

2009 No. 2271

TRIBUNALS AND INQUIRIES, ENGLAND
RATING AND VALUATION, ENGLAND

The Valuation Tribunals (Consequential Modifications and Saving and Transitional Provisions) (England) Regulations 2009

<i>Made</i> - - - -	<i>25th August 2009</i>
<i>Laid before Parliament</i>	<i>2nd September 2009</i>
<i>Coming into force</i> - -	<i>1st October 2009</i>

The Secretary of State, in exercise of the powers conferred by section 220(2) and (3) of the Local Government and Public Involvement in Health Act 2007(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Valuation Tribunals (Consequential Modifications and Saving and Transitional Provisions) (England) Regulations 2009 and shall come into force on 1st October 2009.

(2) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

“the 1989 Regulations” means the Valuation and Community Charge Tribunals Regulations 1989(b);

“senior member” means—

(a) the VTE President;

(b) the Vice-Presidents of the Tribunal;

(c) the members of the Tribunal’s panel of chairmen(c);

(a) 2007 c.28.

(b) S.I. 1989/439 (“the 1989 Regulations”). By virtue of section 15 of the Local Government Finance Act 1992 (c.14), valuation and community charge tribunals became known, from 1st April 1993, as valuation tribunals, and their jurisdiction was extended. In England, the jurisdiction of valuation tribunals under the 1989 Regulations is transferred to the Valuation Tribunal for England by paragraph A2 of Schedule 11 to the Local Government Finance Act 1988 (c.41), inserted by Schedule 15 to the Local Government and Public Involvement in Health Act 2007. Part 4 of the 1989 Regulations was amended by S.I. 1990/582, S.I. 1993/292 and S.I. 1995/363. There are other amendments not relevant to these Regulations. By virtue of regulation 1A of the 1989 Regulations, inserted by regulation 53 of S.I. 1995/3056 (to which there are amendments not relevant to these Regulations), the 1989 Regulations do not apply to tribunals in Wales established by regulation 2 of S.I. 1995/3056. The tribunals in Wales to which the 1989 Regulations formerly applied ceased to exist by virtue of regulation 14 of S.I. 1995/3056.

(c) See paragraph A4 of Schedule 11 to the Local Government Finance Act 1988 (c.41), inserted by paragraphs 1 and 2 of Schedule 15 to the Local Government and Public Involvement in Health Act 2007 (c.28).

“the Tribunal” means the Valuation Tribunal for England; and

“the VTE President” means the President of the Tribunal.

Revocation of the Valuation and Community Charge Tribunals Regulations 1989 as to England with savings and modifications

3.—(1) So far as they have effect in relation to England, the 1989 Regulations shall be treated as if made under Schedule 11 to the Local Government Finance Act 1988(a) as amended by the Local Government and Public Involvement in Health Act 2007(b).

(2) The 1989 Regulations are revoked, so far as they relate to England, with the exception of—

(a) in Part 1 (general), regulation 1 (citation and commencement) and, in regulation 2 (interpretation)—

(i) in paragraph (1), the definition of “the Act”; and

(ii) paragraphs (2) and (3); and

(b) Part 4 (community charge appeals).

(3) Part 4 of the 1989 Regulations and the provisions of Part 1 of those Regulations mentioned in paragraph (2)(a) (“the relevant provisions”) shall continue to have effect (in relation to England only) subject to the modifications set out in Part 1 of the Schedule to these Regulations.

(4) The relevant provisions, as modified as mentioned in paragraph (3), are set out in Part 2 of the Schedule to these Regulations.

Transitional provision: appeals and reviews

4.—(1) On and after 1st October 2009—

(a) any appeal of which notice has been given under regulation 18 (initiating an appeal) of the 1989 Regulations before that date and which has not been determined before that date;

(b) any review commenced under regulation 31 (review of decisions) of the 1989 Regulations before that date which has not been concluded before that date,

shall be dealt with in accordance with Part 4 of the 1989 Regulations as modified by regulation 3(3) of these Regulations.

