



**PRACTICE STATEMENT:  
SUMMONING OF WITNESSES**

1. Reg. 18 of the Procedure Regulations (see Annex 1) empowers the Tribunal to issue summonses requesting the attendance of witnesses.
2. This is a power to be used sparingly and only in exceptional circumstances.
3. A party may apply for a witness summons to be issued either in writing in advance of the hearing or orally during a hearing.
4. An application made in advance will be referred to a Vice-President and one made during a hearing will be considered by the panel.
5. An application should be made during a hearing only if it was not possible for whatever reason to make the application in advance.
6. An application must demonstrate the following:
  - a. That the evidence of the witness is crucial to the applicant's case and cannot be adduced in any other way;
  - b. That the witness is not likely to attend without the issue of a summons; and
  - c. That the applicant agrees to cover the witness's necessary expenses in attending.
7. The power in reg. 18 is aimed at those with personal knowledge of the matter in hand and is not a mechanism for securing or commissioning evidence from an expert who has no previous connection with the matter.
8. Expenses means travel and similar expenses; it does not include fees.
9. The issue of a summons in no way should turn on any assessment of whether the witness to whom it is addressed is likely to comply. An application is well found if the conditions in paragraph 7 above are met. The issue and service of a summons, even if the witness does not attend, may lend weight to the applicant's case by evidencing a commitment to adducing relevant evidence.
10. A summons shall be in the form set out in Annex 2.
11. Reg. 18(1) allows the Tribunal to issue a summons on its own initiative. Para. 6(a) and (b) above will apply, and any expenses will be met by the Valuation Tribunal Service. However, this is a power that is unlikely to be used. It is essentially for the parties to determine what evidence they need and whether witnesses should be called.

12. An exception to what is said in the preceding paragraph where the Tribunal might wish to exercise the power on its own initiative might arise where a particular point made by the appellant can be verified or refuted only if an officer employed by the respondent, other than the officer representing the respondent at the hearing, is called to give evidence.

13. A summons should give the person to whom it is addressed at least 14 days' notice unless there are exceptional grounds justifying a shorter period.

14. A person required by summons to attend may apply to have the summons varied or set aside. Any representations made, written or oral, shall be considered by the senior member or panel, as appropriate.

15. A summons must stipulate the consequences of failure to comply with it.



A handwritten signature in blue ink, consisting of several large, sweeping strokes. Below the signature, the word 'President' is printed in a simple, sans-serif font.

23 March 2010

**THE VALUATION TRIBUNAL FOR ENGLAND (COUNCIL TAX AND RATING APPEALS)  
(PROCEDURE) REGULATIONS 2009 (SI 2009 NO 2269)**

- 18.—**(1) On the application of a party or on its own initiative, the VTE may—
- (a) by summons require any person to attend as a witness at a hearing at the time and place specified in the summons;
  - (2) A summons under paragraph (1) must—
    - (a) give the person required to attend 14 days' notice of the hearing or such shorter period as the VTE may direct; and
    - (b) where the person is not a party, make provision for the person's necessary expenses of attendance to be paid, and state who is to pay them.
  - (4) A summons or order under this regulation must—
    - (a) state that the person on whom the requirement is imposed may apply to the VTE to vary or set aside the summons or order if they have not had an opportunity to object to it; and
    - (b) state the consequences of failure to comply with the summons or order.



**The Valuation Tribunal for England**  
**SUMMONS TO ATTEND AS A WITNESS**

To:

1. This summons is issued pursuant to Regulation 18(1)(a) of The Valuation Tribunal for England (Council Tax and Rating Appeals)(Procedure) Regulations 2009.<sup>1</sup>
2. It has been issued by the Tribunal on the application of M.....  
of .....  
who has agreed to reimburse your necessary expenses in attending the hearing.<sup>2</sup> If your expenses are likely to exceed £50, please inform the clerk so that the applicant's agreement can be obtained.
3. You are required to attend a hearing before the Tribunal sitting at .....  
on ..... at ..... am/pm for the purpose of giving evidence as a witness in the appeal brought by .....  
appealing against .....
4. The Tribunal has been satisfied that you are able to give evidence in this appeal that is relevant and crucial.
5. You may apply to the Tribunal to vary or set aside this summons by writing to the clerk at the address below.
6. Your failure to comply with this summons may damage the case of the person wishing to call you as a witness and make it more difficult for the Tribunal to reach the correct decision.

..... 20XX

.....  
for the Registrar  
[Address of clerk]

<sup>1</sup> SI 2009 No 2269.

<sup>2</sup> Where the summons is issued on the Tribunal's own initiative, the words "on the application of ..." will be omitted and a reference to the reimbursement of expenses by the Valuation Tribunal Service inserted. Travel expenses are for public transport at standard fare rates.