

# VTW BEST PRACTICE PROTOCOL 2C

## APPELLANT'S NON – ATTENDANCE

### Introduction

1. The regulations allow any party to appear in person or be represented at a hearing.
2. A party wishing the appeal to proceed in their absence, may:
  - Appoint a representative to appear on their behalf, or
  - provide a written submission to be considered in their absence.

### Legislation

- Regulation 29 of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005 (SI 2005/758)
- Regulation 25 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (SI 1993/290)
- Regulation 36 of the Valuation Tribunal for Wales Regulations 2010 (SI 2010/713)

### Representative

3. Where the party has appointed a representative to appear on their behalf, they **must** inform the Valuation Tribunal for Wales (VTW) immediately.
4. Any party who is not going to be present at the tribunal hearing, **must** provide their representative with written authority to act on their behalf.
5. Failure to properly inform the VTW could result in an adjournment of the appeal hearing.

### Written Submissions

6. Where the party has elected not to appear or to be represented, they may present their argument by written submission.
7. For the appeal to proceed by written submission, it is necessary for the party to provide the VTW with a **copy of their evidence/arguments at least 2 working days before the Tribunal hearing.**

8. A written submission may contain:
  - a statement of the issue(s) in dispute
  - an explanation of the decision sought from the Tribunal/Appeal Panel
  - details of the arguments and evidence relied upon, these may include legal arguments/legislation/case law
  - copies of any relevant documents
9. The VTW, on receipt of the written submission, will forward a copy to the other party(ies) for information.
10. Copies of the written submission will be presented to the Tribunal/Appeal Panel for consideration on the hearing day.
11. If the appellant does not attend/is not represented and has not provided a written submission, the Tribunal/Appeal Panel may:
  - hear the appeal in the absence of the appellant
  - adjourn the hearing
  - dismiss the appeal [if every other party to an appeal fails to appear except the Valuation Officer/Listing Officer/Billing Authority]
12. Where the Tribunal/Appeal Panel has dismissed the appeal, the appellant may request that decision be set aside if they can show good reason why they were absent.