(2) Where immediately before 1st October 2009 an appeal of the description specified in paragraph (1)(a)—

(a) is part-heard; or

(b) is being dealt with by written representations,

the VTE President shall, where any individual hearing the appeal or considering the written representations becomes a member of the Tribunal on 1st October 2009, arrange for that individual (or, if more than one, those individuals) to continue to hear the appeal or consider the written representations (as the case may be).

(3) Where immediately before 1st October 2009 an appeal of the description in paragraph (1)(a)—

(a) is part-heard; or

(b) is being dealt with by written representations, but

(c) none of the individuals hearing the appeal or considering the written representations becomes a member of the Tribunal on 1st October 2009,

(a) 1988 c.41. Amendments relevant to these Regulations are made by Schedule 15 to the Local Government and Public Involvement in Health Act 2007.

(b) The power to make regulations is contained in paragraph A19 of Schedule 11 to the Local Government Finance Act 1988, inserted by paragraphs 1 and 2 of Schedule 15 to the Local Government and Public Involvement in Health Act 2007.

the VTE President shall make arrangements for the appeal to be dealt with by one or more members of the Tribunal, of whom at least one is a senior member.

(4) Where immediately before 1st October 2009 a review of the description specified in paragraph (1)(b) is being dealt with by any individual who becomes a member of the Tribunal on that date, the VTE President shall arrange for that individual (or, if more than one, those individuals) to continue to deal with the review.

(5) Where immediately before 1st October 2009 a review of the description specified in paragraph (1)(b) is being dealt with by individuals of whom none becomes a member of the Tribunal on that date, the VTE President shall make arrangements for the review to be dealt with by one or more members of the Tribunal, of whom at least one is a senior member.

Signed by authority of the Secretary of State for Communities and Local Government

Bill McKenzie

Parliamentary Under Secretary of State

Department for Communities and Local Government

25th August 2009

SCHEDULE

Regulation 3

MODIFICATIONS TO PART 4 OF THE VALUATION AND COMMUNITY CHARGE TRIBUNAL REGULATIONS 1989 (ENGLAND ONLY)

PART 1

MODIFICATIONS TO PART 4 OF THE VALUATION AND COMMUNITY CHARGE TRIBUNAL REGULATIONS 1989

<i>Provision of Regulations</i>	<i>Modification</i>
Regulation 1 (citation and commencement)	Omit “for the purposes of regulations 4 to 8 and 11 on 7th April 1989, and for all other purposes”.
Regulation 15 (interpretation of Part 4)	For the definition of “tribunal” substitute— ““Tribunal” means the Valuation Tribunal for England; “VTE panel”, in relation to an appeal, means the members of the Tribunal selected in accordance with tribunal business arrangements (a) to deal with the appeal; “the VTE President” means the President of the Tribunal.”.
Regulation 16 (jurisdiction)(b)	For paragraphs (1) to (4) substitute “An appeal shall be dealt with by a VTE panel.”.
Regulation 17 (time limits)	In paragraph (1)—

(a) As to “tribunal business arrangements” see paragraph A17 of Schedule 11 to the Local Government Finance Act, inserted, by paragraphs 1 and 2 of Schedule 15 to the Local Government and Public Involvement in Health Act 2007.

(b) Paragraph (4) was inserted by S.I. 1995/363.

