

VTW BEST PRACTICE PROTOCOL 2D

HEARINGS IN PRIVATE

Introduction

1. A tribunal hearing will usually take place in public, and it is open for anyone to attend, including the press.

Legislation

- Regulation 30(3) of the Non-Domestic Rates (Alteration of Lists and Appeals) (Wales) Regulations 2005 (SI 2005/758)
- Regulation 25(3) of the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (SI 2005/290)

“The hearing shall take place in public, unless the valuation tribunal orders otherwise on the application of a party, and on being satisfied that the interests of that party would be prejudicially affected.”

- Regulation 37(3) of the Valuation Tribunal for Wales Regulations 2010 (SI 2010/713)

“The hearing must take place in public unless the Appeal Panel otherwise orders on being satisfied that it is in the interests of justice to hold a hearing, or part of a hearing, in private.”

Hearings in Private

2. Any party may ask for a private hearing – a ‘hearing in camera’.
3. A request for a private hearing should be made to the Tribunal/Appeal Panel in public, explaining why that request is being made.
4. The Tribunal/Appeal Panel will consider the comment(s) of the other party(ies).
5. The Tribunal/Appeal Panel members may retire to consider the request.
6. Grounds for a hearing or part hearing to be held in private may include:
 - confidential information;
 - to protect the interest of any child or vulnerable person; or
 - Tribunal/Appeal Panel considers it to be necessary in the interests of justice.

7. Where it is decided that the hearing will proceed in private, the Tribunal/Appeal Panel may issue a direction as to who is permitted to attend and who is not.
8. A decision to hold a hearing or part of a hearing in private must be noted within the reasons for decision.
9. The Tribunal/Appeal Panel's reasons for decision will normally be made public; however, sensitive information will be redacted where necessary.