

**EXPLANATORY MEMORANDUM TO
THE VALUATION TRIBUNAL FOR ENGLAND (MEMBERSHIP AND
TRANSITIONAL PROVISIONS) (AMENDMENT) REGULATIONS 2009**

2009 No. 2613

- 1.** This Explanatory Memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

- 2. Purpose of the instrument**

2.1 These Regulations ("the Amending Regulations") amend the Valuation Tribunal for England (Membership and Transitional Provisions) Regulations 2009 (S.I. 2009/2267) ("the Membership Regulations"), which are connected with the coming into force on 1st October 2009 of provisions of the Local Government and Public Involvement in Health Act 2007 that transfer the jurisdiction of the 56 current valuation tribunals in England to the Valuation Tribunal for England ("the VTE").

2.2 The amendment corrects an error in regulation 5(1)(b) of the Membership Regulations. As currently drafted, members and staff of the Valuation Tribunal Service, their spouse and civil partners are disqualified for membership of the VTE. The amendment limits the disqualification to members of the VTE's staff and their spouses or civil partners.

- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 The Department regrets that it has become necessary to amend the Membership Regulations so soon after their making. The effect of regulation 5(1)(b) had not been appreciated fully until last week, when it was realised that the terms in which the disqualification for membership of the VTE had been expressed were inconsistent with the requirements of paragraph 1(1A) and (3)(a) of Schedule 4 to the Local Government Act 2003 (c.26) ("the 2003 Act"). Schedule 4 was amended by paragraph 13 of Schedule 16 to the Local Government and Public Involvement in Health Act 2007 (c.28) ("the 2007 Act"). New paragraph 1(1A) requires the Secretary of State to appoint the President of the VTE as one of the members of the Valuation Tribunal Service ("VTS"). The effect of the amended paragraph 1(3)(a) is to require the majority of the VTS to consist of senior members of the VTE (the President, the Vice-Presidents and the members of the panel of chairmen; see the amendment made by paragraph 13(6) of Schedule 16 to the 2007 Act). The effect of regulation 5(1)(b) of the Membership Regulations as made is to disqualify for membership of the VTE persons who are members of the VTS. It is therefore necessary to amend regulation 5(1)(b) so that it is consistent with paragraph 1(1A) and (3)(a) of Schedule 4 to the 2003 Act.

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