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WELSH STATUTORY INSTRUMENTS

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**2023 No. 350**

**The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023**

**PART 5**

**Appeals: General**

**Interpretation**

**33.** In this Part—

“hearing” (*“gwrandawriad”*) means an oral hearing and includes a hearing conducted in whole or part by video link, telephone or other means of instantaneous two-way electronic communications;

“list” (*“rhestr”*) means a local list or the central list compiled on or after 1 April 2023.

“the proper officer” (*“y swyddog priodol”*) is the officer appointed by the relevant authority under section 270(3) of the Local Government Act 1972(1).

**Jurisdiction: exceptions**

**34.—**(1) Where the appellant is—

- (a) a former member of a valuation tribunal which existed before 1 July 2010,
- (b) a former employee of a valuation tribunal which existed before 1 July 2010, the Valuation Service for Wales established by the Valuation Tribunals (Wales) Regulations 2005(2) or the VTW, or
- (c) an employee or member of the VTW,

the appeal must be dealt with by those members of the tribunal as may be appointed for that purpose by the President of the Valuation Tribunal for Wales.

(2) Where it appears to the President of the Valuation Tribunal for Wales that by reason of a conflict of interests, or the appearance of a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the tribunal, the President must appoint another tribunal to deal with that appeal.

**Arrangements for appeals**

**35.—**(1) The President of the Valuation Tribunal for Wales must ensure that arrangements are made for appeals under—

- (a) regulation 18,
- (b) regulation 24,

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(1) 1972 c. 70 to which there are amendments not relevant to these Regulations.

(2) S.I. 2005/3364 (W. 261), repealed by S.I. 2010/713 (W. 69).

- (c) paragraph 4 of Schedule 4A to the Act as it applies for the purposes of Part 3 of the Act (in these Regulations called an “appeal against a completion notice”). or
- (d) paragraph 5C of Schedule 9 to the Act (penalties),

to be determined under the following provisions of these Regulations.

(2) Where two or more appeals relating to the same hereditament or hereditaments are referred under regulation 24, the order in which the appeals are dealt with must be the order in which the alterations in question would, but for the disagreements which occasion the appeals, have applied.

(3) Where an appeal under regulation 24 and an appeal under regulation 13 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993<sup>(3)</sup> relate to the same property—

- (a) the President of the Valuation Tribunal must ensure those appeals are dealt with in the order which appears to the President to best secure the interests of justice,
- (b) the listing officer must be joined as a party to the appeal under regulation 24 of these Regulations, and
- (c) the VO must be joined as a party to the appeal under regulation 13 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993.

(4) The clerk must, as soon as is reasonably practicable, give written notice to any person who is made a party to an appeal under paragraph (3).

### **Withdrawal**

**36.**—(1) An appeal may be withdrawn at any time before the commencement of a hearing to consider the disposal of the proceedings or, where the VTW disposes of the proceedings without a hearing, before that disposal, where notice to that effect is given to the VTW by the appellant in writing.

(2) The clerk must notify the appellant when the clerk has received the notice of withdrawal under paragraph (1) and must serve a copy of the notice of receipt on all the other parties to the appeal.

(3) Where, after an appeal has been made to the VTW under regulation 24, the VO alters the list in accordance with the proposal to which the appeal relates, the VO must notify the VTW of that fact and the appeal must be treated as withdrawn on the date on which the notice is served on the VTW.

(4) Where, following the initiation of an appeal against imposition of a penalty, the VO decides to remit the penalty, the VO must notify the clerk accordingly, and the appeal must be deemed to have been withdrawn.

(5) Where an appeal has been withdrawn by the appellant, any other party to the appeal may apply to the VTW for the appeal to be reinstated.

(6) Any application for reinstatement of an appeal under paragraph (5) must be made in writing and be received by the VTW within 28 days after the date on which the VTW notifies each party under paragraph (2) of the withdrawal of the appeal.

### **Disposal by written representations**

**37.**—(1) An appeal under these Regulations may be disposed of on the basis of written representations if all the parties have given their agreement in writing.

