuation and Community Charge Tribunals) Regulations 1996 and shall come into force for the purposes of regulation 3(1) on 5th February 1996 and for all other purposes on 1st April 1996.

(2) In these Regulations “the principal Regulations” means the Valuation and Community Charge Tribunals Regulations 1989(1).

(3) References in these Regulations to a body which is to appoint members of a valuation tribunal established for an area shall, during the preliminary period, include an authority which has the functions of a billing authority, as regards the initial year, under Chapter 1 of Part I of the Local Government Finance Act 1992(2), by virtue of regulation 49(1) of the Local Government Changes for England (Finance) Regulations 1995(3); for this purpose “initial year” and “preliminary period” shall have the same meaning as in those Regulations.

(4) These Regulations apply to valuation tribunals in England.

**Amendments to the principal Regulations**

2.—(1) The following shall be substituted for regulation 4(1) of the principal Regulations—

“The Secretary of State shall determine the number of members of each tribunal and where there is more than one appointing body provided in relation to that tribunal under paragraph (2)

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- (a) subject to paragraphs (b) and (c) below, the number shall be a multiple of the number of those bodies,
  - (b) in the case of the tribunal established for the area of the districts of the East Riding of Yorkshire, Selby and York, and the City of Kingston-upon-Hull, the number shall be a multiple of 7, and
  - (c) in the case of the tribunal established for the area of the county of Lincolnshire and the districts of North Lincolnshire and North East Lincolnshire, the number shall be a multiple of 6.”

(2) The following shall be substituted for regulation 4(3) of the principal Regulations—

“(3) Where there is more than one body specified as mentioned in paragraph (2)—

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- (1) S.I.1989/439; these Regulations were amended by the Valuation and Community Charge Tribunals (Amendment) (London) Regulations 1991 (S.I. 1991/1), the Valuation and Community Charge Tribunals (Amendment) Regulations 1993 (S.I. 1993/292), the Valuation and Community Charge Tribunals (Amendment) (England) Regulations 1995 (S.I. 1995/363), the Local Government Changes for England (Community Charge and Council Tax, Valuation and Community Charge Tribunals and Alteration of Lists and Appeals) Regulations 1995 (S.I. 1995/624) and the Valuation Tribunals (Wales) Regulations 1995 (S.I. 1995/3056).
  - (2) 1992 c. 14.
  - (3) S.I. 1994/2825. The Finance Regulations were amended by the Local Government Changes for England (Finance) (Amendment) Regulations 1995 (S.I. 1995/2862).

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

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- (a) subject to paragraph (c) below, the appointments shall be made by each body in equal proportions,
- (b) where the appointment of a member terminates in accordance with these Regulations an appointment shall be made by the body which appointed that member, and
- (c) in relation to the tribunals listed in column 1 of the Table below the appointments shall be made by the bodies listed in column 2 in the ratio set out in column 3:

1	2	3
<i>Name of Tribunal</i>	<i>Appointing bodies</i>	<i>Ratio</i>
East Yorkshire	The council of the county of North Yorkshire,	1
	the councils of the districts of the East Riding of Yorkshire	3
	and York	1
	and the council of the City of Kingston-upon-Hull	2
Lincolnshire	The council of the county of Lincolnshire,	4
	and the councils of the districts of North Lincolnshire	1
	and North East Lincolnshire	1”

(3) On and after 1st April 1996 for Schedule 1 to the principal Regulations there shall be substituted Schedule 1 to these Regulations.

### **Membership— transitional provisions**

3.—(1) In relation to the tribunals listed in column 1 of Schedule 2 to these Regulations, the number of additional members in column 3 shall be appointed by the bodies in column 2, such appointments to take effect from 1st April 1996.

(2) Notwithstanding regulation 4(3) of the principal Regulations, as substituted by these Regulations, where, before 1st April 1996, a vacancy has occurred and an appointing body has failed to make an appointment before that date or, on or after 1st April 1996, the office of a member referred to in paragraph (3) below terminates as described in that paragraph—

- (a) in relation to the East Yorkshire tribunal—
  - (i) the first twelve such vacancies shall be filled by members appointed alternately by the council of the county of North Yorkshire and the council of the district of York, the first such appointment being made by the first mentioned council, and
  - (ii) such vacancies remaining shall be filled by members appointed by the council of the district of the East Riding of Yorkshire and the council of the City of Kingston-upon-Hull in the ratio 3:2; for this purpose, for every five vacancies which occur, the first mentioned council shall appoint the first three members and the second mentioned council shall appoint the next two;
- (b) in relation to the Lincolnshire tribunal—

