

# VTW BEST PRACTICE PROTOCOL 1D

## POSTPONEMENT and ADJOURNMENT

### Introduction

1. The postponement and adjournment of appeals frequently cause concern to the Tribunal, primarily as such actions impede their efficient disposal appeals.

### 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)

*“The hearing may be adjourned for such time, to such place and on such terms (if any) as the Tribunal sees fit...”*

### Postponement

2. The action of postponement of an appeal is a delegated authority from the President and is considered to be an administrative act prior to hearing.
3. Before parties approach the Tribunal to seek a postponement, they should seek to agree the request with other parties.
4. **Reasoned requests for postponement should be made in writing (including by fax or email) to the Regional Clerk, who will consider its justification including:**
  - whether there has been sufficient progress by the party(ies) concerned;
  - the timeliness of the request;
  - whether the appeal has been previously adjourned/postponed;
  - how much notice of the hearing date was given (including lead-in time for the sub-programme);
  - the actual reason for the request (e.g. disagreement of facts, outstanding superior court decision etc.); and
  - the other party’s support or objection to the request and their reasons for it.
5. Where this consideration leads the officer to the view that the request is **reasonable** then there should be a presumption to **grant** the request.

6. Where this consideration leads the officer to the view that the request is **unreasonable**, then there should be a presumption to **refuse** the request.

- Parties will be informed of the refusal of the request.
- Anyone who remains unhappy with the refusal to grant a postponement may apply to the Tribunal for an adjournment at the scheduled hearing.

### **Equality of Arms**

7. It is of fundamental importance that one party should not be disadvantaged by the granting of the postponement

### **Adjournment**

8. The action of an **Adjournment** is a (judicial) decision of the Tribunal.

9. Examples of reasons for the request of an adjournment are:

- a party had requested a postponement and another party objected/did not support the request;
- the clerk, on behalf of the President, had not granted a postponement and the Tribunal will consider the request and objection and decide whether an adjournment will be granted; or
- an appeal is part heard and an adjournment becomes necessary.

10. Parties should not presume that a Tribunal will automatically grant an adjournment and should be prepared to proceed.

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