(2) Where all the parties have given their agreement as mentioned in paragraph (1), the clerk must serve notice on the parties and within 28 days of service of that notice on them, each party may serve on the clerk a notice stating—

- (a) that party’s reasons or further reasons for the disagreement giving rise to the appeal, or

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(3) S.I. 1993/290, amended by S.I. 2010/713 (W. 69).

(b) that that party does not intend to make further representations.

(3) A copy of a notice served under paragraph (2) must be served by the clerk on the other party or parties to the appeal and must be accompanied by a statement of the effect of paragraphs (4) and (5).

(4) Any party on whom a notice is served under paragraph (3) may within 28 days of that service serve on the clerk a further notice stating their reply to the other party's statement, or that they do not intend to make further representations, as the case may be and the clerk must serve a copy of any further notice received on the other party or parties.

(5) After the end of 28 days beginning with the end of the period of 28 days mentioned in paragraph (4) the clerk must submit copies of—

- (a) any information transmitted to the clerk under these Regulations, and
- (b) any notice under paragraph (2) or (4),

to a valuation tribunal constituted as provided in regulation 43.

(6) The valuation tribunal to which an appeal is referred as provided in paragraph (5) may if it thinks fit—

- (a) require any party to furnish in writing further particulars of the grounds relied on and of any relevant facts or contentions;
- (b) order that the appeal be disposed of on the basis of a hearing.

(7) Where any party has furnished any particulars in response to a request by a valuation tribunal under paragraph (6)(a), the clerk must serve a copy of the particulars on every other party, and each of those other parties may, within 28 days of that service, serve on the clerk any further statement they wish to make in response.

### **Disposal without a hearing—where parties have come to an agreement**

**38.—**(1) The valuation tribunal may dispose of an appeal under these Regulations without a hearing if—

- (a) a party informs the valuation tribunal in writing—
  - (i) that all the parties have come to an agreement,
  - (ii) what that agreement is and the decision the valuation tribunal is asked to make, and
  - (iii) that all the parties agree for the appeal to be disposed of without a hearing and,
- (b) the clerk sends a notice to all parties to the proceedings stating—
  - (i) the valuation tribunal is minded to dispose of the appeal without a hearing,
  - (ii) the decision the valuation tribunal is minded to take, and
  - (iii) that any party can object to the appeal being disposed of without a hearing.

(2) If a notice is sent under paragraph (1)(b), a party may request to the clerk that the appeal be disposed of with a hearing.

(3) A request under paragraph (2) must be made in writing and received by the clerk within 28 days of the date on which the clerk sent a notice under paragraph (1)(b).

(4) The valuation tribunal must not dispose of an appeal without a hearing if—

- (a) in the opinion of the clerk, the appeal raises issues of public importance that require that a hearing be held,
- (b) a period of 28 days from which the notice under paragraph (1)(b) was sent has not elapsed, or
- (c) a party to the appeal has requested a hearing.

(5) The functions of the valuation tribunal under this regulation may be performed on its behalf by the clerk.

### **Pre-hearing review**

**39.** With a view to clarifying the issues to be dealt with at a hearing, a chairperson of the relevant valuation tribunal—

- (a) may on the application of a party or of the chairperson's own motion, not less than 28 days after giving notice to the parties order a pre-hearing review to be held, and
- (b) must endeavour at the pre-hearing review to secure that all the parties make reasonable admissions and agreements in relation to the proceedings.

### **Notice of hearing**

**40.**—(1) Where an appeal is to be disposed of on the basis of a hearing, the clerk must give the parties not less than 28 days' notice of the date, time and place appointed for the hearing.

(2) The clerk must conspicuously display a notice, advertising the date, time and place appointed for any hearing—

- (a) at the valuation tribunal's office,
- (b) on the valuation tribunal website,
- (c) outside an office of the relevant authority appointed by that authority, or
- (d) in another place within that authority's area.

(3) The notice required by paragraph (2) must name a place and the website where a list of the appeals to be heard may be inspected.

(4) Where the hearing of an appeal has been postponed, the clerk must take those steps which are practicable in the time available—

- (a) to notify the parties to the appeal of the postponement, and
- (b) to advertise the postponement.

