

1989 No. 439

COMMUNITY CHARGES, ENGLAND AND WALES

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

Made - - - - 12th March 1989

Laid before Parliament 17th March 1989

Coming into force

*for the purposes of
regulations 4 to 8 and 11 7th April 1989*

for all other purposes 1st May 1989

ARRANGEMENT OF REGULATIONS

PART I: GENERAL

- 1. Citation and commencement**
- 2. Interpretation**

PART II: ESTABLISHMENT OF TRIBUNALS

- 3. Establishment of tribunals**
- 4. Membership**
- 5. Appointment of members**
- 6. Duration of membership**
- 7. The president**
- 8. Chairmen**
- 9. Disqualification from membership**
- 10. Allowances**

PART III: ADMINISTRATION

- 11. Staff**
- 12. Administration**
- 13. Accommodation and equipment**
- 14. Use of public rooms**

[DET 8531]

PART IV: COMMUNITY CHARGE APPEALS

15. Interpretation
16. Jurisdiction
17. Time limits
18. Initiating an appeal
19. Arrangements for appeals
20. Withdrawal
21. Disposal by written representations
22. Notice of hearing
23. Disqualification from participating
24. Representation at the hearing
25. Conduct of the hearing
26. Evidence: general
27. Evidence of registers
28. Decisions on appeals
29. Orders
30. Records of decisions etc.
31. Review of decisions
32. Appeals
33. Arbitration

Schedule 1 Establishment of tribunals

Schedule 2 Members' allowances

Schedule 3 Contents of records

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 143(2) and 146(6) of and paragraphs 1, 4 to 8, 11, 12 and 14 to 16 of Schedule 11 to the Local Government Finance Act 1988(a), and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals as required by section 10 of the Tribunals and Inquiries Act 1971(b) hereby make the following Regulations:

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Valuation and Community Charge Tribunals Regulations 1989 and shall come into force for the purposes of regulations 4 to 8 and 11 on 7th April 1989, and for all other purposes on 1st May 1989.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Local Government Finance Act 1988;

“appointing body”, in relation to any member, or any vacancy for a member, means the body which in accordance with regulation 4 had the power to appoint that

(a) 1988 c.41.

(b) 1971 c.62. Valuation and community charge tribunals were added to Schedule 1 to the 1971 Act by paragraph 41 of Schedule 12 to the 1988 Act.

member or has the power to fill that vacancy;

“area”, in relation to a tribunal, unless the context otherwise requires, means the area for which it is established by regulation 3;

“chairman”, in relation to a tribunal, means a person appointed to the position of chairman under regulation 8;

“clerk” means the clerk of the tribunal appointed in pursuance of regulation 11;

“establishment date”, in accordance with regulation 3, means 1st May 1989;

“local valuation panel” means a local valuation panel established for the purposes of section 88 of the General Rate Act 1967(a);

“member” means a member of a tribunal;

“operative date” means 7th April 1989;

“president”, in relation to a tribunal, means the president of that tribunal appointed under regulation 7; and

“tribunal”, subject to regulation 15, means a tribunal established by regulation 3.

(2) In these Regulations a reference to a numbered section, unless the context otherwise requires, is a reference to the section so numbered in the Act.

(3) Any notice which is by virtue of any provision of these Regulations to be served on any person may be served by post.

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

(a) 1967 c.9.

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(a); 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.

PART III ADMINISTRATION

Staff

11.—(1) Each tribunal shall appoint a clerk of the tribunal, and may appoint other employees.

(2) No appointment under paragraph (1) shall be valid unless it is made with the approval of the Secretary of State.

(3) The terms and conditions on which the clerk and the other employees are appointed shall be such as the tribunal may determine.

(4) The tribunal shall pay to its employees such remuneration and allowances as it may determine.

(5) No determination under paragraph (4) shall be valid unless made with the approval of the Secretary of State given with the Treasury's consent.

(a) 1982 c.32.

