

REGULATORY APPRAISAL THE VALUATION TRIBUNALS (WALES) REGULATIONS (AMENDMENT) REGULATIONS 2004

Purpose

The Valuation Tribunals (Wales) Regulations 1995, as amended, prescribe the procedures for the establishment of the Valuation Tribunals in Wales and set out their jurisdiction.

Regulations 3 to 8 are concerned with the appointment of members, with Regulation 4 prescribing the duration of a members appointment and Regulation 7 detailing the circumstances under which a person becomes disqualified from membership.

Both Regulations 4 and 7 state that a person ceases to be a member of a Valuation Tribunal once they attain the age of 72. These regulations will remove the upper age limit for members.

Risk Assessment

The Valuation Tribunals in Wales is an Assembly Sponsored Public Body established to hear and determine appeals in relation to both Council Tax and Non-Domestic Rates. Appeals are heard before a panel of lay members appointed to the tribunal in a voluntary capacity.

In recent years the Valuation Tribunals have experienced difficulty in recruiting good quality members. A significant proportion of their members are also due to retire on age grounds just prior to or shortly after the implementation of the Council Tax and Non-Domestic Rating revaluations in April 2005. This is expected to be one of the busiest times for the Valuation Tribunals and they are understandably concerned at this loss of experience.

The Valuation Tribunals in Wales wrote to the Welsh Assembly Government in July 2003 requesting that the upper age limit for members be removed from the legislation. They felt that allowing people over 72 to sit would increase the number of applications for membership they receive as well as allowing them to retain experienced members at a time when they will be most needed.

Options

There are two options available to the Assembly;

1. Make amending legislation;
2. Do not make amending legislation.

Benefits

1. Make amending legislation

Removing the upper age limit for members will enable the Welsh Valuation Tribunals to retain experienced members who would otherwise have been forced to retire because of their age. This will ensure they can provide an effective service to appellants following the Council Tax And Non-Domestic Rating Revaluations in 2005.

By allowing people of any age to sit as a Valuation Tribunal member, the service will be significantly increasing the number of potential applicants. This will give them a broader choice from which to select good quality members who will be of benefit to the service in Wales. This is also an anti-discriminatory measure in line with good equal opportunities practice.

UK wide legislation prohibiting age discrimination is due to come into force in 2006. Removing the upper age limit from the Valuation Tribunals (Wales) Regulations 1995, as amended, at this time will ensure the Valuation Tribunals compliance from the start.

2. Do not make amending legislation

The age limit was initially introduced to ensure that from time to time the Valuation Tribunals could recruit new members, bringing a fresh approach and preventing the tribunals from being perceived as going stale. If a person can serve as a member indefinitely, then fewer vacancies will arise. Maintaining the current situation will ensure the Valuation Tribunals can still bring in “new blood” at reasonable intervals.

Risks

1. Make amending legislation

By removing the upper age limit we will effectively be saying that there is no limit to the length of time a person can be a member of a Valuation Tribunal. Whilst appointments are made on a 6 year basis by open competition, there is no restriction on the number of times a person can be reappointed. Consequently it is possible that there will be fewer opportunities for the Valuation Tribunals to bring in “new blood”.

2. Do not make amending legislation

If the upper age limit is not removed the Valuation Tribunals will continue to lose experienced members once they attain the age 72. Given that April 2005 will see the implementation of both the Council Tax and Non-Domestic Rating revaluations, a loss of experienced members at that time could cause significant problems for the service in clearing appeals; especially if they are complex.

The implementation of UK wide legislation prohibiting age discrimination means that if the upper age limit has not been removed by then the Valuation Tribunals could be appointing members in a discriminatory way.

Costs

There are no additional financial implications for the Assembly, the VTs in Wales or the local authorities a result of these proposed regulations.

Consultation

With stakeholders

1. Details of the draft Regulations were passed to the Valuation Tribunals in Wales, the Valuation Agency, and all Welsh local unitary authorities on 4th December 2003. A copy was sent on the same date to the Council on

Tribunals which fulfills the requirement under Section 8 of the Tribunals and Inquiries Act 1992.

2. Three responses were received – Monmouthshire County Council expressed full support, Flintshire County Council raised no objection to the proposed change, and Neath Port Talbot Council objected on the grounds of “efficiency” but did not go into any further detail or explain what they meant by this.