

VTW BEST PRACTICE PROTOCOL 2C

APPELLANT'S NON – ATTENDANCE

Introduction

1. The regulations allow any party to appear in person or be represented by whoever they so wish.

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)

Procedure

2. A party wishing the appeal to proceed in his/her absence, may:
 - Appoint a representative to appear on his/her behalf, or
 - provide a written submission to be considered in his/her absence.

Representative

3. Where the party has appointed a representative to appear on his/her behalf, it is necessary for that party to have informed the Tribunal/Appeal Panel prior to the commencement of the appeal hearing, and to provide the name of the representative.
4. The Agenda will be noted accordingly.

Written Submissions

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

7. 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
- The arguments may include legal arguments/legislation/case law
- Copies of any relevant documents

8. The Tribunal, on receipt of the written submission, will forward a copy to the other party(ies) for information.

9. Copies of the written submission will be presented to the Tribunal/Appeal Panel for consideration on the hearing day.

10. If the appellant does not attend/is not represented/and has not provided a written submission, the Tribunal/Appeal Panel may:

- Dismiss the appeal
- Hear the appeal in the absence of the appellant
- Adjourn the hearing

11. Before making its decision, the Tribunal/Appeal Panel will satisfy itself

- when the notice of hearing was sent,
- what contact has there been between the parties
- what contact has been made with the Tribunal office
- has a request been made for an adjournment/hearing in absence

Dismissing in Absence

12. If every other party to an appeal fails to appear except the Valuation Officer/Listing Officer, the Tribunal has authority to dismiss the appeal – statutory dismissal.

13. Where the Tribunal has dismissed the appeal, the appellant may request that decision to be set aside if he subsequently objects and can show good reason why he was absent.