
STATUTORY INSTRUMENTS

2009 No. 2269

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

PART 5

CORRECTING, REVIEWING, SETTING ASIDE AND APPEALING DECISIONS

Reviewing and setting aside decisions

40.—(1) A party may apply to the VTE in writing for the review of the whole or part of a decision which disposes of proceedings on an appeal.

(2) The VTE President may direct that a review be undertaken of the whole or part of a decision which disposes of proceedings on an appeal.

(3) An application under paragraph (1)—

- (a) must be made within 28 days of the date on which notice of the decision was sent; and
- (b) must be considered by the VTE President.

(4) The VTE President shall not grant an application under paragraph (1) unless at least one of the conditions in paragraph (5) is satisfied.

(5) The conditions referred to in paragraph (4) are—

- (a) a document relating to the proceedings was not sent to, or was not received at an appropriate time by, a party or a party's representative;
- (b) a document relating to the proceedings was not sent to the VTE at an appropriate time;
- (c) a party or its representative was not present at a hearing relating to the proceedings and the party shows reasonable cause for its or its representative's absence;
- (d) there has been some other procedural irregularity in the proceedings;
- (e) the decision is affected by a decision of, or on appeal from, the Upper Tribunal or the High Court;
- (f) where the decision relates to an appeal against a completion notice, new evidence, whose existence could not have been discovered by reasonable inquiry or could not have been foreseen, has become available since the conclusion of the proceedings.

(6) Where an application under paragraph (1) is granted or a direction is given under paragraph (2), the VTE shall review the decision or part that is the subject of the review; and if it considers—

- (a) that any of the conditions specified in paragraph (5) is satisfied; and
- (b) that it is in the interests of justice to do so,

the VTE shall set aside the decision or part.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) Tribunal business arrangements⁽¹⁾ shall apply in relation to the selection of members of the VTE to review a decision or part of a decision as if the review were an appeal.

(8) If the VTE sets aside a decision it must revoke any order made in consequence of the decision and notify the parties in writing of the revocation.

(9) The VTE must notify the parties in writing—

- (a) of the result of an application under paragraph (1);
- (b) of the result of a review under paragraph (6); and
- (c) if, under paragraph (8), it revokes an order.

(10) Where, on the day on which an application under paragraph (1) is made, an appeal to the Upper Tribunal or the High Court in relation to the same issue as is the subject of the application remains undetermined, the VTE shall notify the Upper Tribunal or the High Court as soon as reasonably practicable—

- (a) after the application is made; and
- (b) after notice is given under any sub-paragraph of paragraph (9).

(1) 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.