Administration

12.—(1) The functions of the tribunal under regulation 11 may be performed on its behalf by two or more of its members, who shall, subject to paragraph (2), include the president.

(2) Where it is impracticable for the president to perform any of his functions under paragraph (1), that function shall be performed by one of the tribunal's chairmen nominated by him for the purpose.

(3) The administration of members' allowances and of the remuneration and allowances of the tribunal's employees shall be the responsibility of the clerk.

(4) In respect of any payment under Schedule 2, each tribunal shall keep a record of the name of the recipient and the amount and reason for the payment, and shall permit any person authorised by the Secretary of State to inspect and make copies of such records.

Accommodation and equipment

13. The tribunal shall maintain a permanent office; and the clerk of the tribunal shall have the function on behalf of the tribunal of making such arrangements as shall secure that it has such other accommodation, and such secretarial and other equipment, as is sufficient for the performance of its functions.

Use of public rooms

14.—(1) The president or clerk of a tribunal may request the permission of a relevant council the whole or any part of whose area is within the area of the tribunal for the use of any premises belonging to that council by the tribunal or its members, clerk or employees, on such days as may be specified in the request.

(2) A council requested as provided in paragraph (1) shall not unreasonably withhold the permission requested, and shall be entitled to make reasonable charges in respect of such use.

(3) In this regulation "relevant council" means the council of any county, district or London borough and the Council of the Isles of Scilly.

PART IV

COMMUNITY CHARGE APPEALS

Interpretation

15. In this Part—

"appeal" means an appeal under section 23;

"notice of appeal" means a notice under regulation 18(1);

"registration officer" means a community charges registration officer appointed under section 26;

"tribunal", unless the context otherwise requires, means the members of a tribunal convened in accordance with this Part for the purposes of disposing of an appeal;

and any reference to a party to an appeal includes the appellant and any person entitled in pursuance of these Regulations to be served with a copy of the appellant's notice of appeal.

Jurisdiction

16.—(1) Subject to the provisions of this regulation, an appeal shall be dealt with by the tribunal established for the area of the charging authority or registration officer whose decision is the subject matter of the appeal.

(2) Where—

(a) a person is shown in more than one community charges register as subject to a personal community charge, and

(b) he appeals under section 23(2)(a) or (b) against both or all the entries, and

(c) in pursuance of paragraph (1) the appeals would fall to be dealt with by different tribunals,

the appeals shall be dealt with by such one of those tribunals as he may choose.

(3) Where the appellant is a member of the tribunal by which, in pursuance of any provision of this regulation, his appeal would fall to be dealt with, it shall not be dealt with by that tribunal but by such other tribunal as may be appointed for the purpose by the Secretary of State.

Time limits

17.—(1) An appeal by a person who is aggrieved as mentioned in section 24(4)(a) or (b) shall be dismissed unless it is initiated in accordance with these Regulations not later than the expiry of two months beginning with the day on which the authority or, as the case may be, the registration officer notified him in accordance with that subsection that his grievance was believed not to be well founded, or that steps had been taken to deal with the grievance, as the case may be.

(2) Where as mentioned in section 24(4)(c) a person has not been notified as provided in section 24(4)(a) or (b), an appeal by that person shall be dismissed unless it is initiated within four months of the date of service of the aggrieved person's notice under section 24.

(3) Notwithstanding paragraphs (1) and (2), the president may authorise an appeal to be entertained where he is satisfied that the failure of the person aggrieved to initiate the appeal as provided by this regulation has arisen by reason of circumstances beyond that person's control.

Initiating an appeal

18.—(1) An appeal shall be initiated by serving on the clerk of the tribunal having jurisdiction in relation to the appeal a notice in writing (a "notice of appeal") containing the following information—

- (a) the grounds on which the appeal is made;
- (b) the date on which the aggrieved person's notice under section 24 was served on the charging authority or registration officer, as the case may be;
- (c) the date, if any, on which he was notified by the authority or officer as mentioned in section 24(4)(a) or (b).