### **Disqualification from participating**

**41.** A person must be disqualified from participating as a member of a valuation tribunal in the hearing or determination of an appeal or acting as clerk or officer of a valuation tribunal in relation to an appeal against a completion notice if they are a member of the relevant authority concerned.

### **Representation at the hearing**

**42.** Any party to an appeal which is to be decided at a hearing may appear in person (with assistance from any person they wish) or by any representative (other than a person who is a member, clerk or other employee of the VTW).

### **Conduct of the hearing**

**43.**—(1) Subject to paragraph (2), the VTW's functions of hearing or determining an appeal must be discharged by three members of the VTW, who must include at least one chairperson; and a chairperson must preside.

(2) Where all parties to an appeal who appear agree, the appeal may be decided by two members of a valuation tribunal, and despite the absence of a chairperson.

(3) The hearing must take place in public, unless the valuation tribunal orders otherwise 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 of an appeal to which a VO or a listing officer is a party, every other party fails to appear, the valuation tribunal may dismiss the appeal.

(5) If, at a hearing of an appeal against a completion notice, the appellant does not appear, the valuation tribunal may dismiss the appeal.

(6) If, at the hearing of an appeal, any party does not appear, the valuation tribunal may hear and determine the appeal in their absence.

(7) Unless the valuation tribunal determines otherwise—

(a) at the hearing of an appeal arising from an alteration of a list by the VO, the VO must begin the hearing, and

(b) at the hearing of an appeal against a completion notice, the relevant authority must begin the hearing,

and in any other case parties at the hearing may be heard in the order determined by the tribunal.

(8) Parties at the hearing may call witnesses before the valuation tribunal and examine any witnesses.

(9) A hearing may be adjourned to a time and place and on the terms (if any) as the valuation tribunal thinks fit; and reasonable notice of the time and place to which the hearing has been adjourned must be given to every party.

(10) A valuation tribunal may enter and inspect—

(a) the hereditament which is the subject of the appeal, and

(b) as far as is practicable, any comparable land or property to which the attention of the tribunal is drawn.

(11) But when a valuation tribunal intends to enter any premises in accordance with paragraph (10) it must give notice to the parties who are also entitled to be represented at the inspection; and where the tribunal deems it appropriate, that representation must be limited to one person to represent those parties having the same interest in the appeal.

(12) Subject to any provision of this Part, the valuation tribunal must—

(a) conduct the hearing in the manner it considers most suitable for the clarification of the issues before it, and generally to the just handling of the proceedings,

(b) as seems to it appropriate, seek to avoid formality in its proceedings, and

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

### **Appeal management powers**

**44.**—(1) Subject to any other provision in these Regulations, the VTW may regulate its own procedure.

(2) The VTW may give a direction in relation to the conduct or disposal of proceedings at any time, including a direction amending, suspending or setting aside an earlier direction.

(3) In particular, and without restricting the general powers in paragraphs (1) and (2), the VTW may —

(a) extend or shorten the time for complying with any regulation or direction under these Regulations;

- (b) consolidate or hear together two or more sets of proceedings or parts of proceedings raising common issues, or treat an appeal as a lead appeal;
  - (c) subject to paragraph (4), permit or require a party to amend a document;
  - (d) subject to regulations 48 and 50, permit or require a party or another person to provide documents, evidence, information, or submissions to the VTW or a party;
  - (e) deal with an issue in proceedings as a preliminary issue;
  - (f) hold a hearing to consider any matter, including a case management issue;
  - (g) decide the form of any hearing;
  - (h) adjourn or postpone a hearing;
  - (i) require a party to produce a bundle for a hearing;
  - (j) stay proceedings.
- (4) The VTW may permit or require a party to an appeal to amend a document under paragraph (3) only if the amendment is in order to correct an inaccuracy in the document.

#### **Procedure for applying for and giving directions**

**45.**—(1) The VTW may give a direction on the application of one or more of the parties or on its own initiative.

(2) An application for a direction may be made—

- (a) by sending or delivering a written application to the VTW, or
- (b) orally during the course of a hearing.

(3) An application for a direction must state the reason for making that application.

(4) Unless the VTW considers that there is good reason not to do so, the VTW must send written notice of any direction to every party and to any other person affected by the direction.

