

VTW BEST PRACTICE PROTOCOL 3A

REVIEW OF DECISIONS

Introduction

1. The review of decisions procedure applies to all types of appeal heard by the Tribunal/Appeal Panel:
 - Non domestic rating;
 - Council tax valuation;
 - Council tax liability; and
 - Completion notices.

Legislation

- Regulation 35 of the Non Domestic Rating (Alteration of Lists and Appeals) Regulations 2005 (SI 2005/758)
- Regulation 30 of the Council Tax (Alteration of Lists and Appeals) Regulations 2005 (SI 1993/290)
- Regulation 42 of the Valuation Tribunal for Wales Regulations 2010 (SI 2010/713)

Applications

2. An application must be made in writing to the regional Tribunal office within a period of four weeks of the issuing of the notice of decision.
3. An application may be dismissed if it is made outside the above time limit.
4. All applications for a review of decision should:
 - cite the relevant ground or grounds on which the application is made; and
 - provide a reasoned supporting statement for the application.
5. The application will be acknowledged by the Tribunal office.

Consideration of Applications

6. The Clerk/Tribunal Officer upon receipt of the application will ascertain if there is a valid ground for review.

7. Where it is certain that grounds for review exist, the Clerk/Tribunal Officer will refer the application to the Tribunal for consideration.
8. Where there is no valid ground for review, the Clerk/Tribunal Officer will write to the relevant party informing them of this.

Review

9. The Tribunal appointed to review a decision, so far as is reasonably practicable, should consist of the same members who made the initial decision.
10. The Tribunal members will meet to consider the application and may decide:
 - Not to undertake a review as the relevant criteria have not been met;
 - To undertake a review and not set aside the decision; or
 - To undertake a review and set aside the decision under the hand of the Presiding member. Having set aside the decision, any order made as a consequence of the original decision will be revoked. The Tribunal will order the case to be re-heard by the same Tribunal or re-determined by a differently constituted Tribunal.
11. If the decision is not set aside, i.e. it stands unchanged, the parties will be informed of their right to appeal to the higher courts within four weeks of this notification.
12. The Clerk will inform the party of the Tribunal's decision as soon as is reasonably possible.