(2) The clerk shall notify the appellant that he has received the notice of appeal, and serve a copy of that notice on the charging authority or registration officer whose decision or action is the subject of the appeal, and any other charging authority or registration officer appearing to him to be concerned.

Arrangement for appeals

19. Subject to the provisions of this Part, it shall be the duty of the president to secure that arrangements are made for appeals initiated in pursuance of regulation 18 to be determined in accordance with the following provisions of these Regulations.

Withdrawal

20. Where notice in writing to that effect is given to the clerk before the commencement of a hearing or of consideration of written representations, an appeal may be withdrawn.

Disposal by written representations

21.—(1) An appeal may be disposed of on the basis of written representations if the following conditions are satisfied—

- (a) all the parties have given their agreement in writing; and
- (b) the respondent (or, if there is more than one, each of them) has, within 28 days of being notified by the clerk that the appellant has agreed to the appeal being disposed of by written representations, served on the clerk either a notice containing the reasons or further reasons for believing the appellant's grievance not to be well founded, or a notice stating that he or it does not intend to make further representations.

(2) The clerk shall within 14 days of receipt of a notice under paragraph (1)(b) serve on the appellant a copy of that notice and a statement of the effect of paragraph (3).

(3) After the expiry of 21 days from the issue of the notice to the appellant as mentioned in paragraph (2), the clerk shall submit copies of the notice of appeal, of any respondent's notice and any response to such a notice made by the appellant within 14 days of its service on him, to a tribunal constituted as mentioned in regulation 25(1).

(4) The tribunal may if it thinks fit require any party to furnish in writing further particulars of the grounds relied on and of any relevant facts or contentions.

Notice of hearing

22.—(1) Where the appeal is to be disposed of on the basis of a hearing, the clerk shall, not less than 21 days before the date in question, serve on the parties notice of the date, time and place appointed for the hearing.

(2) The clerk shall advertise the date, time and place appointed for any hearing by causing a notice giving such information to be affixed to the tribunal's office, to an office of the charging authority appointed by the authority for that purpose or to another conspicuous place within that authority's area.

(3) The notice required by paragraph (2) shall name a place where a list of the appeals to be heard (other than appeals in relation to an excepted register entry) may be inspected.

(4) In this regulation "excepted register entry" means any entry on the community charges register in relation to which, in pursuance of regulations under paragraph 17 of Schedule 2 to the Act, the registration officer is under no duty to include the name of the person who is the subject of the entry in the extract which is to be compiled from the information in the register.

Disqualification from participating

23.—(1) A person shall be disqualified from participating in the hearing or determination of, or acting as clerk or officer of a tribunal in relation to, an appeal if he is a member of a charging authority—

(a) whose decision is being appealed against or;

(b) whose registration officer took the decision which is being appealed against.

(2) A person shall be disqualified from participating in the hearing or determination of, or acting as clerk or officer of a tribunal in relation to an appeal, if the appellant is his spouse or he supports the appellant financially or is liable to do so.

(3) A person shall not otherwise be disqualified from acting in any capacity in relation to an appeal by reason only of the fact that he is a member of an authority which derives revenue directly or indirectly from charges which may be affected by the exercise of his functions.

Representation at the hearing

24. Any party to an appeal which is to be decided at a hearing may appear in person (with assistance from any person if he wishes), by counsel or solicitor, or any other representative (other than a person who is a member or an employee of the tribunal).

Conduct of the hearing

25.—(1) Subject to paragraph (2), a tribunal's function of hearing or determining an appeal shall be discharged by three members of the tribunal who shall include at least one chairman; and a chairman shall preside.

(2) Where all parties to an appeal who appear so agree, the appeal may be decided by two members of a tribunal, and notwithstanding the absence of a chairman.

(3) The hearing shall take place in public, unless the tribunal otherwise orders on the application of a party and on being satisfied that the interests of that party would be prejudicially affected.