- (i) the first such vacancy shall be filled by a member appointed by the council of the district of North Lincolnshire and the second by a member appointed by the council of the district of North East Lincolnshire, and
- (ii) such vacancies remaining shall be filled by members appointed by the council of the county of Lincolnshire;
- (c) in relation to the Severnside tribunal, such vacancies shall be filled by the appointment of a member by each of the appointing bodies in turn and in the following order—
  - (i) the council of the district of North West Somerset,
  - (ii) the council of the district of South Gloucestershire,
  - (iii) the council of the City of Bristol, and
  - (iv) the council of the district of Bath and North East Somerset; and
- (d) in relation to the Teesside tribunal, such vacancies shall be filled by the appointment of a member by each of the appointing bodies in turn and in the following order—
  - (i) the council of the district of Middlesbrough,
  - (ii) the council of the district of Redcar and Cleveland,
  - (iii) the council of the district of Stockton-on-Tees, and
  - (iv) the council of the district of Hartlepool.

(3) Notwithstanding regulation 4(2) of the principal Regulations, each member of a tribunal to which this paragraph applies who was such a member at the end of 31st March 1996 shall, on and after 1st April 1996, continue to hold office as a member of that tribunal until that office terminates in accordance with regulation 6(2) of those Regulations.

- (4) Paragraph (3) above applies to the following tribunals—
  - (a) East Yorkshire, established under the principal Regulations under the name “Humberside”,
  - (b) Lincolnshire,
  - (c) Severnside, established under the principal Regulations under the name “Avon”, and
  - (d) Teesside, established under the principal Regulations under the name “Cleveland”.

### **Transferred appeals**

4.—(1) This regulation applies to any appeal to the Humberside or the North Yorkshire tribunal which—

- (a) was initiated before 1st April 1996,
- (b) would, had it been initiated on or after that date, have fallen, by virtue of the change to the area of jurisdiction of those tribunals effected by these Regulations, to be disposed of, in the case of the Humberside tribunal, by the Lincolnshire tribunal, and, in the case of the North Yorkshire tribunal, by the East Yorkshire tribunal,

and in relation to which—

- (c) if the appeal is such as may be disposed of by way of written representations, there has not been given such written agreement as would enable it to be so disposed of, or
  - (d) no notice of a hearing has been given.
- (2) An appeal to which this regulation applies shall be transferred to, and disposed of by—
- (a) in the case of the Humberside tribunal, the Lincolnshire tribunal, and
  - (b) in the case of the North Yorkshire tribunal, the East Yorkshire tribunal,

and on and after 1st April 1996 the relevant regulations shall apply as if anything done in relation to the appeal by or in relation to the clerk, the president or a chairman of the Humberside or North Yorkshire tribunal had been done by or in relation to the clerk, or, as the case may be, the president or a chairman, of the Lincolnshire tribunal, or the East Yorkshire tribunal, respectively.

(3) In this regulation “relevant regulations” means—

- (a) in relation to appeals under section 23 (community charge appeals) of the Local Government Finance Act 1988, or as defined in Part V of the principal Regulations, those Regulations,
- (b) in relation to appeals under the Council Tax (Alteration of Lists and Appeals) Regulations 1993(4), those Regulations,
- (c) in relation to appeals under regulation 29 (appeal against completion notices) of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(5), those Regulations, and
- (d) in relation to appeals under regulation 36 (appeals against certification) of the Non-Domestic Rating (Chargeable Amounts) Regulations 1994(6), those Regulations.

Signed by authority of the Secretary of State

Department of the Environment  
11th January 1996

*David Curry*  
Minister of State,

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(4) S.I. 1993/290; the Regulations were amended by the Council Tax (Alteration of Lists and Appeals) (Amendment) Regulations 1994 (S.I. 1994/1746) and the Local Government Changes for England (Community Charge and Council Tax, Valuation and Community Charge Tribunals and Alteration of Lists and Appeals) Regulations 1995 (S.I. 1995/624).

(5) S.I. 1993/291; the Regulations were amended by the Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) Regulations (S.I. 1994/1809), the Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) Regulations 1995 (S.I. 1995/609) and the Local Government Changes for England (Non-Domestic Rating, Alteration of Lists and Appeals) Regulations 1995 (S.I. 1995/623).

(6) S.I. 1994/3279.