

VTW BEST PRACTICE PROTOCOL 2A

CONDUCT OF THE HEARING

Introduction

1. The Tribunal/Appeal Panel must 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; and must so far as appears to it appropriate, seek to avoid formality in its proceedings.
2. The presumption will be that all parties will attend by video link, unless a party indicates on the proforma provided with the Notice of Hearing that they wish to attend physically at the tribunal's hearing location (see the appendix 1 for a copy of the proforma).

IMPORTANT: For more information about the pre-hearing requirements for Video Hearings, please refer to Protocol 2A(a).

Legislation

The statutory provisions for valuation tribunal hearings are found in:

- 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. The Tribunal/Appeal Panel's normal order of proceedings will be outlined to the parties by the tribunal clerk prior to the commencement of the hearing; however, the Tribunal/Appeal Panel may conduct the hearing as it sees fit. Any departure is to be noted within the reasons for decision.
4. In accordance with the provisions of the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011, the Valuation Tribunal for Wales (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.
5. Parties who appear at the hearing but who have failed to adhere to the procedures outlined in Protocol 1F (paragraph 5) must:

- if attending by video link, be able to present clearly via the video link (ie by screen-sharing), any documentation that they rely on, or
- if attending physically at the hearing's location, ensure that they have sufficient copies of all such documentation with them. (Three copies are required for the Tribunal, one for the tribunal clerk and one copy for each other party to the appeal.)

IMPORTANT: Parties who physically attend the hearing should note that if the evidence they present has not been seen by a party attending via video link the Tribunal may have no option but to adjourn the proceedings.

6. The Tribunal has absolute discretion whether to proceed with the hearing or not where parties fail to adhere to Protocol 1F.
7. Parties wishing their appeal to be heard in their absence should provide sufficient copies of their submission at least five working days prior to the hearing.
8. In general terms, the burden of proof rests with the party seeking redress.
9. The Tribunal/Appeal Panel will treat all parties equally.
10. Before the hearing itself, the parties will be greeted and admitted into the hearing room by the tribunal clerk. The Tribunal/Appeal Panel may already be present or may enter at a later stage. It is unnecessary for persons at the hearing location to stand when the Tribunal/Appeal Panel enters or leaves or when addressing it or asking questions.
11. Any health or safety announcements will be made by the tribunal clerk before the hearing begins.
12. The tribunal clerk will introduce the parties to the Tribunal/Appeal Panel before the hearing begins.
13. The Tribunal/Appeal Panel has the power to request a party or witness to give evidence under oath or affirmation.
14. The Tribunal/Appeal Panel may not make any order in respect of costs.

The Hearing

15. The chair will open the proceedings and make any necessary introductions.
16. The tribunal clerk will introduce each case by referring to the grounds of the appeal.
17. The Tribunal/Appeal Panel will normally reserve its decision and the chair will give an indication of the timescale for issue.
18. The Tribunal/Appeal Panel may decide to inspect the appeal premises and/or its locality.