(5) If a party or any other person in receipt of a notice of direction under paragraph (4) wishes to challenge it, they may do so by applying for another direction which amends, suspends, or sets aside the first direction.

#### **Failure to comply with Regulations, etc**

**46.**—(1) An irregularity resulting from failure to comply with any requirement in these Regulations or a direction does not in itself render void the proceedings or any step taken in the proceedings.

(2) If a party has failed to comply with a requirement in these Regulations or a direction, the VTW may take such action as it considers just, which may include—

- (a) waiving the requirement;
- (b) requiring the failure to be remedied;
- (c) exercising the power under regulation 45.

#### **Striking out proceedings**

**47.**—(1) The proceedings, or the appropriate part of them will be automatically struck out if the appellant has failed to comply with a direction that stated that failure by a party to comply with the direction would lead to the striking out of the proceedings or that part of them.

(2) The VTW must strike out the whole or part of the proceedings if the VTW does not have jurisdiction in relation to the proceedings or that part of them.

- (3) The VTW may strike out the whole or part of the proceedings if —
- (a) the appellant has failed to co-operate with a direction that stated that failure by the appellant to comply with the direction could lead to the striking out of proceedings or that part of them;
  - (b) the appellant has failed to co-operate with the VTW to such an extent that the VTW cannot deal with the proceedings fairly and justly;
  - (c) the VTW considers there is no reasonable prospect of the appellant’s appeal or part of it, succeeding.
- (4) The VTW may not strike out the whole or part of the proceedings under paragraph (2) or (3)(b) or (c) without first giving the appellant an opportunity to make representations in relation to the proposed striking out.
- (5) As soon as reasonably practicable after the proceedings have been struck out, the VTW must send all parties notice of that decision in writing accompanied by a statement of the reasons for the striking out of the proceedings.
- (6) If the proceedings, or any part of them, have been struck out under paragraph (1) or (3)(a), the appellant may apply for the proceedings, or part of them, to be reinstated.
- (7) An application under paragraph (6) must be made in writing and received by the VTW within 28 days after the date on which the VTW sent notification of the striking out to the appellant.
- (8) This regulation applies to a party to the proceedings other than the appellant as it applies to the appellant except that—
- (a) a reference to a striking out of the proceedings is to be read as a reference to the barring of that other party from taking further part in the proceedings;
  - (b) a reference to an application for the reinstatement of proceedings which have been struck out is to be read as a reference to an application for the lifting of the bar on that other party from taking further part in the proceedings.
- (9) If a party other than the appellant has been barred from taking further part in the proceedings under this regulation and that bar has not been lifted, the VTW need not consider any response or other submission made by that party.

### **Evidence and Submissions**

- 48.**—(1) Subject to paragraph (2), the VTW may give directions as to—
- (a) issues on which it requires evidence or submissions;
  - (b) the nature of the evidence or submissions it requires;
  - (c) whether any parties are permitted or required to provide expert evidence;
  - (d) any limit on the number of witnesses whose evidence a party may put forward, whether in relation to a particular issue or generally;
  - (e) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given—
    - (i) orally at a hearing, or
    - (ii) by written submissions or witness statement;
  - (f) the time at which any evidence or submissions are to be provided.
- (2) The VTW may only direct a party to an appeal to provide evidence or submissions that relate to a matter included in —
- (a) the notice of appeal or any document accompanying the notice of appeal;
  - (b) new or further evidence admitted under regulation 50.

