

VTW BEST PRACTICE PROTOCOL 1C

PRE-HEARING REVIEW

Introduction

1. For the purpose of this practice statement, a case may require pre-hearing review when it involves:
 - a large hereditament involving specialist valuers and professional agents;
 - breakdown in communication and parties are failing to exchange evidence or agree facts;
 - serious allegations against the honesty of one of the parties;
 - the submission of sensitive or confidential material;
 - repeated requests for Adjournments or Postponements; or
 - any other factor which requires the issuing of specific directions.

The above list is not exhaustive.

Legislation

- Regulation 26 of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005 (SI 2005/758)
 - Regulation 21 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (SI 1993/290)
2. A Chair of the Tribunal may on the application of a party, or on his/her own motion, order a pre-hearing review to be held. This can be done at any stage. (Sample calling letter contained in Appendix 1)
 3. After the pre-hearing review the Chair of the Tribunal will decide what directions should be issued to facilitate the substantive hearing of the appeal. (Sample directions are contained in Appendix 2)

APPENDIX 1

NOTICE OF PRE-HEARING REVIEW

In accordance with Regulation the Chair of the Tribunal will hold a pre-hearing review in respect of appeal no.:

As a party to this appeal you will be required to attend (venue, date & time)

The purpose of this pre-hearing review is to make arrangements for a substantive hearing of the appeal, and will include;

1. Identifying the issues in dispute;
2. Making directions in respect of the exchange of evidence;
3. Deciding whether the appeal can be heard in conjunction with other appeals dealing with the same issue;
4. Setting out the ground rules to enable the appeal to be heard in an efficient manner;
5. Determining the date of the hearing.

The pre-hearing review will not determine the appeal, that hearing will be arranged later.

APPENDIX 2

PRE-HEARING REVIEW - DIRECTIONS

Directions might include:

1. The parties shall provide the Tribunal with an agreed statement of facts and the issues to be determined by the Tribunal no later than
2. The parties shall provide the Tribunal with an estimate regarding the length of hearing and hearing dates to avoid no later than
3. If applicable, the parties shall provide, to each other and the Tribunal, a statement of witnesses to be relied upon.
4. The parties shall exchange skeleton arguments prior to the hearing and shall serve four copies of these arguments on the Tribunal.
5. The parties are at liberty to apply, in writing, for further directions or amendment of the existing directions.

Failure to adhere to any direction(s) may delay the determination of your appeal