
STATUTORY INSTRUMENTS

2009 No. 2269

The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009

PART 4

PROCEEDINGS BEFORE THE VTE

CHAPTER 2

Hearings and inspection of premises

Decision with or without a hearing

29.—(1) Subject to the following paragraphs, the VTE must hold a hearing before making a decision which disposes of proceedings unless—

- (a) each party has consented to, or has not objected to, the matter being decided without a hearing; and
- (b) the VTE considers that it is able to decide the matter without a hearing.

(2) The VTE may in any event dispose of proceedings without a hearing under regulation 10 (striking out proceedings).

Notice of hearing

30.—(1) The VTE must give each party entitled to attend a hearing reasonable notice of the time and place of the hearing (including any adjourned or postponed hearing) and any changes to the time and place of the hearing.

(2) The period of notice under paragraph (1) must be at least 14 days except that the VTE may give shorter notice—

- (a) with the parties' consent; or
- (b) in urgent or exceptional circumstances.

Public and private hearings

31.—(1) Subject to the following paragraphs, all hearings must be held in public.

(2) The VTE or the VTE panel may give a direction that a hearing, or part of it, is to be held in private.

(3) Where a hearing, or part of it, is to be held in private, the VTE or the VTE panel may determine who is permitted to attend the hearing or part of it.

(4) Where the VTE or the VTE panel considers—

- (a) that the conduct of any person is likely to disrupt the hearing;

(b) that the presence of any person is likely to prevent another person from giving evidence or making submissions freely; or

(c) that the presence of any person is likely to defeat the purpose of the hearing,

the VTE or the VTE panel (as the case may be) may give a direction excluding the person from any hearing, or part of it.

(5) The VTE panel may give a direction excluding from any hearing, or part of it any person whose conduct the VTE panel considers is disrupting the hearing.

(6) The VTE or the VTE panel may give a direction excluding a witness from a hearing until that witness gives evidence.

Hearing in a party's absence

32. If a party fails to attend a hearing the VTE panel may proceed with the hearing if—

(a) it is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing; and

(b) it considers that it is in the interests of justice to proceed with the hearing.

Appeals relating to validity of proposals

33. Where at the hearing of an appeal under regulation 10 of the CT Regulations or regulation 13 of the NDR Regulations (disagreement as to proposed alteration)—

(a) the LO or, as the case may be, the VO contends that the proposal was not validly made; and

(b) the VTE panel does not uphold the contention,

the VTE panel must not immediately proceed to deal with the appeal unless every party present or represented at the hearing so agrees.

Entry and inspection of premises

34.—(1) Subject to paragraph (2), the VTE panel may enter and inspect—

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

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

(2) When the VTE panel intends to enter any premises in accordance with paragraph (1) it must give notice to the parties, who shall be entitled to be represented at the inspection.

(3) Where the VTE panel considers it appropriate, representation at an inspection shall be limited to one person to represent those parties having the same interest in the appeal.