- (3) Subject to regulation 50, the VTW may—
- (a) admit evidence whether or not the evidence would be admissible in a civil trial in Wales;
  - (b) exclude evidence that would otherwise be admissible where—
    - (i) the evidence was not provided within the time allowed by a direction;
    - (ii) the evidence was provided in a manner that did not comply with a direction;
    - (iii) it would be unfair to admit the evidence.
- (4) Paragraph (5) applies to information supplied in pursuance of—
- (a) paragraph 5 of Schedule 9 to the 1988 Act;
  - (b) regulation 61 of these Regulations.
- (5) Information to which this paragraph applies must not be used in any relevant proceedings by a VO unless—
- (a) not less than 21 days' notice, specifying in relation to any information to be so used the documents or other media in or on which that information is held and the hereditament or hereditaments to which it relates, has previously been given to every other party to the proceeding, and
  - (b) any person who has given not less than 24 hours' notice of his intention to do so has been permitted, at any reasonable time—
    - (i) to inspect the documents or other media in or on which that information is held, and
    - (ii) to make a copy of, or of any extract from, any document containing that information;
  - (c) the information relates to a matter included in—
    - (i) the notice of appeal of any document accompanying the notice of appeal;
    - (ii) new or further evidence admitted under regulation 50.
- (6) Subject to paragraph (8), any person to whom notice relating to any hereditament has been given under paragraph (5)(a) ("P") may before the hearing serve notice on the VO specifying other hereditaments as being hereditaments which are comparable in character or otherwise relevant to P's case, and requiring the VO—
- (a) to permit P at any reasonable time specified in the notice to inspect and to make a copy of, any document, or of any extract from it, containing information to which this regulation applies which relates to those other hereditaments and is in the possession of the VO, and
  - (b) to produce at the hearing or to submit to the valuation tribunal those documents as before the hearing P has informed the VO that P requires.
- (7) The VTW may only admit as evidence documents produced or submitted under paragraph (6) (b) that relate to a matter included in—
- (a) the notice of appeal or any document accompanying the notice of appeal;
  - (b) new or further evidence admitted under regulation 50.
- (8) The number of hereditaments specified in a notice under paragraph (6) must not exceed four or, if greater, the number specified in the notice under paragraph (5)(a).
- (9) Nothing in paragraph (6) must be construed as requiring the making available for inspection, or copying, or the production of any document insofar as it contains information other than information which is reasonably required for the purposes of the relevant proceedings.
- (10) Where P has given notice to the VO under paragraph (6), and the VO refuses or fails to comply with the notice, P may apply to the VTW or, as the case may be, the arbitrator appointed to determine the appeal; and the VTW or the arbitrator may, if satisfied that it is reasonable to do so,



direct the VO to comply with the notice as respects all hereditaments or hereditaments specified in the notice or such of them as the VTW or the arbitrator may determine.

(11) If any document required to be made available for inspection in accordance with paragraph (6) is not maintained in documentary form, the duty to make it so available is satisfied if a print-out, photographic image or other reproduction of the document which has been obtained from the storage medium adopted in relation to the document is made available for inspection.

(12) In paragraphs (5) and (9), “relevant proceedings” means any proceedings on or in consequence of an appeal under these Regulations and any proceedings on or in consequence of a reference to arbitration under regulation 57.

### **Evidence of lists and other documents**

**49.** The contents of a list may be proved by the production of a copy of it, or of the relevant part, certified to be a true copy by the VO; and the contents of a completion notice may be proved by the production of a copy of it certified to be a true copy by the proper officer of the relevant authority.

### **Admission of new evidence**

**50.—**(1) The VTW may only admit evidence that was not included in the notice of appeal or any document accompanying the notice of appeal (“new evidence”) if—

- (a) that evidence—
  - (i) is provided by a party to the appeal,
  - (ii) relates to the ground on which the proposal was made, and
  - (iii) was not known to the party and could not reasonably have been acquired before the proposal was determined under Part 2 of these Regulations, or
- (b) all the parties to the appeal agree in writing to the party providing the new evidence.

(2) If the VTW admits new evidence under paragraph (1), the VTW may admit further evidence provided by another party to the appeal if the further evidence specifically relates to—

- (a) the new evidence, and
- (b) the grounds on which the proposal was made.

(3) A party which provides evidence under paragraph (1) or (2) must also provide that evidence to all the other parties to the appeal.

### **Decisions**

**51.—**(1) An appeal may be decided by a majority of the members participating; and where (pursuant to regulation 43(2)) it falls to be disposed of by two members and they are unable to agree, it must be remitted by the clerk to be decided by a valuation tribunal consisting of three different members.

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

- (3) As soon as reasonably practicable after a decision has been made, it must—
  - (a) in the case of a decision given orally, be confirmed, and
  - (b) in any other case, be communicated,

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

(4) But nothing in paragraph (3) requires notice to be given to a party if it would be repetitive of any copy record sent to that party under regulation 55.