	(a) for “him” substitute “the person”; and (b) for “his” substitute “the person’s”. In paragraph (3), for “the president” and “he” substitute “the VTE President”. In paragraph (1)— (a) for “the clerk of the tribunal having jurisdiction in relation to the appeal”, substitute “the Tribunal”; and (b) for “he” substitute “the aggrieved person”. In paragraph (2), for “the clerk”, “he” and “him”, substitute “the Tribunal”.
Regulation 18 (initiating an appeal)	
Regulation 19 (arrangements for appeals)(a)	In paragraph (1), for “the president” substitute “the VTE President”. In paragraph (2), for “the clerk”, substitute “the Tribunal”.
Regulation 20 (withdrawal)	In paragraph (1), for “the clerk”, substitute “the Tribunal”. In paragraph (2)— (a) for “the clerk”, substitute “the Tribunal”; and (b) for “he”, substitute “it”.
Regulation 21 (disposal by written representations)	In paragraph (1)— (a) for “the clerk” (in both places) substitute “the Tribunal”; and (b) in sub-paragraph (b), for “he or it” substitute “the respondent”. In paragraph (2), for “the clerk” substitute “the Tribunal”. In paragraph (3)— (a) for “the clerk” substitute “the Tribunal”; (b) for “him” substitute “the appellant”; and (c) for “a tribunal constituted as mentioned in regulation 25(1)” substitute “the VTE panel”. In paragraph (4), for “The tribunal may if it thinks fit” substitute “The VTE panel may if it thinks fit”.
Regulation 22 (notice of hearing)(b)	In paragraph (1), for “the clerk” substitute “the Tribunal”. In paragraph (2)— (a) for “the clerk” substitute “the Tribunal”; and (b) omit sub-paragraph (a). In paragraph (5), for “the clerk” substitute “the Tribunal”.
Regulation 23 (disqualification from participating)(c)	In paragraph (1)— (a) after “as a member”(d) insert “of a VTE panel”; (b) omit “, or acting as clerk or officer of a tribunal in relation to,”; and (c) for “he” substitute “the person”.

(a) Paragraph (1) was numbered as such, and paragraph (2) inserted, by S.I. 1990/582. Paragraph (1) was amended by S.I. 1993/292.
(b) Paragraphs (2) and (5) were substituted by S.I. 1993/292.
(c) Paragraph (1) was amended by S.I. 1993/439.
(d) The words “as a member” were inserted by S.I. 1993/439.

Regulation 24 (representation at the hearing)

In paragraph (2)—

(a) omit “, or acting as clerk or officer of a tribunal in relation to,”;

(b) for “his” substitute “the person’s”; and

(c) for “he” substitute “the person”.

In paragraph (3)—

(a) for “he” substitute “the person”; and

(b) for “his” substitute “the person’s”.

For “he” substitute “the party”.

For “or an employee of the tribunal” substitute “of the Tribunal or an employee of the Valuation Tribunal Service”.

Regulation 25 (conduct of the hearing)(a)

For paragraph (1) substitute—

“(1) The Tribunal’s function of hearing or determining an appeal shall be discharged by a VTE panel; and, except where paragraph A18 of Schedule 11 to the Act applies, a senior member of the Tribunal shall preside;(b).”.

Omit paragraph (2).

In paragraph (3), for “tribunal” substitute “Tribunal or the VTE panel”.

In paragraph (4)—

(a) for “tribunal” (in both places) substitute “the VTE panel”; and

(b) for “his” substitute “the other party’s”.

In paragraph (5), for “tribunal” substitute “the VTE panel”; and

In paragraph (6)—

(a) for “tribunal”, in the first place where it occurs, substitute “VTE panel”; and

(b) omit “before the tribunal”; and

(c) for “tribunal thinks” substitute “VTE panel think”.

For paragraph (7) substitute—

“(7) Subject to any provision of this Part, the VTE panel—

(a) shall conduct the hearing in such manner as they consider most suited to the clarification of the issues and, generally, to the just handling of the proceedings;

(b) so far as appears to them to be appropriate, shall seek to avoid formality in the proceedings; and

(c) shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before courts of law.”.

Regulation 26 (evidence)

In paragraph (3)(b), for “his” substitute “the person’s”.

Regulation 28 (decisions on appeals)(c)

For paragraph (1), substitute—

“(1) Where an appeal is to be dealt with by a VTE panel consisting of three persons, it may be decided by a majority of those persons; and where it is to be dealt with by two persons and they are

(a) Paragraph (6) was amended by S.I. 1993/292.

