

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, SCHEDULE 15. (See end of Document for details)

SCHEDULES

SCHEDULE 15

Section 219

THE VALUATION TRIBUNAL FOR ENGLAND

Introduction

- 1 Schedule 11 to the Local Government Finance Act 1988 (c. 41) is amended as follows.

Commencement Information

- I1** Sch. 15 para. 1 in force at 1.4.2008 for specified purposes by S.I. 2008/917, art. 2(1)(w)(2)
I2 Sch. 15 para. 1 in force at 12.12.2008 for specified purposes by S.I. 2008/3110, art. 2(j)
I3 Sch. 15 para. 1 in force at 1.10.2009 in so far as not already in force by S.I. 2008/3110, art. 6(c)(i)

Establishment of the Tribunal

- 2 Before paragraph 1 (and the italic heading preceding it) insert—

“PART 1

THE VALUATION TRIBUNAL FOR ENGLAND

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)

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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.
- (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.

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- (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.

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).

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- (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.
- (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.

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.

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- (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.”

Commencement Information

- I4** Sch. 15 para. 2 in force at 1.4.2008 for specified purposes by S.I. 2008/917, art. 2(1)(w)(2)
- I5** Sch. 15 para. 2 in force at 12.12.2008 for specified purposes by S.I. 2008/3110, art. 2(j)
- I6** Sch. 15 para. 2 in force at 1.10.2009 in so far as not already in force by S.I. 2008/3110, art. 6(c)(i)

Schedule 11 to be divided into Parts

- 3 (1) The entries in the first column of the following table set out certain provisions of Schedule 11 (as amended in accordance with this Schedule).
- (2) The provisions set out in such an entry become the Part of Schedule 11 set out in the corresponding entry in the second column.
- (3) That Part has the title set out in the corresponding entry in the third column.

<i>Provisions</i>	<i>Part</i>	<i>Title</i>
Paragraphs 1 to 7A	PART 2	VALUATION TRIBUNALS: WALES
Paragraphs 8 to 12A	PART 3	PROCEDURE, ORDERS ETC
Paragraphs 13 to 18	PART 4	MISCELLANEOUS

Commencement Information

- I7** Sch. 15 para. 3 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

Retention of existing arrangements for Wales

- 4 In paragraph 1 (establishment of tribunals)—
- (a) in sub-paragraph (1) for “of tribunals” insert “, in relation to Wales, of one or more tribunals”;
 - (b) omit sub-paragraph (2)(a);
 - (c) in sub-paragraph (2)(b) omit “so far as relating to Wales,”.

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Commencement Information

I18 Sch. 15 para. 4 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

5 After paragraph 1 insert—

“1A In this Part, references to a tribunal are references to any tribunal established in relation to Wales by regulations under paragraph 1.”

Commencement Information

I19 Sch. 15 para. 5 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

6 (1) Omit paragraph 3 (transfer of jurisdiction of local valuation courts).

(2) The repeal of paragraph 3 does not affect any regulations made under that paragraph before the repeal comes into force.

Commencement Information

I10 Sch. 15 para. 6 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

7 In paragraph 5(1) (regulations about membership of tribunals), in sub-paragraph (p) after “such” insert “remuneration and”.

Commencement Information

I11 Sch. 15 para. 7 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

8 In paragraph 6(1) (staff) omit “, so far as relating to Wales,”.

Commencement Information

I12 Sch. 15 para. 8 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

9 In paragraph 7(1) (accommodation and equipment) omit “, so far as relating to Wales,”.

Commencement Information

I13 Sch. 15 para. 9 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

10 (1) For the italic heading before paragraph 8 substitute— “Dealing with appeals”

(2) Paragraph 8(1) becomes paragraph 7A of Schedule 11.

Commencement Information

I14 Sch. 15 para. 10 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

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Amendment of provisions relating to England and to Wales

11 Before paragraph 8(2) insert—

“Procedure

8 (1) Regulations under paragraph A19 or paragraph 1 may include provision of any kind specified in this paragraph.”

Commencement Information

I15 Sch. 15 para. 11 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

12 In paragraph 9(2) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

Commencement Information

I16 Sch. 15 para. 12 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

13 In paragraph 10(2) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

Commencement Information

I17 Sch. 15 para. 13 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

14 In paragraph 10A(2) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

Commencement Information

I18 Sch. 15 para. 14 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

15 In paragraph 11(1) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

Commencement Information

I19 Sch. 15 para. 15 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

16 In paragraph 12(1) for “paragraph 1” substitute “ paragraph A19 or paragraph 1 ”.

Commencement Information

I20 Sch. 15 para. 16 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

17 After paragraph 12 insert—

“Meaning of tribunal

12A In this Part references to a tribunal are—

- (a) in relation to England, references to the Valuation Tribunal for England;

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- (b) in relation to Wales, references to a tribunal established under paragraph 1 of this Schedule.”

Commencement Information

I21 Sch. 15 para. 17 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

- 18 (1) For the italic heading before paragraph 13 substitute— “ Finance: Wales ”
- (2) In paragraph 13 for “tribunals” substitute “ the tribunals established in relation to Wales by regulations under paragraph 1 ”.

Commencement Information

I22 Sch. 15 para. 18 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

- 19 In paragraph 15 for “paragraph 4” substitute “ paragraph A3 or paragraph 4 ”.

Commencement Information

I23 Sch. 15 para. 19 in force at 1.10.2009 by S.I. 2008/3110, art. 6(c)(ii)

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