

# VTW BEST PRACTICE PROTOCOL 2A(a)

## REMOTE HEARINGS THROUGH THE USE OF VIDEO CONFERENCING SOFTWARE

### Introduction

1. This Protocol supplements the provisions contained in Protocol 2A. It seeks to provide basic guidance regarding the implementation of remote hearings and applies to hearings for all types of appeals within the jurisdiction of the Valuation Tribunal for Wales (VTW).
2. Hearings conducted in accordance with this Protocol should be treated for all other purposes as a hearing in accordance with the prevailing legislation.

### Legislation

- Regulation 25 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (SI 1993/290)
- Regulation 30 of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005 (SI 2005/758)
- Regulation 37 of the Valuation Tribunal for Wales Regulations 2010 (SI 2010/713)

### General

3. In accordance with the provisions of the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011, the VTW treats Welsh and English on an equal basis. If you have a language preference, or you require a translator or signer, you should contact the VTW at least **two weeks** prior to the hearing.
4. Remote hearings via video link will only take place where suitable facilities are available to all parties concerned and the VTW.
5. The VTW will provide all parties with as much notice as possible of the date of any remote hearing. Video conference login details will be sent to the parties **three working days** before the hearing. The default video conferencing application software will be Zoom. Microsoft Teams may be used provided all parties agree to using this application and inform the Tribunal of this agreement at least **four working days** prior to the hearing.
6. If it becomes apparent that a remote hearing is not possible due to either the length of the hearing or number of parties and/or witnesses to be involved, the hearing will be deferred to such a time as it is possible to hold an attended hearing safely.

7. If a party disagrees with the proposal to hear a case remotely, they may:
  - a. have their appeal determined under the Tribunal's written representations procedure so long as all parties to the appeal agree to using this process;
  - b. ask that their appeal is heard in their absence via written submission;
  - c. seek a postponement to such a time as it is possible for them to attend a hearing safely in person.
8. Parties wishing to proceed with a hearing by video link should ensure that their surroundings are quiet and there is an absence of potential for distraction (i.e. phones ringing or interruption by other persons).

### **Submission of documentation prior to the hearing**

9. Parties proceeding with a remote hearing should, where possible, prepare an electronic bundle of documents. Each electronic bundle should be indexed and paginated and should be provided to the Clerk and all other parties at least **five working days** prior to the hearing.
10. Electronic bundles should contain only documents that are essential to the remote hearing, as large electronic files can be slow to transmit and unwieldy to use.
11. If you are unable to provide electronic documentation you should provide a printed bundle. You must ensure that the Tribunal and the other parties receive copies of the bundle at least **five working days** prior to the hearing. The Tribunal requires four copies (i.e. one for each of the three tribunal members and one for the tribunal clerk).
12. Failure by any party to provide an electronic or printed bundle at least five working days prior to the hearing will result in the party concerned having to attend the hearing to explain why this requirement has not been complied with. The Tribunal will then determine whether it will proceed with the hearing or adjourn it for a period of time. This applies both where the bundle arrives late or not at all.

### **Video recording of the hearing**

13. The hearing will be recorded by the VTW, for internal use only. Requests for copies of the hearing will not be entertained.