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## SCHEDULES

### SCHEDULE 11

#### TRIBUNALS

#### [<sup>F1</sup>PART 3

#### PROCEDURE, ORDERS ETC]

##### Textual Amendments

- F1** Sch. 11 Pt. 3: Sch. 11 paras. 8-12A renumbered as Sch. 11 Pt. 3 (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 3](#); S.I. 2008/3110, art. 6(c)(ii)

#### [<sup>F2</sup>Procedure

##### Textual Amendments

- F2** Sch. 11 Pt. 2 para. 8(1) and cross-heading inserted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 15 para. 11](#); S.I. 2008/3110, art. 6(c)(ii)

- 8 (1) Regulations under paragraph A19 or paragraph 1 may include provision of any kind specified in this paragraph.]
- (2) The regulations may include provision—
- prescribing the procedure to be followed for initiating an appeal, and authorising or requiring it to be dismissed if it is not initiated within a prescribed time;
  - authorising an appeal to be disposed of on the basis of written representations in prescribed circumstances;
  - prescribing the procedure to be followed before the hearing of an appeal;
  - authorising an appeal to be withdrawn before the hearing in prescribed circumstances.
- (3) The regulations may include provision prescribing the procedure to be followed at the hearing of an appeal, and such provision may include provision—
- requiring the hearing to take place in public except in prescribed circumstances;
  - as to the persons entitled to appear and to be heard on behalf of parties to the appeal;
  - authorising the hearing to proceed in the absence of a party or parties to the appeal in prescribed circumstances;
  - requiring persons to attend to give evidence and produce documents;

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- [<sup>F3</sup>(e) that no rule of confidentiality applicable to the Commissioners of Inland Revenue shall prevent the disclosure for the purposes of the appeal of particulars delivered documents (within the meaning of Part I of the 1992 Act);
- (ea) as to evidence generally (whether written evidence or oral evidence given under oath or affirmation) and, in particular, as to the use as evidence of particulars delivered [<sup>F4</sup>documents,] of information supplied under—
- (i) Schedule 9 above;
  - (ii) regulations under Schedule 2 above;
  - (iii) section 82 of the 1967 Act; or
  - (iv) regulations under Schedule 2 to the 1992 Act;
- [<sup>F5</sup>or of information disclosed by virtue of section 1(1) of the Non-Domestic Rating (Information) Act 1996;]
- (f) as to the adjournment of the hearing.
- (4) The regulations may include provision—
- (a) that where two or more members of a tribunal are acting the decision of the majority is to prevail or, if the votes are equal, the appeal is to be reheard;
  - (b) requiring reasons for a decision to be given;
  - (c) authorising a decision to be given orally or in writing;
  - (d) authorising a decision to be reserved;
  - (e) authorising or requiring an order to be made in consequence of a decision;
- [<sup>F6</sup>(f) that an order may require a register or list to be altered (prospectively or retrospectively);
- (fa) that an order may require the designation of an individual as a responsible individual or as a certification officer, or a designation under section 5 above, to be revoked;
  - (fb) that an order may require an estimate to be quashed or altered;
  - (fc) that an order may require a penalty to be quashed;
  - (fd) that an order may require a decision of a billing authority to be reversed;
  - (fe) that an order may require a calculation (other than an estimate) of an amount to be quashed and may require the amount to be recalculated;]
  - (g) that an order may require any ancillary matter to be attended to;
  - (h) authorising or requiring a tribunal to review or set aside a decision, or to vary or revoke an order, of the tribunal in prescribed circumstances.
- (5) The regulations may include provision—
- (a) requiring decisions and orders to be recorded;
  - (b) as to the proof of decisions and orders;
  - (c) authorising the correction of clerical errors in records of decisions and orders;
  - (d) requiring decisions, orders and corrections to be communicated to the parties to appeals.
- (6) The regulations may include provision that, subject to any other provision of the regulations, a tribunal may regulate its own procedure.
- (7) The regulations may include provision that a person who without reasonable excuse fails to comply with any requirement imposed by the regulations under sub-

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paragraph (3)(d) above shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### Textual Amendments

- F3** Sch. 11 para. 8(3)(e)(ea) substituted (6.3.1992) for Sch. 11 para. 8(3)(e) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(6)** (with s. 118(1)(2)(4))
- F4** Word in Sch. 11 para. 8(3)(ea) substituted (22.5.1996) by 1996 c. 13, s. 1(3)(a)
- F5** Words in Sch. 11 para. 8(3)(ea) inserted (22.5.1996) by 1996 c. 13, s. 1(3)(b)
- F6** Sch. 11 para. 8(4)(f)-(fe) substituted (6.3.1992) for Sch. 11 para. 8(4)(f) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(7)** (with s. 118(1)(2)(4))