(b) As to “senior member” see paragraph A17(4) of Schedule 11 to the Local Government Finance Act 1988. The panel of chairmen referred to in paragraph A17(4)(c) are the members of the Tribunal referred to in paragraph A4 of that Schedule. That paragraph and paragraph A17 are inserted by paragraphs 1 and 2 of Schedule 15 to the Local Government and Public Involvement in Health Act 2007 (c.28).

(c) Regulation 28 was substituted by S.I. 1993/292.

unable to agree, it shall be referred to the VTE President, who shall either deal with the appeal personally or make arrangements for it to be dealt with by another senior member of the Tribunal or by a VTE panel other than that originally selected.”.

In paragraph (2), for “disposed of” substitute “dealt with”.

In paragraph (4), for “him” substitute “the party”.

Regulation 29 (orders)

In paragraph (1), for “the tribunal” substitute “the Tribunal”.

Regulation 30 (records of decisions etc)(a)

In paragraph (1), for “the clerk” substitute “the Tribunal”.

In paragraph (5), for “the tribunal concerned” substitute “the Tribunal”.

In paragraph (6), for “he” substitute “the person having custody”.

In paragraph (8), for “a record of that tribunal” substitute “an entry in the record kept under this regulation”.

After paragraph (8), insert—

“(9) In paragraph (8), “clerk” means the clerk of the Tribunal appointed under paragraph 8 of Schedule 4 to the Local Government Act 2003 in accordance with paragraph 9 of that Schedule**(b)**.”.

Regulation 31 (review of decisions)(c)

In paragraph (1)—

(a) for “a tribunal constituted as provided in paragraph (3)” substitute “the Tribunal”;

(b) omit “under the hand of the presiding member”;

(c) for “he” substitute “the party”; and

(d) in sub-paragraph (d), for “the tribunal’s decision” substitute “the decision made by the VTE panel, the VTE President or a senior member (as the case may be)” .

For paragraphs (3) and (4) substitute—

“(3)Tribunal business arrangements**(d)** shall apply in relation to the selection of members of the Tribunal to review a decision or part of a decision as if the review were an appeal.

(4) Where a decision is set aside in pursuance of this regulation, the Tribunal shall—

(a) Regulation 30 was substituted by S.I. 1993/292.

(b) 2003 c.26. Paragraph 9 of Schedule 4 is substituted by paragraph 13(5) of Schedule 16 to the Local Government and Public Involvement in Health Act 2007 (c.28) (“the 2007 Act”). By virtue of section 105(2) of the Local Government Act 2003 (“the 2003 Act”), as amended by paragraph 11(1) and (2) of Schedule 16 to the 2007 Act, the Valuation Tribunal for England is referred to in Schedule 4 to the 2003 Act as “the Tribunal”.

(c) Regulation 31 was substituted by S.I. 1993/292.

(d) See paragraph A17(2) of Schedule 11 to the Local Government Finance Act 1988 inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), Schedule 15, paragraphs 1 and 2.

- (a) revoke any order made in consequence of that decision; and
- (b) order a re-hearing or re-determination.”.

In paragraph (5), for “clerk” substitute “Tribunal”.

In paragraph (6), for “clerk” substitute “Tribunal”.

In paragraph (7), in the definition of “the relevant day”, for “the tribunal” substitute “the Tribunal”.

Regulation 32 (appeals)

In paragraph (1)—

(a) for “a tribunal” substitute “the Tribunal”; and

(b) for “he” substitute “was”.

In paragraph (3) for “the tribunal” (in both places) substitute “the Tribunal”.

In paragraph (4), for “subject to this requirement” substitute “as if the reference to a tribunal included a reference to the High Court”.

Regulation 33 (arbitration)(a)

For paragraphs (1) to (3) substitute—

“(1) Where the persons mentioned in paragraph (2) agree in writing that a matter falling within the Tribunal’s jurisdiction is to be referred to arbitration, the matter shall be so referred.

(2) The persons are the persons who, if the matter were to be the subject of an appeal to the Tribunal, would be the parties to the appeal.”.