(4) If at a hearing the appellant fails to appear, the tribunal may dismiss the appeal, and if any other party does not appear the tribunal may hear and determine the appeal in his absence.

(5) The tribunal hearing an appeal may require any witness to give evidence by oath or affirmation, and shall have power for that purpose to administer an oath or affirmation in due form.

(6) Parties at the hearing may be heard in such order as the tribunal may determine, and may examine any witness before the tribunal and call witnesses; and a hearing may be postponed or adjourned for such time, to such place and on such terms (if any) as the tribunal thinks fit.

(7) Subject to any provision of this Part, the tribunal shall conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings; it shall so far as appears to it appropriate seek to avoid formality in its proceedings and it shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before courts of law.

Evidence: general

26.—(1) This regulation applies to information supplied in pursuance of regulations under any of paragraphs 6 to 10 and 13 to 15 of Schedule 2 to the Act.

(2) Subject to the provisions of this regulation, information to which this regulation applies shall in any relevant proceedings be admissible as evidence of any fact included in such information; and any document purporting to contain such information shall, unless the contrary is shown, be presumed—

- (a) to have been supplied by the person by whom it purports to have been supplied;
- (b) to have been supplied by that person in any capacity in which it purports to have been supplied.

(3) Information to which this regulation applies shall not be used in any relevant proceedings by a charging authority or registration officer unless—

- (a) not less than 14 days' notice, specifying the information to be so used and the residence and person to which it relates has previously been given to every other party to the proceedings; and
- (b) any person who has given not less than 24 hours' notice of his intention to do so has been permitted by that authority or officer, at any reasonable time, to inspect and take extracts from the documents or other media in or on which such information is held.

(4) In this regulation "relevant proceedings" means any proceedings on or in consequence of an appeal, and any proceedings on or in consequence of a reference to arbitration under regulation 33.

Evidence of registers

27. An extract from a community charges register may be proved by the production of a copy of the relevant part of it purporting to be certified to be a true copy by the community charges registration officer.

Decisions on appeals

28.—(1) An appeal shall be decided by a majority of members participating; and where it falls to be disposed of by two members and they are unable to agree as to a decision, it shall be remitted by the clerk to be decided by a tribunal consisting of different members.

(2) The decision of the tribunal may be given orally or in writing; but the decision in a case which falls to be disposed of by written representations shall be given in writing.

(3) Where the decision is given in writing the decision and the reasons for the decision shall as soon as is reasonably practicable be notified in writing to the parties.

Orders

29.—(1) On or after deciding an appeal the tribunal may in consequence of the decision by order require—

- (a) the alteration of any community charges register (prospectively or retrospectively);
- (b) the alteration of any estimate made under regulations made under Schedule 2 to the Act;
- (c) the revocation of any designation of an individual as a responsible individual in pursuance of regulations under Schedule 2 to the Act;
- (d) the quashing of a penalty imposed under Schedule 3 to the Act;
- (e) the revocation of a designation under section 5.

(2) An order may require any matter ancillary to its subject-matter to be attended to.

Records of decisions etc.

30.—(1) It shall be the duty of the clerk to make arrangements for each decision and each order made in pursuance of regulation 29 to be recorded, and the record shall include the particulars specified in Schedule 3.

(2) The record may be kept in any form, whether documentary or otherwise; and a copy of each entry shall be transmitted to each party to the appeal to which the entry relates.

(3) Any party to an appeal or the representative of such a party may, at a reasonable time stated by or on behalf of the tribunal concerned and without making payment, inspect records ("relevant records") which relate to decisions and orders of the tribunal which are required to be made by paragraph (1).

(4) If without reasonable excuse a person having custody of relevant records intentionally obstructs a person in exercising the right conferred by paragraph (3) he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(5) No offence shall be committed under paragraph (4) by any person who refuses to permit the exercise of the right in the reasonable belief that to do so would be to incur the risk of violence to a person named in an entry.

