
WELSH STATUTORY INSTRUMENTS

2023 No. 350

The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023

PART 5

Appeals: General

Evidence and Submissions

- 48.**—(1) Subject to paragraph (2), the VTW may give directions as to—
- (a) issues on which it requires evidence or submissions;
 - (b) the nature of the evidence or submissions it requires;
 - (c) whether any parties are permitted or required to provide expert evidence;
 - (d) any limit on the number of witnesses whose evidence a party may put forward, whether in relation to a particular issue or generally;
 - (e) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given—
 - (i) orally at a hearing, or
 - (ii) by written submissions or witness statement;
 - (f) the time at which any evidence or submissions are to be provided.
- (2) The VTW may only direct a party to an appeal to provide evidence or submissions that relate to a matter included in —
- (a) the notice of appeal or any document accompanying the notice of appeal;
 - (b) new or further evidence admitted under regulation 50.
- (3) Subject to regulation 50, the VTW may—
- (a) admit evidence whether or not the evidence would be admissible in a civil trial in Wales;
 - (b) exclude evidence that would otherwise be admissible where—
 - (i) the evidence was not provided within the time allowed by a direction;
 - (ii) the evidence was provided in a manner that did not comply with a direction;
 - (iii) it would be unfair to admit the evidence.
- (4) Paragraph (5) applies to information supplied in pursuance of—
- (a) paragraph 5 of Schedule 9 to the 1988 Act;
 - (b) regulation 61 of these Regulations.
- (5) Information to which this paragraph applies must not be used in any relevant proceedings by a VO unless—
- (a) not less than 21 days' notice, specifying in relation to any information to be so used the documents or other media in or on which that information is held and the hereditament

or hereditaments to which it relates, has previously been given to every other party to the proceeding, and

- (b) any person who has given not less than 24 hours' notice of his intention to do so has been permitted, at any reasonable time—
 - (i) to inspect the documents or other media in or on which that information is held, and
 - (ii) to make a copy of, or of any extract from, any document containing that information;
- (c) the information relates to a matter included in—
 - (i) the notice of appeal of any document accompanying the notice of appeal;
 - (ii) new or further evidence admitted under regulation 50.

(6) Subject to paragraph (8), any person to whom notice relating to any hereditament has been given under paragraph (5)(a) (“P”) may before the hearing serve notice on the VO specifying other hereditaments as being hereditaments which are comparable in character or otherwise relevant to P’s case, and requiring the VO—

- (a) to permit P at any reasonable time specified in the notice to inspect and to make a copy of, any document, or of any extract from it, containing information to which this regulation applies which relates to those other hereditaments and is in the possession of the VO, and
- (b) to produce at the hearing or to submit to the valuation tribunal those documents as before the hearing P has informed the VO that P requires.

(7) The VTW may only admit as evidence documents produced or submitted under paragraph (6) (b) that relate to a matter included in—

- (a) the notice of appeal or any document accompanying the notice of appeal;
- (b) new or further evidence admitted under regulation 50.

(8) The number of hereditaments specified in a notice under paragraph (6) must not exceed four or, if greater, the number specified in the notice under paragraph (5)(a).

(9) Nothing in paragraph (6) must be construed as requiring the making available for inspection, or copying, or the production of any document insofar as it contains information other than information which is reasonably required for the purposes of the relevant proceedings.

(10) Where P has given notice to the VO under paragraph (6), and the VO refuses or fails to comply with the notice, P may apply to the VTW or, as the case may be, the arbitrator appointed to determine the appeal; and the VTW or the arbitrator may, if satisfied that it is reasonable to do so, direct the VO to comply with the notice as respects all hereditaments or hereditaments specified in the notice or such of them as the VTW or the arbitrator may determine.

(11) If any document required to be made available for inspection in accordance with paragraph (6) is not maintained in documentary form, the duty to make it so available is satisfied if a print-out, photographic image or other reproduction of the document which has been obtained from the storage medium adopted in relation to the document is made available for inspection.

(12) In paragraphs (5) and (9), “relevant proceedings” means any proceedings on or in consequence of an appeal under these Regulations and any proceedings on or in consequence of a reference to arbitration under regulation 57.

Commencement Information

II Reg. 48 in force at 1.4.2023, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023, Section 48.