
STATUTORY INSTRUMENTS

2017 No. 155

The Non-Domestic Rating (Alteration of Lists and Appeals) (England) (Amendment) Regulations 2017

Insertion of regulations 13A to 13E

16. After regulation 13 of the 2009 Regulations insert—

“Making an appeal to the VTE

13A.—(1) A proposer may appeal to the VTE on either or both of the grounds set out in paragraph (2) if—

- (a) the VO has decided under regulation 13 not to alter the list;
- (b) the VO has decided under regulation 13 to alter the list otherwise than in accordance with the proposal; or
- (c) the VO has not made a decision under regulation 10 or 13 and—
 - (i) the proposal is not withdrawn under regulation 11;
 - (ii) there is no agreement under regulation 12; and
 - (iii) the period of 18 months beginning with the date on which the proposal was made (or any longer period agreed in writing by the VO and the proposer) has elapsed.

(2) The grounds are—

- (a) the valuation for the hereditament is not reasonable;
- (b) the list is inaccurate in relation to the hereditament (other than in relation to the valuation).

(3) In this regulation, “valuation” means the rateable value as determined under Schedule 6 to the Act.

Time for making an appeal to the VTE

13B.—(1) A proposer may only make an appeal following a decision of the VO under regulation 13 within the period of 4 months beginning with the date of the decision notice under that regulation.

(2) A proposer may only make an appeal in the circumstances set out in regulation 13A(1)(c) within the period of 4 months beginning with the date on which—

- (a) the period of 18 months mentioned in regulation 13A(1)(c)(iii) has elapsed; or
- (b) any longer period agreed under that regulation has elapsed.

Notice of appeal

13C.—(1) An appeal must be made by serving a notice of appeal on the VTE—

- (a) using the VTE’s electronic portal; or

- (b) in another manner agreed with the VTE.
- (2) A notice of appeal must—
 - (a) set out the grounds of the appeal; and
 - (b) identify which particulars of the grounds of the proposal have not been agreed with the VO.
- (3) A notice of appeal must be accompanied by—
 - (a) if a decision has been given under regulation 13, a copy of that decision;
 - (b) a copy of the proposal including any further evidence provided by the proposer under regulation 9;
 - (c) any evidence or information provided to the proposer by the VO under regulation 9; and
 - (d) the fee (if any) payable under regulation 13D(1).
- (4) If a proposer serves the notice of appeal on the VTE later than the time for making the appeal specified in regulation 13B or allowed by an extension of time under regulation 6(3) (a) of the Procedure Regulations, the notice of appeal must be accompanied by a request for an extension of time and the reason the notice of appeal was not served in time.
- (5) As soon as reasonably practicable after receiving a notice of appeal, the VTE must send a copy of the notice of appeal to—
 - (a) the VO; and
 - (b) any parties to the appeal.

Payment of appeal fees

- 13D.**—(1) Subject to paragraph (2), the fee payable on making an appeal following a decision of the VO under regulation 13 is—
- (a) for a smaller proposer, £150;
 - (b) for any other proposer, £300.
- (2) A fee is not payable for an appeal in the circumstances set out in regulation 13A(1)(c).
- (3) Any fees paid under this regulation must be paid into the Consolidated Fund.

Refund of appeal fees

- 13E.**—(1) A fee paid under regulation 13D must be refunded in full if—
- (a) the VTE decides that one or more grounds of the appeal are made out⁽¹⁾;
 - (b) the VTE makes a consent order under regulation 35 of the Procedure Regulations; or
 - (c) an appeal is treated as withdrawn under regulation 19A(7) of those Regulations.
- (2) A fee paid under regulation 13D must be refunded in part in accordance with paragraph (3) if—
- (a) the appeal is decided under the Procedure Regulations without a hearing; and
 - (b) paragraph (1) does not apply.
- (3) The amount of the refund is—

(1) Under regulation 36(3) of the Procedure Regulations, a written statement of the VTE panel's reasons for the decision must specify which if any grounds of the appeal are made out.

- (a) for a smaller proposer, £50;
- (b) for any other proposer, £100.”.