PART 2

RELEVANT PROVISIONS OF THE VALUATION AND COMMUNITY CHARGE TRIBUNAL REGULATIONS 1989, INCLUDING PART 4 AS MODIFIED

CHAPTER 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Valuation and Community Charge Tribunals Regulations 1989 and shall come into force on 1st May 1989.

Interpretation

2.—(1) In these Regulations—

(a) Paragraph (3) of regulation 33 was amended by S.I. 1993/292.

“the Act” means the Local Government Finance Act 1988(a).

.....

(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 4

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” means the Valuation Tribunal for England;

“VTE panel”, in relation to an appeal, means the members of the Tribunal selected in accordance with tribunal business arrangements (b) to deal with the appeal;

“the VTE President” means the President of the Tribunal,

and any reference to a party to an appeal includes the appellant and any person entitled in pursuance of this Part to be served with a copy of the appellant’s notice of appeal.

Jurisdiction

16. An appeal shall be dealt with by a VTE panel.

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 this Part 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 the person in accordance with that subsection that the person’s 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 VTE President may authorise an appeal to be entertained where the VTE President 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.

(a) 1988 c.41.

(b) As to “tribunal business arrangements” *see* paragraph A17 of Schedule 11 to the Local Government Finance Act, inserted, by paragraphs 1 and 2 of Schedule 15 to the Local Government and Public Involvement in Health Act 2007.

Initiating an appeal

18.—(1) An appeal shall be initiated by serving on the Tribunal 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 the aggrieved person was notified by the authority or officer as mentioned in section 24(4)(a) or (b).

(2) The Tribunal shall within 14 days of service of the notice of appeal, notify the appellant that the Tribunal 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 the Tribunal to be concerned.

Arrangements for appeals

19.—(1) Subject to the provisions of this Part, it shall be the duty of the VTE 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 this Part.

(2) Where in pursuance of regulation 31(4) of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1990 a valuation officer is joined as a party to an appeal, the Tribunal shall as soon as is reasonably practicable serve on the valuation officer a copy of the appellant’s notice of appeal.

Withdrawal

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

(2) The Tribunal shall notify the appellant when it has received the notice of withdrawal, and shall serve a copy of the notice on all the other parties to the appeal.

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 Tribunal that the appellant has agreed to the appeal being disposed of by written representations, served on the Tribunal 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 the respondent does not intend to make further representations.

(2) The Tribunal 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 Tribunal 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 the appellant, to the VTE panel.

(4) The VTE panel 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 Tribunal shall, not less than four weeks before the date in question, serve on the parties notice of the date, time and place appointed for the hearing.

(2) The Tribunal shall advertise the date, time and place appointed for any hearing by causing a notice giving such information to be conspicuously displayed—

(a)

(b) outside an office of the charging authority appointed by the authority for that purpose, or

(c) in another 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.

(5) Where the hearing of an appeal has been postponed, the Tribunal shall take such steps as are reasonably practicable in the time available—

(a) to notify the parties of the postponement; and

(b) to advertise the postponement.

Disqualification from participating

23.—(1) A person shall be disqualified from participating as a member of a VTE panel in the hearing or determination of an appeal if he is a member of the 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 an appeal if the appellant is the person's spouse or the spouse 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 the person is a member of an authority which derives revenue directly or indirectly from charges which may be affected by the exercise of the person's 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 the party so wishes), by counsel or solicitor, or any other representative (other than a person who is a member of the Tribunal or an employee of the Valuation Tribunal Service).

Conduct of the hearing

25.—(1) The Tribunal's function of hearing or determining an appeal shall be discharged by the VTE panel; and, except where paragraph A18 of Schedule 11 to the Act applies, a senior member shall preside.

(2)

(3) The hearing shall take place in public, unless the Tribunal or the VTE panel otherwise order 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 VTE panel may dismiss the appeal, and if any other party does not appear the VTE panel may hear and determine the appeal in that party's absence.

