
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 382

**The Valuation Appeal Committee (Procedure in
Civil Penalty Appeals) (Scotland) Regulations 2020**

Consideration of appeals

8.—(1) Where either the appellant or the respondent has required that a hearing be arranged, the secretary must arrange with the chair of the valuation appeal panel for a hearing date to be set.

(2) Where neither the appellant nor the respondent has required that a hearing be arranged—

- (a) the secretary must arrange with the chair of the valuation appeal panel for a committee to decide the appeal without a hearing,
- (b) that decision must not be made within 14 days of the date the respondent notifies the appeal to the secretary (see regulation 6(1)), and
- (c) no hearing may subsequently be held unless a party requests a hearing and a committee decides that a hearing is required.

(3) Whether or not a hearing is required, the committee must aim to decide the appeal within 12 weeks of the date on which the secretary was notified of the appeal.

(4) Where a hearing is to be held (whether in accordance with paragraph (1) or (2)(c)), the secretary must give the parties at least 28 days' notice in writing of the date, time and place at which the appeal is to be held including, where the appeal is to be held by telephone or electronic means, the arrangements by which the hearing will be conducted, and must advertise the date, time and place on an appropriate website.

(5) Subject to paragraph (6), the written material to be used to decide the appeal is to be—

- (a) that submitted to the secretary in accordance with regulation 6, including any comments submitted by the appellant as provided for by sub-paragraph (b) of regulation 6(4) (whether or not submitted within the period mentioned in that sub-paragraph), and
- (b) any further written information submitted by either party, but only if the committee considers that it is appropriate in all the circumstances to have regard to it.

(6) Where the committee considers that it needs further written information to decide the appeal, it may request that information from either party and have regard to any information provided as a result of that request.

(7) Where the committee requests further information from any party in a case where no hearing is being held, it must—

- (a) advise the party from whom it is requested of the deadline by which it has to be provided, otherwise the committee may decline to have regard to it or proceed without it,
- (b) notify the request to the other party,
- (c) where the appellant has submitted written comments as provided for by regulation 6(4)(b), give the respondent a copy of those comments, and
- (d) before having regard to any further information submitted in response to the request, provide a copy to the other party and advise that party of a period within which they may provide comments on the information submitted, which period must be at least 14 days.