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WELSH STATUTORY INSTRUMENTS

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**2005 No. 758**

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

**PART 5**

Appeals: General

**Conduct of the hearing**

**30.**—(1) Subject to paragraph (2), a valuation tribunal's functions of hearing or determining an appeal shall be discharged by three members of the tribunal, who shall include at least one chairman; and a chairman shall preside.

(2) Where all parties to an appeal who appear so agree, the appeal may be decided by two members of a valuation tribunal, and notwithstanding the absence of a chairman.

(3) The hearing shall take place in public, unless the valuation tribunal orders otherwise on the application of a party, and on being satisfied that the interests of that party would be prejudicially affected.

(4) If at a hearing of an appeal to which a valuation officer or a listing officer is a party every other party fails to appear, the valuation tribunal may dismiss the appeal.

(5) If, at a hearing of an appeal against a completion notice, the appellant does not appear, the valuation tribunal may dismiss the appeal.

(6) If, at the hearing of an appeal, any party does not appear, the valuation tribunal may hear and determine the appeal in his absence.

(7) The valuation tribunal may require any witness to give evidence by oath or affirmation, and shall have power for that purpose to administer an oath or affirmation in due form.

(8) Unless the valuation tribunal determines otherwise —

- (a) at the hearing of an appeal under regulation 8, or arising from an alteration of a list by the valuation officer, the valuation officer shall begin the hearing; and
- (b) at the hearing of an appeal against a completion notice, the relevant authority shall begin the hearing;

and in any other case parties at the hearing may be heard in such order as the tribunal may determine.

(9) Parties at the hearing may examine any witness before the valuation tribunal and call witnesses.

(10) A hearing may be adjourned to such time and place and on such terms (if any) as the valuation tribunal thinks fit; and reasonable notice of the time and place to which the hearing has been adjourned shall be given to every party.

(11) Subject to paragraph (12), a valuation tribunal may enter and inspect —

- (a) the hereditament which is the subject of the appeal, and

(b) as far as is practicable, any comparable land or property to which the attention of the tribunal is drawn.

(12) When a valuation tribunal intends to enter any premises in accordance with paragraph (11) it shall give notice to the parties who shall be entitled to be represented at the inspection; and where the tribunal deems it appropriate, such representation shall be limited to one person to represent those parties having the same interest in the appeal.

(13) Where at the hearing of an appeal under regulation 13 —

(a) the valuation officer contends that the proposal was not validly made; and

(b) the valuation tribunal does not uphold his contention,

the tribunal shall not immediately proceed to determine the appeal unless every party so agrees.

(14) Subject to any provision of this Part, the valuation tribunal —

(a) shall conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it, and generally to the just handling of the proceedings;

(b) shall, so far as appears to it appropriate, seek to avoid formality in its proceedings; and

(c) shall not be bound by any enactment or rule of law relating to the admissibility of evidence before courts of law.