(6) The member who presided at the hearing or determination of an appeal may authorise the correction of any clerical error in the decision or record, and a copy of the relevant entry as so amended shall be transmitted as required by paragraph (2).

(7) The production in any proceedings in any court of law of a document purporting to be certified by the clerk of a tribunal to be a true copy of a record or decision of that tribunal shall, unless the contrary is proved, be sufficient evidence of the document and of the facts it records.

Review of decisions

31.—(1) A tribunal constituted as provided in paragraph (2) shall have power on written application by a party to review and to revoke, vary or set aside by certificate under the hand of the presiding member any decision on the grounds that—

- (a) the decision was wrongly made as a result of a clerical error;
- (b) a party did not receive notice of the hearing leading to the decision and did not appear;
- (c) new evidence, the existence of which could not have been ascertained by reasonably diligent inquiry or could not have been foreseen, has become available since the conclusion of the proceedings to which the decision relates; or
- (d) the interests of justice otherwise require such a review.

(2) As far as is reasonably practicable, the tribunal appointed to consider an application for a review shall consist of the same members as constituted the tribunal which took the decision subject to review.

(3) If a tribunal in pursuance of this regulation revokes a decision, it shall set aside any order made in pursuance of that decision and shall order a re-hearing or redetermination before either the same or a different tribunal.

Appeals

32.—(1) An appeal shall lie to the High Court on a question of law arising out of a decision or order which is given or made by a tribunal on an appeal, and may be made by the appellant, the authority or registration officer whose decision he appealed against, or any other officer who was party to the appeal.

(2) An appeal under paragraph (1) may be dismissed if it is not made within 28 days of the date of the decision or order that is the subject of the appeal.

(3) The High Court may confirm, vary, set aside, revoke or remit the decision of the tribunal, and may make any order the tribunal could have made.

(4) Charging authorities and registration officers shall act in accordance with any order made by the High Court; and paragraph 9 or 10 (as the case may be) of Schedule 11 to the Act shall have effect subject to this requirement.

Arbitration

33.—(1) Where it is so agreed in writing between the persons who, if a question were to be the subject of an appeal to a tribunal, would be the parties to the appeal, the question shall be referred to arbitration.

(2) Section 31 of the Arbitration Act 1950 (a) shall have effect for the purposes of the referral of a question in pursuance of this regulation as if such referral were to arbitration under another Act within the meaning of that section.

(3) In any arbitration in pursuance of this regulation the award may include any order which could have been made by a tribunal in relation to the question; and paragraphs 9 and 10 of Schedule 11 to the Act shall apply to such an order as they apply to orders recorded in pursuance of these Regulations.

9th March 1989

Nicholas Ridley
Secretary of State for the Environment

12th March 1989

Peter Walker
Secretary of State for Wales

(a) 1950 c.27.