(5) The VTE panel 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 VTE panel may determine, and may examine any witness and call witnesses; and a hearing may be adjourned for such time, to such place and on such terms (if any) as the VTE panel think fit; and reasonable notice of the time and place to which the hearing has been adjourned shall be given to every party.

(7) Subject to any provision of this Part, the VTE panel—

(a) shall conduct the hearing in such manner as they consider most suited to the clarification of the issues and, generally, to the just handling of the proceedings;

(b) so far as appears to them to be appropriate, shall seek to avoid formality in the proceedings; and

(c) 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 the person's 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) Where an appeal is to be dealt with by a VTE panel consisting of three persons, it may be decided by a majority of those persons; and where it is to be dealt with by two persons and they are unable to agree, it shall be referred to the VTE President who shall either deal with the appeal

personally or make arrangements for it to be dealt with by another senior member or by a VTE panel other than that originally selected.

(2) Where an appeal is dealt with on the basis of a hearing, the decision may be reserved or given orally at the end of the hearing.

(3) Subject to paragraph (4), as soon as is reasonably practicable after a decision has been made, it shall—

- (a) in the case of a decision given orally, be confirmed,
- (b) in any other case, be communicated,

by notice in writing to the parties; and the notice shall be accompanied by a statement of the reasons for the decision.

(4) Nothing in paragraph (3) shall require notice to be given to a party if it would be repetitive of any document supplied to the party in accordance with regulation 30.

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 Tribunal to make arrangements for each decision, each order made under regulation 29 and the effect of each certificate and revocation under regulation 31 to be recorded.

(2) Records may be kept in any form, whether documentary or otherwise, and shall contain the particulars specified in Schedule 3 hereto.

(3) A copy, in documentary form, of the relevant entry in the record shall, as soon as reasonably practicable after the entry has been made, be sent to each party to the appeal to which the entry relates.

(4) Each record shall be retained for the period of six years beginning on the day on which an entry was last made in it.

(5) Any person may, at a reasonable time stated by or on behalf of the Tribunal and without making payment, inspect records which are required to be made by paragraph (1).

(6) If without reasonable excuse a person having custody of the records intentionally obstructs a person in exercising the right conferred by paragraph (5) the person having custody shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(7) The member who presided at the hearing or determination of an appeal may authorise the correction of any clerical error in the record; and a copy of the corrected entry shall be sent to the persons to whom a copy of the original entry was sent.

(8) The production in any proceedings in any court of law of a document purporting to be certified by the clerk to be a true copy of an entry in the record kept under this regulation shall, unless the contrary is proved, be sufficient evidence of the document and of the facts it records.

(9) In paragraph (8), “clerk” means the clerk of the Tribunal appointed under paragraph 8 of Schedule 4 to the Local Government Act 2003 in accordance with paragraph 9 of that Schedule(a).

Review of decisions

31.—(1) Subject to paragraph (2), the Tribunal shall have power on written application by a party to review or set aside by certificate any decision on the grounds that—

- (a) the decision was wrongly made as a result of clerical error;
- (b) a party did not appear and can show reasonable cause why the party did not do so;
- (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;
- (d) the decision is affected by a decision of, or on appeal from, the High Court or the Upper Tribunal(b) in relation to an appeal in respect of the property which, or, as the case may be, the person who, was the subject of the decision made by the VTE panel, the VTE President or a senior member (as the case may be);
- (e) the interests of justice otherwise require such a review.

(2) Paragraph (1) does not apply where an appeal against the decision in question has been determined by the High Court.

(3) Tribunal business arrangements(c) shall apply in relation to the selection of members of the Tribunal to review a decision or part of a decision as if the review were an appeal.

(4) Where a decision is set aside in pursuance of this regulation, the Tribunal shall—

- (a) revoke any order made in consequence of that decision; and
- (b) order a re-hearing or re-determination

(5) The Tribunal shall as soon as reasonably practicable notify the parties to the appeal in writing of—

- (a) the issue of any certificate under paragraph (1); and
- (b) the revocation of any order under paragraph (4).