(5) In the case of an appeal against a completion notice, the clerk must send notice of the decision to the VO for the relevant authority.

### **Orders**

**52.**—(1) On or after deciding an appeal under regulation 24, the valuation tribunal may, subject to paragraph (3), require a VO, in consequence of the decision, by order to alter a list in accordance with any provision made by or under the Act.

(2) The VO must comply with an order under paragraph (1) within the period of 14 days beginning on the day of its making.

(3) Where the decision is that a disputed rateable value should be an amount greater than—

- (a) the amount shown in the list at the date of the proposal, and
- (b) the amount contended for in the proposal,

the order must require the list to be altered with effect from the day on which the decision is given.

(4) But paragraph (3) does not apply where the order requires the list to be altered to show—

- (a) property previously rated as a single hereditament becoming liable to be rated in parts, or
- (b) property previously liable to be rated in parts becoming liable to be rated as a single hereditament, or
- (c) any part of a hereditament becoming part of a different hereditament.

(5) Where it appears that circumstances giving rise to an alteration ordered by a valuation tribunal have at the date of the decision ceased to exist, the order may require the alteration to be made in respect of a period that appears to the tribunal to be commensurate with the duration of those circumstances.

(6) An order under this regulation may require any matter ancillary to its subject-matter to be attended to.

### **Reduction or remitting penalty**

**53.**—(1) After determining an appeal against the imposition of a Schedule 9 penalty, the VTW may order the VO whose notice is the subject of the appeal to reduce or remit the penalty.

(2) After determining an appeal under regulation 18 against the imposition of a Part 2 penalty, the VTW may order the VO to remit the penalty.

### **Review of decisions**

**54.**—(1) A valuation tribunal constituted as provided in paragraph (4) has the power, on written application by a party, to review or set aside by certificate under the hand of the presiding member—

- (a) any decision on any of the grounds mentioned in paragraph (5), and
- (b) the decision on an appeal against a completion notice on the additional grounds mentioned in paragraph (6).

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

(3) But an application under paragraph (1) may be dismissed if it is not made within the period of 28 days beginning on the day on which notice is given (whether in accordance with regulation 51(3) or regulation 55(3)) of the decision in question.

(4) So far as is reasonably practicable, the valuation tribunal appointed to review a decision must consist of the same members as constituted the tribunal which took the decision.

- (5) The grounds referred to in paragraph (1)(a) are—
- (a) the decision was wrongly made as a result of clerical error;
  - (b) a party did not appear and can show reasonable cause why they did not do so;
  - (c) the decision is affected by a decision made by the High Court or the Upper Tribunal in respect of the hereditament which was the subject of the valuation tribunal's decision;
  - (d) there has been some procedural irregularity in the proceedings.

(6) The grounds mentioned in paragraph (1)(b) are that 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.

(7) If a valuation tribunal sets aside a decision under this regulation, it must revoke any order made in consequence of that decision and must order a re-hearing or redetermination before either the same or a different tribunal.

- (8) The clerk must as soon as reasonably practicable notify the parties to the appeal in writing of—
- (a) a determination that the valuation tribunal will not undertake a review under paragraph (1);
  - (b) the determination of the valuation tribunal, having undertaken a review under paragraph (1), that it will not set aside the decision concerned;
  - (c) the issue of any certificate under paragraph (1);
  - (d) the revocation of any order under paragraph (7).

(9) Where in relation to a decision about which an application under paragraph (1) is made, an appeal to the Upper Tribunal remains undetermined on the relevant day, the clerk must notify the Upper Tribunal as soon as reasonably practicable after the occurrence of the relevant event.

- (10) In paragraph (9)—

“the relevant day” (“*y diwrnod perthnasol*”) means the day on which, as the case may be,—

- (a) the application under paragraph (1) is made;
- (b) an event referred to in any of sub-paragraphs (a) to (d) of paragraph (8) occurs;

“the relevant event” (“*y digwyddiad perthnasol*”), in relation to a relevant day, means the event occurring on that day.