SCHEDULE 1

Regulations 3, 4

ESTABLISHMENT OF TRIBUNALS

1 <i>Area of jurisdiction</i>	2 <i>Name</i>	3 <i>Appointing body or bodies</i>
The area of each non-metropolitan county, other than Essex and Hampshire	The name of the county	The council of the county
Each of the following metropolitan counties: Merseyside, South Yorkshire, Tyne and Wear, West Yorkshire	The name of the county	The councils of the districts in the county
<i>Essex</i>		
The districts of Braintree, Maldon, Tendring and Uttlesford and the boroughs of Chelmsford and Colchester	Essex North	Essex County Council
The districts of Basildon, Brentwood, Castle Point, Epping Forest, Harlow and Rochford and the boroughs of Southend-on-Sea and Thurrock	Essex South	Essex County Council
<i>Hampshire</i>		
The districts of East Hampshire and Hart, the boroughs of Basingstoke and Deane, Rushmoor and Test Valley and the City of Winchester	Hampshire North	Hampshire County Council
The district of New Forest, the boroughs of Eastleigh, Fareham, Gosport and Havant and the cities of Portsmouth and Southampton	Hampshire South	Hampshire County Council
<i>Greater London</i>		
The London boroughs of Camden, Islington, Westminster; the Royal Borough of Kensington and Chelsea; the City of London; the Inner Temple; the Middle Temple	Central London	The councils of the boroughs comprised in the area and the Common Council
The London boroughs of Barking and Dagenham, Hackney, Havering, Newham, Redbridge, Tower Hamlets and Waltham Forest	London North East	The councils of the boroughs comprised in the area
The London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow and Hillingdon	London North West	The councils of the boroughs comprised in the area
The London boroughs of Bexley, Bromley, Croydon, Greenwich, Lewisham and Southwark	London South East	The councils of the boroughs comprised in the area
The London boroughs of Hammersmith and Fulham, Hounslow, Kingston upon Thames, Lambeth, Merton, Richmond, Sutton, Wandsworth	London South West	The councils of the boroughs comprised in the area
<i>Greater Manchester</i>		
The boroughs of Bolton, Bury, Oldham, Tameside, Rochdale and Wigan	Manchester North	The councils of the districts comprised in the area
The boroughs of Stockport and Trafford and the cities of Manchester and Salford	Manchester South	The councils of the districts comprised in the area
<i>West Midlands</i>		
The City of Birmingham	Birmingham	Birmingham City Council

1 <i>Area of jurisdiction</i>	2 <i>Name</i>	3 <i>Appointing body or bodies</i>
The boroughs of Coventry and Solihull	Coventry and Solihull	Coventry City Council and Solihull Borough Council
The boroughs of Dudley, Sandwell, Walsall and Wolverhampton	West Midlands West	The councils of the districts comprised in the area
<i>Isles of Scilly</i> The Isles of Scilly	Isles of Scilly	The Council of the Isles of Scilly

SCHEDULE 2

MEMBERS' ALLOWANCES

Regulation 10

Financial loss allowance

1. In respect of his performance of any approved duty, a member shall be entitled to an allowance, not exceeding the appropriate amount specified in Table A, in respect of loss of earnings necessarily suffered, or individual expenses (other than expenses on account of travelling or subsistence) necessarily incurred by him for the purpose of enabling him to perform that duty.

TABLE A

For any approved duty whose duration does not exceed 4 hours.....	£16.15
For any such duty whose duration exceeds 4 hours but not 24 hours	£32.35
For any such duty whose duration exceeds 24 hours, £32.35 for each period of 24 hours plus the amount ascertained from this Table appropriate to the remainder of the period	

Subsistence allowances

2.—(1) In respect of his performance of any approved duty, a member shall be entitled to an allowance not exceeding the appropriate amount specified in Table B and calculated in accordance with this paragraph.

TABLE B

For any approved duty whose duration—	
exceeds 4 hours but not 8 hours	£4.00
exceeds 8 hours but not 12 hours	£7.00
exceeds 12 hours but not 16 hours	£10.00
exceeds 16 hours	£12.00

(2) For the purposes of this paragraph—

- (a) where the member travels directly from, or to, his usual place of residence or business to, or from, the place at which the duty is to be performed, the duty shall be treated as beginning or, as the case may be, ending at the time at which he left or returned to that place of residence or business; and where he does not so travel, it shall be treated as beginning or, as the case may be, ending at the time at which he would ordinarily have left from, or returned to, that place;
- (b) different periods of duty on any one day shall be added together;
- (c) no more than one hour of any meal break may be treated as included in the performance of the duty.

3.—(1) In respect of his performance of any approved duty whose duration exceeds 4 hours, a member shall be entitled to an allowance of £4.00.

(2) Paragraphs (b) and (c) of paragraph 2(2) shall apply for the purposes of this paragraph.

