

1982 No. 1506 (S. 170)**RATING AND VALUATION****Act of Sederunt (Valuation Appeal Rules Amendment) 1982**

Made - - - - - 21st October 1982
Coming into Operation 15th November 1982

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 6 of the Rating and Valuation (Scotland) Act 1952(a) and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Valuation Appeal Rules Amendment) 1982 and shall come into operation on 15th November 1982.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Revocation of instruments

2. The instruments referred to in the Schedule to this Act of Sederunt are revoked to the extent specified in the Schedule.

Amendment to Valuation Appeal Rules

3. A party appealing by way of stated case against the determination of a Valuation Appeal Committee in terms of section 7 of the Valuation of Lands (Scotland) Amendment Act 1879(b) shall, unless a written statement of the reasons for the decision has already been issued by the Committee, apply in accordance with regulation 14 of the Appeals and Valuation Appeal Committee Procedure (Scotland) Regulations 1978(c), for such statement to be issued to him by the Committee.

4.—(1) The appellant shall lodge his grounds of appeal with the clerk to the Committee within 14 days after the date on which the statement of the reasons for the decision has been issued to him, and shall at the same time send to the respondent a copy.

(2) The respondent may, if so advised, lodge answers to the grounds of appeal with the clerk to the Committee within 14 days after the date of the lodging of the grounds of appeal.

5. Within 6 weeks after the date on which the appellant has lodged his grounds of appeal the clerk to the Committee shall issue a copy of the draft stated case to the appellant and to the respondent.

(a) 1952 c. 47.

(b) 1879 c. 42.

(c) S.I. 1978/252.

6.—(1) Either party may, within 4 weeks after the date on which a copy of the draft stated case has been issued to him under rule 5, lodge with the clerk to the Committee representations in writing that any finding in fact or other statement contained in the draft stated case should be deleted or altered or that additional findings in fact or other statements should be included and shall at the same time send a copy to the other party.

(2) The other party may within 2 weeks thereafter lodge with the clerk to the Committee observations in writing as to why effect should not be given to such representations and, if he does so, shall at the same time send a copy of the observations to the other party.

(3) References in this rule to a statement do not include a statement of the determination of the Committee or the reasons for their decision.

7.—(1) The Committee may revise the draft stated case in the light of any representations and observations of the parties, or otherwise as they may think proper.

(2) The Committee shall within 14 days after the latest date on which observations may be lodged state and sign a case.

(3) On the case being signed the clerk to the Committee shall immediately issue the signed stated case to the appellant and a copy to the respondent.

8.—(1) The Committee may, subject to paragraph (2),—

(a) on their own motion, or on the application of any party to any appeal, waive any breach or non-observance of any provision of the foregoing rules;

(b) if they think fit, extend the time appointed by the foregoing rules for doing any act, and may do so notwithstanding that the time so appointed has expired before an application for extension is made.

(2) The Committee shall not exercise their powers under paragraph (1) unless,—

(a) they give an opportunity to each of the parties to the appeal to make representations in writing to them with respect to the proposal to exercise the power; and

(b) they satisfy themselves that the exercise of the power would not cause any substantial prejudice to any party to the appeal.

9. The signed stated case shall be lodged by the appellant in the General Department of the Court of Session within a period of 2 weeks after the date on which it was issued to the appellant.

10.—(1) Within 21 days after an appeal by way of stated case has been lodged in terms of rule 9 the appellant shall lodge 15 copies of the stated and deliver at least 10 copies to the solicitor for the respondent.

(2) If the appellant fails within that period to lodge or deliver those copies he shall, subject to rule 11 and to paragraph (3) of this rule, be held to have abandoned his appeal.

(3) Within 7 days after the date of lodging of the stated case, the appellant may enrol a motion for a sist of process, and if on cause shown, the Lands Valuation Appeal Court or the Vacation Judge grants such sist, the 21 day period shall not run until the expiry of the period of sist or until the sist is recalled.

(4) An unopposed motion for the recall of such sist may, in vacation, be disposed of by the Vacation Judge.

11.—(1) An appellant may, within 7 days after an appeal has been held to be abandoned in terms of rule 10, enrol a motion to be reponed.

(2) Such motion shall be put out before the Lands Valuation Appeal Court, or the Vacation Judge, and shall only be granted upon cause shown, and upon such conditions as to payment of expenses or otherwise as shall seem just.

12. The respondent may, within 14 days after an appeal has been held to be abandoned in terms of rule 10, lodge 15 copies of the stated case and deliver at least 10 copies to the solicitor for the appellant, and may thereafter insist in the appeal as if he had been the appellant; in which case the appellant shall also be entitled to insist in the appeal; and the provisions of these rules shall apply to appeals under this rule insisted in by the respondent as they apply to appeals by an appellant.

13. The Lands Valuation Appeal Court may at its discretion and on such conditions as it thinks just, waive any departure from the requirements of these rules.

Edinburgh,
21st October 1982.

Emslie,
Lord President.
I.P.D.

SCHEDULE

REVOCATIONS

Citation	Instrument revoked	Extent of Revocation
1. S.I. 1961/2205	Act of Sederunt (Valuation Appeal Rules Amendment) 1961	Paragraphs 3 and 4
2. S.I. 1965/450	Act of Sederunt (Valuation Appeal Rules Amendment) 1965	Paragraph 1
3. S.I. 1971/2089	Act of Sederunt (Valuation Appeal Rules Amendment No. 2) 1971	The whole Act of Sederunt
4. S.I. 1976/1850	Act of Sederunt (Valuation Appeal Rules Amendment No. 2) 1976.	The whole Act of Sederunt
5. S.I. 1978/924	Act of Sederunt (Valuation Appeal Rules Amendment) 1978	The whole Act of Sederunt
6. S.I. 1979/1408	Act of Sederunt (Valuation Appeal Rules Amendment) 1979	The whole Act of Sederunt

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt replaces the provisions contained in the Acts of Sederunt (Valuation Appeal Rules Amendment) 1971, 1976, 1978 and 1979 which prescribe the procedures to be followed for appeals by way of stated case from Valuation Appeal Committees to the Lands Valuation Appeal Court. It also revokes parts of the Acts of Sederunt (Valuation Appeal Rules Amendment) 1961 and 1965, which are spent.

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