

VTW BEST PRACTICE PROTOCOL 1D

POSTPONEMENT and ADJOURNMENT

Introduction

1. The deferral of the hearing of an appeal may be actioned either by a postponement or an adjournment.

Legislation

- Regulations 27(4) and 30(10) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005 (SI 2005/758)
- Regulations 34(4) and 37(7) of the Valuation Tribunal for Wales Regulations 2010 (SI 2010/713)
- Regulations 22(4) and 25(9) of the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (SI 1993/290)

Postponement

2. The postponement of the hearing of an appeal is an administrative action that may be exercised prior to a hearing.
3. The Valuation Tribunal for Wales (VTW) may postpone the hearing of an appeal due to unforeseen circumstances. Should this become necessary, parties will be informed as soon as practicable.
4. Upon application by a party, having secured support from all other parties, a request for postponement of an appeal can be made, in writing, to the VTW.
5. The VTW will consider the following matters when an application for postponement is received;
 - The main reason for the request e.g. disagreement of facts, outstanding superior court decision etc.;
 - has sufficient progress been made by the party(ies) concerned;
 - will any party be disadvantaged by the deferral;
 - has the appeal been adjourned or postponed previously;
 - how much notice of the hearing date was given;
 - the timeliness of the request;
 - the other party's support for or reasoned objection to the request.
6. Postponements will generally be granted where the VTW considers the request is reasonable.

7. Should the request be deemed unreasonable and the postponement refused, parties will be informed in writing and may apply for an adjournment at the scheduled hearing.

Adjournment

8. The action of an **Adjournment** is a judicial decision of the Tribunal.
9. The Tribunal may adjourn an appeal for the following reasons;
 - The reasoning for a refused postponement is clarified and deemed justifiable or the objections of the parties are felt unreasonable. **[Parties should not presume that a Tribunal will automatically grant an adjournment and should be prepared to proceed should they be asked to do so].**
 - insufficient exchange of evidence between parties;
 - it becomes apparent that facts have not been agreed;
 - insufficient time to complete the hearing of the appeal;
 - an inspection is deemed necessary.

This list is not exhaustive.

10. The Tribunal will consider every case on its merit.