### [[<sup>F7</sup> Orders

#### Textual Amendments

- F7** Word in Sch. 11 para. 8(3)(ea) substituted (22.5.1996) by 1996 c. 13, s. 1(3)(a)

- 9 (1) This paragraph applies where a tribunal orders—
- <sup>F8</sup>[ the community charges registration officer for a charging authority to alter
- (a) the authority's community charges register,
- (b) the valuation officer for a billing authority to alter a local non-domestic rating list of the authority,
- (c) the central valuation officer to alter a central non-domestic rating list, or
- (d) the listing officer for a billing authority to alter the authority's valuation list.]
- (2) If the order is recorded in accordance with any provision included in regulations under [<sup>F9</sup>paragraph A19 or paragraph 1] above, the officer or authority ordered shall—
- (a) alter the register or list concerned accordingly, and
- (b) attend to any ancillary matter provided for in the order (such as the repayment of an amount, or the allowance of an amount by way of deduction against a sum due).

#### Textual Amendments

- F8** Sch. 11 para. 9(1)(a)-(d) substituted (6.3.1992) for para. 9(1)(a)-(c) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(8)** (with s. 118(1)(2)(4))
- F9** Words in Sch. 11 Pt. 2 para. 9(2) substituted (1.10.2009) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 15 para. 12**; S.I. 2008/3110, art. 6(c)(ii)

#### Modifications etc. (not altering text)

- C1** Sch. 11 paras. 9 and 10 modified by S.I. 1989/439, **reg. 32(4)**
- C2** Sch. 11 paras. 9 and 10 applied by S.I. 1989/439, **reg. 33(3)**  
Sch. 11 para. 9 modified (1.4.1993) by S.I. 1993/290, **reg. 32(5)** and (1.4.1993) by S.I. 1993/291, **reg. 47(6)**  
Sch. 11 para. 9 applied (1.4.1993) by S.I. 1993/290, **reg. 33(3)** and (1.4.1993) by S.I. 1993/291, **reg. 48(3)**

- 10 (1) This paragraph applies where a tribunal orders—

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- (a) the community charges registration officer for a charging authority to revoke a designation of an individual as a certification officer under regulations under section 30 above,
  - (b) a charging authority to alter an estimate, made for the purposes of regulations under Schedule 2 above, of the amount a person is liable to pay in respect of a community charge of the authority,
  - (c) the community charges registration officer for a charging authority to revoke a designation of an individual as a responsible individual under regulations under Schedule 2 above,
  - (d) a charging authority to quash a penalty imposed by it under Schedule 3 above,
  - (e) the community charges registration officer for a charging authority to quash a penalty imposed by him under Schedule 3 above, or
  - (f) the community charges registration officer for a charging authority to revoke a designation under section 5 above.
- (2) If the order is recorded in accordance with any provision included in regulations under <sup>F10</sup>paragraph A19 or paragraph 1] above, the authority or officer ordered shall—
- (a) revoke the designation, alter the estimate or quash the penalty accordingly, and
  - (b) attend to any ancillary matter provided for in the order (such as the repayment of an amount, or the allowance of an amount by way of deduction against a sum due).

#### Textual Amendments

**F10** Words in Sch. 11 Pt. 2 para. 10(2) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 15 para. 13](#); S.I. 2008/3110, art. 6(c)(ii)

#### Modifications etc. (not altering text)

**C3** Sch. 11 paras. 9 and 10 modified by [S.I. 1989/439, reg. 32\(4\)](#)

**C4** Sch. 11 paras. 9 and 10 applied by [S.I. 1989/439, reg. 33\(3\)](#)

- <sup>F11</sup>[  
10A (1) This paragraph applies where a tribunal orders a billing authority—
- (a) to reverse a decision that a particular dwelling is a chargeable dwelling for the purposes of Chapter I of Part I of the 1992 Act, or that a particular person is liable to pay council tax in respect of such a dwelling,
  - (b) to quash or alter an estimate of an amount which a person is liable to pay to the authority in respect of council tax,
  - (c) to quash a calculation (other than an estimate) of such an amount, or to recalculate the amount, or
  - (d) to quash a penalty imposed by the authority under Schedule 3 to the 1992 Act.
- (2) If the order is recorded in accordance with any provision included in regulations under <sup>F12</sup>paragraph A19 or paragraph 1] above, the authority ordered shall—
- (a) reverse the decision, quash or alter the estimate, quash the calculation, recalculate the amount or quash the penalty accordingly; and

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- (b) attend to any ancillary matter provided for in the order (such as the repayment of an amount, or the allowance of an amount by way of deduction against a sum due).]

