

2004 No. 482

COUNCIL TAX, ENGLAND

RATING AND VALUATION, ENGLAND

The Valuation Tribunals (Amendment) (England) Order 2004

Made - - - - - *26th February 2004*

Laid before Parliament *4th March 2004*

Coming into force - - - *1st April 2004*

The First Secretary of State, in exercise of the powers conferred upon him by sections 123(1) and 127(3) of the Local Government Act 2003^(a) hereby makes the following Order:

Citation, commencement and application

1. This Order, which applies to valuation tribunals in England only, may be cited as the Valuation Tribunals (Amendment) (England) Order 2004 and shall come into force on 1st April 2004.

Amendment of Regulations

2.—(1) The Valuation and Community Charge Tribunals Regulations 1989^(b) (“the Regulations”) are amended in accordance with paragraphs (2) to (4) below.

(2) In regulation 2 (interpretation), for the definition of “clerk” substitute—

““clerk” means the clerk of the tribunal appointed in accordance with paragraphs 8 and 9 of Schedule 4 to the Local Government Act 2003^(c)”.

(3) For regulation 9 (disqualification from membership) substitute—

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

- (a) he is the subject of a bankruptcy restrictions order or interim order^(d),
- (b) a bankruptcy order has been made against him by a court in Northern Ireland, his estate has been sequestrated by a court in Scotland or, under the law of Northern

^(a) 2003 c.26.

^(b) S.I. 1989/439, which by virtue of the Valuation Tribunals (Wales) Regulations 1995, S.I. 1995/3056 apply to valuation tribunals in England only. Other relevant amendments are made by the Valuation and Community Charge Tribunals (Amendment) (England) Regulations 1995 S.I. 1995/363, the Local Government Changes for England (Valuation and Community Charge Tribunals) Regulations 1997 S.I. 1997/75 and the Valuation Tribunals (Amendment) (England) Regulations 2000 S.I. 2000/409.

^(c) Schedule 4 is given effect by section 105 of the Local Government Act 2003 which provides for the establishment of the Valuation Tribunal Service, (“the VTS”). The functions of the VTS include the provision of staff, including clerks, to tribunals.

^(d) Bankruptcy restrictions orders and interim orders are provided for by section 257 of the Enterprise Act 2002 which inserts a new section 281A and Schedule 4A into the Insolvency Act 1986.

Ireland or Scotland, he has made a composition or arrangement with, or granted a trust deed for, his creditors;

- (c) in the last five years he has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has had a qualifying sentence passed on him;
- (d) he is for the time being disqualified from being a member of a local authority in pursuance of section 79 of the Local Government Act 2000(a);
- (e) he is aged 72 years or more; or
- (f) he is an employee or his spouse is an employee of that tribunal.

(2) Where a person is disqualified under paragraph (1)(b) because a bankruptcy order has been made against him or his estate has been sequestrated as mentioned above, the disqualification shall cease—

- (a) on his obtaining a discharge, or
- (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.

(3) Where a person is disqualified under paragraph (1)(b) because of his having made a composition or arrangement with, or granted a trust deed for, his creditors, the disqualification shall cease—

- (a) at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled, or
- (b) if before then he pays his debts in full, on the date on which the payment is completed.

(4) For the purposes of paragraph (1)(c), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

(5) In paragraph (1)(c), the reference to a qualifying sentence is to a sentence of imprisonment for a period of not less than three months (whether suspended or not) without the option of a fine.”.

(4) Omit Part III of the Regulations (administration).

Transitional provision

3.—(1) In paragraph (2), “the amendments” mean sub-paragraphs (a) and (b) of paragraph (1) of regulation 9 and paragraphs (2) and (3) of that regulation, as substituted by article 2(3) of this Order.

(2) Where, on or after 1 April 2004, a person is subject to a bankruptcy order made by a court in England or Wales before 1 April 2004, the Regulations shall continue to apply, as if the amendments had not been made.

Signed by authority of the First Secretary of State

26th February 2004

Phil Hope
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

(a) 2000 c.22.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends certain provisions of the Valuation and Community Charge Tribunals Regulations 1989 (S.I. 1989/439) “the Regulations”. Valuation and Community Charge Tribunals were re-named Valuation Tribunals by section 15(1) of the Local Government Finance Act 1992.

Paragraphs (2), (3) and (4) of article 2 amend the Regulations, following changes introduced by the Local Government Act 2003 which provides at section 105 and Schedule 4 for the establishment of the Valuation Tribunal Service, (“the VTS”). From the 1 April 2004 when the VTS is established, it will be responsible for the provision of staff, accommodation and equipment to Valuation Tribunals in England, accordingly the regulations revoked by paragraph (4) of article 2 will no longer apply. Paragraph (2) of article 2 amends the definition of clerk to refer to the new appointment provisions for clerks under the Local Government Act 2003.

Paragraph (3) of article 2 substitutes a new regulation 9 into the Regulations. This provides similar provisions for disqualification from being a member of a Valuation Tribunal as will exist for members of the VTS. These provisions reflect the changes to the Insolvency Act 1986 made by the Enterprise Act 2002 in relation to bankruptcy which will come into force on 1 April 2004. The changes include new arrangements for bankruptcy in England and Wales and in particular for the introduction of a new regime of bankruptcy orders to deal with those bankrupts whose conduct has been found to be irresponsible or reckless. From 1 April 2004 a person will be disqualified from being a member of a Valuation Tribunal if a bankruptcy restrictions order or interim order has been made against him by a court in England and Wales. The existing provisions in relation to those persons adjudged bankrupt in Scotland and Northern Ireland or those who have made arrangements with their creditors in those jurisdictions are retained.

Article 3 is a transitional provision. If, on or after 1st April 2004, a person is subject to a bankruptcy order made by a court in England or Wales before 1st April 2004, he will continue to be disqualified from being appointed as or from being a member of a Valuation Tribunal until his discharge or earlier annulment of the order, as if the amendments as to bankruptcy disqualification had not been made.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.

STATUTORY INSTRUMENTS

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