
WELSH STATUTORY INSTRUMENTS

2005 No. 758

The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005

PART 5

Appeals: General

Review of decisions

35.—(1) Subject to paragraphs (2) and (3), a valuation tribunal constituted as provided in paragraph (4) shall 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) 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 Lands Tribunal.

(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 33(3) or regulation 36(3)) of the decision in question.

(4) So far as is reasonably practicable, the valuation tribunal appointed to review a decision shall 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 he did not do so; and
- (c) that the decision is affected by a decision of, or on appeal from, the High Court or the Lands Tribunal in relation to an appeal in respect of the hereditament which was the subject of the valuation 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 valuation 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 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); 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 Lands Tribunal remains undetermined on the relevant day, the clerk must notify the Lands Tribunal as soon as reasonably practicable after the occurrence of the relevant event.

(10) In paragraph (9) —

“the relevant day” 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; and

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