### **Records of decisions, etc**

**55.**—(1) The clerk must make arrangements for each decision, each order made under regulations 52 and 53 and the effect of each certificate and revocation under regulation 54 to be recorded.

(2) Records may be kept in any form, whether documentary or otherwise, and must contain the particulars specified in the Schedule to these Regulations.

(3) A copy, in documentary form, of the relevant entry in the record must, as soon as reasonably practicable after the entry has been made, be sent (by post, fax or electronic communication) to each party to the appeal to which the entry relates.

(4) Each record must 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 valuation tribunal concerned 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 records intentionally obstructs a person in exercising the right conferred by paragraph (5) that person is 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 must 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 certified by the clerk to be a true copy of a record of that valuation tribunal is, unless the contrary is proved, sufficient evidence of the document and of the facts it records.

## Appeals

**56.**—(1) An appeal lies to the Upper Tribunal in respect of a decision or order which is given or made by a valuation tribunal on—

- (a) an appeal under regulation 24;
- (b) an appeal against a completion notice;
- (c) an appeal under paragraph 5C of Schedule 9 to the Act.

(2) An appeal does not lie to the Upper Tribunal in respect of a decision or order given or made by the VTW on appeal under regulation 18.

(3) An appeal under paragraph (1) against a decision or order may be made by any party—

- (a) who appeared at the hearing or, if the appeal was disposed of by written representations, who made such representations, or
- (b) whose application for the review of the decision on the ground set out in regulation 54(5)(b), has been determined by the valuation tribunal as mentioned in regulation 54(8)(b).

(4) An appeal under paragraph (1) may be dismissed if it is not made within 28 days of the date on which notice is given of the decision or order that is the subject matter of the appeal.

(5) But where—

- (a) in relation to an application under paragraph (1) of regulation 54 (review of decisions) made within 28 days of the date on which notice was given of the decision which is the subject matter of the appeal, notice is given as mentioned in paragraph (8)(a) of that regulation, or
- (b) notice is given as mentioned in paragraph (8)(b) of that regulation,

the appeal may be dismissed if it is not made within 28 days of the service of the notice under paragraph (8)(a) or (b) of that regulation.

(6) The Upper Tribunal may confirm, vary, set aside, revoke or remit the decision or order of the valuation tribunal, and may make any order the tribunal could have made.

(7) The VO must act in accordance with any order made by the Upper Tribunal; and paragraph 9 of Schedule 11 to the Act applies subject to this requirement.

## Arbitration

**57.**—(1) Where at any time before the beginning of a hearing or the consideration by a valuation tribunal of written representations it is agreed in writing between the persons who, if a dispute were to be the subject of an appeal to the tribunal, would be the parties to the appeal, the matter must be referred to arbitration.

(2) In any arbitration under this regulation, the award may include any order which could have been made by a valuation tribunal in relation to the matter; and paragraph 9 of Schedule 11 to the Act applies to such an order as it applies to an order recorded under these Regulations.

### **Notification of further proceedings**

**58.**—(1) Where a VO—

- (a) applies to a valuation tribunal under regulation 54 for the review of a decision in consequence of which an order requiring the alteration of a list was made, or
- (b) appeals to the Upper Tribunal under regulation 56 against a decision in consequence of which an order was made, or against an order,

the VO must, at the same time or as soon as reasonably practicable thereafter, notify the authority concerned of the application or appeal.

(2) In paragraph (1), the authority concerned—

- (a) where the application or appeal relates to the alteration of a local list, is the relevant authority for whose area the list was compiled;
- (b) in any other case, is the Welsh Ministers.

(3) Where a VO appeals to the Upper Tribunal as mentioned in paragraph (1)(b) or receives notice of an appeal instituted by another party the VO must, at the same time or as soon as reasonably practicable thereafter, notify the clerk to the relevant valuation tribunal of the appeal.

(4) Where, in relation to a decision or order made on an appeal against a completion notice, an authority appeals to the Upper Tribunal under regulation 56 or receives notice of an appeal instituted by another party it must, at the same time, or as soon as reasonably practicable thereafter, notify the clerk to the relevant valuation tribunal of the appeal.