



VTE/PS/A6: 23 March 2010
[Effective from 1.4.10]

**PRACTICE STATEMENT:
DECISION WITHOUT A HEARING**

1. Reg. 29 of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 (SI 2009 No. 2269) requires the Tribunal to hold a hearing before making a decision which disposes of proceedings unless -
 - a) all parties have consented to, or not objected to, the matter being decided without a hearing; and
 - b) the Tribunal considers that it is able to decide the matter without a hearing.
2. A party may apply for a case to be decided without a hearing.
3. All other parties will be informed of the application and will be required to indicate within 21 days whether or not they object.
4. Where there is agreement, or no objection, a senior member will consider whether the appeal should proceed without a hearing.
5. If he/she determines that it can, all parties will be informed and a direction issued requiring them, by a prescribed date, to provide a statement of case (either electronically or in hard copy) to include a statement of the reasons for the appeal and the decision sought from the Tribunal, together with the evidence and any legal argument. Annex 1 sets out the requirements for a statement of case.
6. Each party must send a copy of the statement of case to every other party, who will have 21 days to provide a response to the Tribunal and every other party.
7. As soon as reasonably practicable after all statements have been received, a panel will consider the appeal.
8. The panel will consider whether it is able to decide the matter without a hearing and either adjourn for further consideration and make appropriate directions or decide the appeal.
9. Any party who fails to comply with a direction may have the appeal struck out or be barred, as appropriate, in accordance with reg. 10.
10. Annex 2 reproduces regs. 10 and 29.

23 March 2010

President

REQUIREMENTS FOR THE STATEMENT OF CASE

The statement of case must be particularised to the instant case and contain the following:

- A statement of the issues in dispute;
- An explanation of the decision sought from the Tribunal;
- Details of the arguments in support of the decision sought including any relevant legal arguments (citing the legislation and case law);
- The evidence relied on;
- Copies of any relevant documents;
- The details of the other parties to whom a copy of the written submission has been sent and the date it was served;
- The date and signature of the party or representative.

An unrepresented appellant will not be expected to provide the above material in the form and to the extent expected of a professional representative,¹ and will not be struck out for failing to meet those standards, but is required to provide material to the best of his/her ability so that the other parties and the Tribunal are able to deal properly and fairly with the case.

¹ For the definition of "professional representative", see Practice Statement: *Professional Representatives* (VTE/PS/D1: 23 March 2010).

Striking out proceedings

10.—(1) The proceedings, or the appropriate part of them, will automatically be struck out if the appellant has failed to comply with a direction that stated that failure by a party to comply with the direction would lead to the striking out of the proceedings or that part of them.

(2) The VTE must strike out the whole or part of the proceedings if the VTE does not have jurisdiction in relation to the proceedings or that part of them.

(3) The VTE may strike out the whole or a part of the proceedings if—

(a) the appellant has failed to comply with a direction that stated that failure by the appellant to comply with the direction could lead to the striking out of the proceedings or that part of them;

(b) the appellant has failed to co-operate with the VTE to such an extent that the VTE cannot deal with the proceedings fairly and justly; or

(c) the VTE considers there is no reasonable prospect of the appellant's appeal, or part of it, succeeding.

(4) The VTE may not strike out the whole or part of the proceedings under paragraph (2) or (3)(b) or (c) without first giving the appellant an opportunity to make representations in relation to the proposed striking out.

(5) If the proceedings, or part of them, have been struck out under paragraph (1) or (3)(a), the appellant may apply for the proceedings, or part of them, to be reinstated.

(6) An application under paragraph (5) must be made in writing and received by the VTE within one month after the date on which the VTE sent notification of the striking out to the appellant.

(7) This regulation applies to a party to the proceedings other than the appellant as it applies to an appellant except that—

(a) a reference to the striking out of the proceedings is to be read as a reference to the barring of that other party from taking further part in the proceedings; and

(b) a reference to an application for the reinstatement of proceedings which have been struck out is to be read as a reference to an application for the lifting of the bar on that other party from taking further part in the proceedings.

(8) If a party other than the appellant has been barred from taking further part in the proceedings under this regulation and that bar has not been lifted, the VTE need not consider any response or other submission made by that party.

Decision with or without a hearing

29.—(1) Subject to the following paragraphs, the VTE must hold a hearing before making a decision which disposes of proceedings unless—

(a) each party has consented to, or has not objected to, the matter being decided without a hearing; and

(b) the VTE considers that it is able to decide the matter without a hearing.

(2) The VTE may in any event dispose of proceedings without a hearing under regulation 10 (striking out proceedings).