
WELSH STATUTORY INSTRUMENTS

2005 No. 3364

The Valuation Tribunals (Wales) Regulations 2005

PART 5

Council Tax Appeals

Review of decisions

39.—(1) Subject to paragraphs (2) and (3), a Tribunal constituted as provided in paragraph (4) will have 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) a decision on an appeal against a completion notice, on the additional ground mentioned in paragraph (6).

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

(3) An application under paragraph (1) may be dismissed if it is not made within the period of four weeks beginning on the day on which notice is given (whether in accordance with regulation 37(3) or regulation 40(3)) of the decision in question.

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

(5) The grounds referred to in paragraph (1)(a) are—

- (a) that the decision was wrongly made as a result of clerical error;
- (b) that a party did not appear and can show reasonable cause why that party did not do so; and
- (c) that the decision is affected by a decision of, or a decision on appeal from, the High Court or the Lands Tribunal in relation to an appeal in respect of the dwelling which, or, as the case may be, the person who, was the subject of the Tribunal's decision.

(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 Tribunal sets aside a decision in pursuance of 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 Tribunal will not undertake a review under paragraph (1);
- (b) the determination of the 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); and

(d) the revocation of any order under paragraph (7).

(9) 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 Clerk must notify the High Court as soon as reasonably practicable after the occurrence of the relevant event.

(10) In paragraph (9)—

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

(a) the application under paragraph (1) is made;

(b) the event referred to in any of sub-paragraphs (a) to (d) of paragraph (8) occurs; and

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

(11) In this regulation, “member” (“*aelod*”) means a member of a Tribunal constituted in accordance with regulation 34.