4. Where by reason of the time at which an approved duty begins or ends a member necessarily spends a period of 24 hours or longer away from his usual place of residence, he shall be entitled to an allowance—

(a) not exceeding £60.40 per night spent away from that place of residence, in respect of a duty to be performed in inner London, or of attendance at the annual conference of the Rating and Valuation Association, or

(b) not exceeding £52.95 per night so spent in any other case,

but shall not be so entitled in relation to any such night in respect of which the member's overnight accommodation is provided at the expense of the Secretary of State.

Travelling allowances

5.—(1) In respect of his performance of any approved duty, a member shall be entitled to an allowance not exceeding the appropriate amount specified in this paragraph in respect of travel necessarily undertaken for the purpose of enabling him to perform the duty.

(2) Where the travel is by public transport, the appropriate amount is, subject to sub-paragraph (3), the amount of the fare paid by the member, not exceeding the ordinary fare or any available cheap fare or, where more than one class of travel is available, the first class fare.

(3) Where by reason of the time at which an approved duty begins or ends a member necessarily incurs expenses in connection with the provision of overnight sleeping accommodation on public transport, he shall be entitled to an allowance equivalent to the cost of such accommodation less one third of any allowance to which he is entitled under paragraph 4.

(4) Where the travel is by means of his own private motor vehicle, or such a vehicle provided for his use, the appropriate amount is 27.3p multiplied by the number of miles travelled, plus any expenditure in respect of parking fees, tolls, or the transport of the vehicle by ferry.

(5) Where the travel is by means of a taxi-cab or hired motor vehicle, the appropriate amount, subject to sub-paragraph (6), is 27.3p per mile multiplied by the number of miles travelled.

(6) Where the travel is by means of a taxi-cab solely by reason of urgency, the appropriate amount is the fare paid.

Interpretation

6. In this Schedule—

“approved duty” means attendance at any meeting of the tribunal or the doing of any thing for or in connection with the discharge of its functions; and

“inner London” means the City of London, the Inner Temple, the Middle Temple and the London boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

SCHEDULE 3

Regulation 30

CONTENTS OF RECORDS

The appellant's name and address

The date of the appeal

The matter appealed against

The name of the charging authority or the title of any registration officer whose decision was appealed against

The date of the hearing or determination

The names of the parties who appeared, if any

The decision of the tribunal, and its date

The reasons for the decision

Any order made in consequence of the decision

The date of any such order

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish valuation and community charge tribunals and provide for the determination of appeals under section 23 of the Local Government Finance Act 1988 in connection with the system of community charges payable from 1st April 1990.

Parts II and III make provision for the establishment of the tribunals on 1st May 1989. Regulation 3 establishes tribunals for each of the areas set out in Schedule 1. Regulation 4 provides for the determination of the number of members of each tribunal and their appointment.

Regulations 5 and 6 regulate the appointment of members and the duration of their appointments. Regulations 7 and 8 deal with the appointment of the tribunal's president and its chairmen. Regulation 9 provides for the circumstances in which a person is to be disqualified from membership of a tribunal. Regulation 10 introduces Schedule 2, which sets out the allowances payable to members.

Matters relating to the staff, administration and accommodation and equipment for tribunals are dealt with in regulations 11 to 14.

Part IV provides for the procedure for dealing with appeals in relation to community charges. Regulation 16 makes provision for the areas in respect of which tribunals are to have jurisdiction under section 23 of the 1988 Act. Procedure prior to the hearing of an appeal is dealt with in regulations 17 to 20. Regulation 21 sets out the circumstances in which an appeal may be disposed of by written representations. Regulation 22 deals with notice of a hearing, regulation 23 with disqualification from participating in the determination of an appeal, and regulations 24 to 27 with procedure and evidence.

Regulations 28 to 30 deal with decisions and orders made by the tribunal and their recording. Regulation 31 enables a tribunal to review a decision, regulation 32 deals with appeals to the High Court on a question of law, and regulation 33 with the disposal of appeals by reference to arbitration.