
STATUTORY INSTRUMENTS

1989 No. 439

**The Valuation and Community
Charge Tribunals Regulations 1989**

PART II

establishment of tribunals

Establishment of tribunals

3. On 1st May 1989 there shall be established a valuation and community charge tribunal for each of the areas ascertained in accordance with column 1 of Schedule 1; and each tribunal shall be known by the name ascertained in accordance with column 2 with the addition of the words "Valuation and Community Charge Tribunal".

Membership

4.—(1) The Secretary of State shall determine the number of members of each tribunal, which where there is more than one appointing body provided in relation to that tribunal under paragraph (2) shall be a multiple of the number of those bodies.

(2) The members of each tribunal named in column 2 of Schedule 1 shall, subject to paragraphs (3) and (4), be appointed by the body or bodies specified in relation to that tribunal in column 3.

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

- (a) the appointments shall be made by each body in equal proportions, and
- (b) where the effect of a determination under paragraph (1) is to reduce the numbers of members of a tribunal, the number of members to be appointed by each body shall be reduced equally.

(4) Each person who immediately before the establishment date is a member of a local valuation panel and who has held office as such for more than one month shall on that date become a member of the tribunal established for the area for which that panel was constituted, and shall hold office subject to regulation 6 as if the period of his membership of the panel had been specified under paragraph (1) of that regulation.

(5) A person who becomes a member as provided by paragraph (4) shall be treated for the purposes of these Regulations as having been appointed by the body which appointed him a member of the local valuation panel.

Appointment of members

5.—(1) Where at the expiry of one week from the operative date or three months from a vacancy occurring, as the case may be, an appointing body has failed to make an appointment in accordance with regulation 4, that appointment may be made by the Secretary of State after consultation with the president or, before the first appointment of a president, with the chairman of the local valuation panel for the area of the tribunal.

(2) No appointment under regulation 4(2) shall be valid if its effect would be that the number of members of the tribunal appointed by that body who are members of a charging authority exceeded the number equal to one third of the total of the number of members to be appointed by that body.

(3) Paragraph (2) shall not apply in relation to the appointment of any person who immediately before the operative date was a member of a local valuation panel; and shall not be construed as affecting the validity of the appointment of a member who becomes a member of a charging authority after his appointment takes effect.

Duration of membership

6.—(1) Each appointment of a member shall have effect for such period not exceeding six years as the body or person making the appointment may specify after consultation with the president or, before the first appointment of a president, with the chairman of the local valuation panel for the area of the 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 9;
- (d) he attains the age of 72 years;
- (e) he resigns the office by notice in writing to the president;
- (f) he retires in accordance with a determination under paragraph (4).

(3) The appointing body by which any member was, or fell to be, appointed shall, if so directed by the Secretary of State after consultation with that body 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 determination under regulation 4(1) reduces the number of members of a tribunal, the member or members whose retirement is to effect the reduction shall, subject to paragraph (3), be determined by the appointing body or bodies.

The president

7.—(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) 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 local valuation panel for the area of the tribunal.

(5) 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 (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 period of his membership for the time being specified under regulation 6(1) expires;
 - (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 three weeks beginning with the operative date, 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.

Chairmen

- 8.—**(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) Within the prescribed period, the members of a tribunal shall in accordance with this regulation appoint the appropriate number of chairmen by election from among their number; and the president may be appointed under this paragraph.
- (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 local valuation panel for the area of the 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 first occurs—
- (a) the period of his membership for the time being specified under regulation 6(1) expires;
 - (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 three weeks beginning with the operative date, or three months beginning with a vacancy occurring among the stated number, 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

- 9.—(1)** A person shall be disqualified from being appointed or continuing to be a member of a tribunal if he—
- (a) has been adjudged bankrupt; or
 - (b) has made an arrangement with his creditors; or
 - (c) 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) is for the time being disqualified for being a member of a local authority in pursuance of section 19 or 20 of the Local Government Finance Act 1982(1); or
 - (e) is aged 72 years or more.
- (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; and
 - (b) if the bankruptcy 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

- 10.** Allowances to members in respect of travelling, subsistence and financial loss shall be payable to members as provided in Schedule 2.