#### Textual Amendments

- F11** Sch. 11 para. 10A inserted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(9)** (with s. 118(1)(2)(4))  
**F12** Words in Sch. 11 Pt. 2 para. 10A(2) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 15 para. 14**; S.I. 2008/3110, art. 6(c)(ii)

#### Modifications etc. (not altering text)

- C5** Sch. 11 para. 10A modified (W.) (15.2.2006) by [The Valuation Tribunals \(Wales\) Regulations 2005 \(S.I. 2005/3364\)](#), regs. 1(4), **41(5)**  
**C6** Sch. 11 para. 10A applied (W.) (15.2.2006) by [The Valuation Tribunals \(Wales\) Regulations 2005 \(S.I. 2005/3364\)](#), regs. 1(4), **42(3)**

### Appeals

- 11 (1) Regulations under [<sup>F13</sup>paragraph A19 or paragraph 1] above may include provision that—
- (a) 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 under section 23 above [<sup>F14</sup>section 16 of the 1992 Act, paragraph 3 of Schedule 3 to that Act or regulations under section 24 of that Act];
- (b) an appeal shall lie to the [<sup>F15</sup>Upper Tribunal] in respect of a decision or order which is given or made by a tribunal on an appeal under [<sup>F16</sup>paragraph 4 of Schedule 4A above or regulations under section 55 above].
- (2) The regulations may include—
- (a) provision as to the persons who may appeal to the High Court or the [<sup>F17</sup>Upper Tribunal] ;
- (b) provision authorising or requiring an appeal to the High Court or the [<sup>F17</sup>Upper Tribunal] to be dismissed if it is not initiated within a prescribed time;
- (c) provision as to the powers of the High Court or the [<sup>F17</sup>Upper Tribunal] on an appeal to it (which may include provision allowing the tribunal's decision or order to be confirmed, varied, set aside, revoked or remitted, and provision allowing the making of any order the tribunal could have made);
- <sup>F18</sup>(d) provision requiring a charging authority, the community charges registration officer for a charging authority, a billing authority, the valuation officer or listing officer for a billing authority, or the central valuation officer, to act in accordance with any order made by the High Court or the [<sup>F17</sup>Upper Tribunal] , and provision that paragraph 9, 10 or 10A above is to have effect subject to such a requirement.]

#### Textual Amendments

- F13** Words in Sch. 11 Pt. 2 para. 11(1) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 15 para. 15**; S.I. 2008/3110, art. 6(c)(ii)

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- F14** Words in Sch. 11 para. 11(1) added (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(10)(a)** (with s. 118(1)(2)(4))
- F15** Words in Sch. 11 para. 11(1)(b) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 188(a)** (with Sch. 5)
- F16** Words in Sch. 11 para. 11(1)(b) substituted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(10)(b)** (with s. 118(1)(2)(4))
- F17** Words in Sch. 11 para. 11(2)(a)-(d) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 188(a)** (with Sch. 5)
- F18** Sch. 11 para. 11(2)(d) substituted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 88(11)** (with s. 118(1)(2)(4))

### *Inspection of records*

- 12 (1) This paragraph applies to records which relate to decisions and orders of a tribunal and which are required to be made under any provision included in regulations under <sup>[F19]</sup>paragraph A19 or paragraph 1] above.
- (2) The regulations may include provision that a person may, at a reasonable time stated by or on behalf of the tribunal concerned and without making payment, inspect records to which this paragraph applies at the tribunal's permanent office.
- (3) The regulations may include provision that if without reasonable excuse a person having custody of records to which this paragraph applies intentionally obstructs a person in exercising a right under any provision included under sub-paragraph (2) above, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### **Textual Amendments**

- F19** Words in Sch. 11 Pt. 2 para. 12(1) substituted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 15 para. 16**; S.I. 2008/3110, art. 6(c)(ii)

### *<sup>[F20]</sup>Meaning of tribunal*

#### **Textual Amendments**

- F20** Sch. 11 Pt. 2 para. 12A and cross-heading inserted (1.10.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 15 para. 17**; S.I. 2008/3110, art. 6(c)(ii)

- 12A In this Part references to a tribunal are—
- (a) in relation to England, references to the Valuation Tribunal for England;
  - (b) in relation to Wales, references to a tribunal established under paragraph 1 of this Schedule.]]]

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