(6) Where in relation to a decision in respect of which an application under paragraph (1) is made, an appeal to the High Court remains undetermined on the relevant day, the Tribunal shall notify the High Court as soon as reasonably practicable after the occurrence of the relevant event.

(7) In paragraph (6)—

“the relevant day” means the day on which, as the case may be—

- (a) the application under paragraph (1) is made;
- (b) it is determined that the Tribunal will not undertake a review under that paragraph; or
- (c) the event referred to in sub-paragraph (a) or (b) of paragraph (5) occurs; and

“the relevant event”, in relation to a relevant day, means the event occurring on that day.

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 the Tribunal on an appeal, and may be made by the appellant, the

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- (a) 2003 c.26. Paragraph 9 of Schedule 4 is substituted by paragraph 13(5) of Schedule 16 to the Local Government and Public Involvement in Health Act 2007 (c.28) (“the 2007 Act”). By virtue of section 105(2) of the Local Government Act 2003 (“the 2003 Act”), as amended by paragraph 11(1) and (2) of Schedule 16 to the 2007 Act, the Valuation Tribunal for England is referred to in Schedule 4 to the 2003 Act as “the Tribunal”.
 - (b) The words “Upper Tribunal” were substituted for “Lands Tribunal” by paragraphs 32 and 33 of Schedule 2 to S.I. 2009/1307.
 - (c) See paragraph A17(2) of Schedule 11 to the Local Government Finance Act 1988 inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), Schedule 15, paragraphs 1 and 2.

authority or registration officer whose decision was 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 as if the reference to the tribunal included a reference to the High Court..

Arbitration

33.—(1) Where the persons mentioned in paragraph (2) agree in writing that a matter falling within the Tribunal’s jurisdiction is to be referred to arbitration, the matter shall be so referred.**(a)**

(2) The persons are the persons who, if the matter were to be the subject of an appeal to the Tribunal, would be the parties to the appeal.

(a) See section 94 of the Arbitration Act 1996 (c.23).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 13 of the Local Government and Public Involvement in Health Act 2007 establishes the Valuation Tribunal for England (“the VTE”), abolishes existing valuation tribunals in England and transfers their jurisdiction to the VTE. Part 13 and the related Schedules 15 and 16 are partially in force by virtue of S.I. 2008/917. The rest of that Part and those Schedules are brought into force on 1st October 2009 by virtue of S.I. 2008/3110.

These Regulations, which apply in relation to England only, are made in consequence of the transfer of jurisdiction to the VTE.

Regulation 3 provides for the Valuation and Community Charge Tribunals Regulations 1989 (“the 1989 Regulations”) to have effect, as to England, as if made under Schedule 11 to the Local Government Finance Act 1988 as amended by the Local Government and Public Involvement in Health Act 2007. Those Regulations are revoked, as to England, with the exception of Part 4, which relates to community charge appeals, and specified provisions of Part 1. Part 4 and the specified provisions of Part 1 are modified as shown in Part 1 of the Schedule to the Regulations. The opportunity has been taken to make minor changes, including taking into account in the modified regulation 31(1)(d) that the Upper Tribunal has superseded the Lands Tribunal. There are also minor drafting changes, including the use in the modified Part 4 of words that are gender-neutral. The saved provisions of Parts 1 and 4, as modified, are set out in Part 2 of the Schedule.

Regulation 4 makes transitional provision in relation to any community charge appeals that may have been made but not determined by 1st October 2009 and any reviews of decisions on such appeals that have not been concluded by that date.

(Part 5 of the 1989 Regulations, which deals with council tax appeals, is re-enacted with changes to take account of the transfer of jurisdiction to the VTE, and other minor and drafting changes, in the Council Tax (Alterations of Lists and Appeals) (England) Regulations 2009 (S.I. 2009/2270) and the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 (S.I. 2009/2269).)

No impact assessment has been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

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