



PRACTICE STATEMENT: HEARINGS IN PRIVATE AND EXTRAORDINARY VENUE

Introduction

1. The basic rule is that "all hearings must be held in public" (Procedure Regulations, reg. 31(1); see Annex 1).
2. The Tribunal is also governed by the Human Rights Act 1998, which gives effect in English law to art. 6 of the European Convention on Human Rights, which provides that "In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing ..."
3. Proceedings in the Tribunal do determine "civil rights and obligations" as that expression is understood.
4. There are exceptions to the requirement to hold hearings in public recognised both in art. 6 of the Convention and at common law. However, the presumption is that a hearing will be held in public and only exceptionally will it be right or indeed lawful to exclude the public (and press) from all or part of a hearing or adopt measure having that effect.

Hearings in Private

5. Exclusion of the public should be ordered only if alternative measures short of exclusion would not suffice.
6. It is a judicial decision to be taken by the panel after hearing any submissions from the parties.
7. The grounds for holding a hearing (or part of a hearing) in private are as follows:
 - a) Publicity would defeat the object of the hearing; or
 - b) It involves matters relating to national security; or
 - c) It involves confidential information (including information relating to personal financial matters) and publicity would damage that confidentiality; or
 - d) A private hearing is necessary to protect the interest of any child or vulnerable person; or
 - e) The panel considers it to be necessary in the interests of justice.

8. A direction to exclude must be clear as to who is permitted to attend and who is not.

9. A decision to hold a hearing or part of a hearing in private must be fully recorded, with reasons, signed by the presiding senior member and a copy forwarded to the President.

10. The panel's decision will normally be made public even if the hearing has been held in private.

Extraordinary Venue

11. Hearings will normally be held in public at a normal venue, but in exceptional circumstances, pursuant to para. 7(e) above, the Tribunal may direct that the hearing, or part of the hearing, shall be held in a venue nominated by the appellant.

12. The venue may be the appellant's home or such other place to which he or she has access or at which he or she is staying, notwithstanding that this would have the effect of preventing the attendance of members of the public.

13. The proposed premises must be suitable for the purpose of a hearing, and, in the judgment of the Valuation Tribunal Service, suitable in terms of health and safety.

14. The appellant must apply in writing and advance compelling grounds for not being able to attend a hearing at the normal venue.

15. Medical or other evidence, as appropriate, in support of an application should normally be provided.

16. If the appellant is represented, the appellant should explain why he/she wishes to be present.

17. Applications should be made to the relevant local office and then forwarded to the Registrar.

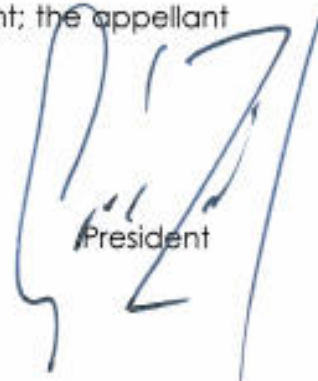
18. The views of the respondent will be invited if the Registrar is of the opinion that the application has merit.

19. The President may consider whether, instead of granting the application, alternative arrangements, such as telephone conferencing or the use of other technology, would be practicable and preferable.

20. The decision on the application will be taken by the President; the appellant (and, where appropriate, the respondent) will be informed.

23 March 2010




President

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

Public and private hearings

31.—(1) Subject to the following paragraphs, all hearings must be held in public.

(2) The VTE or the VTE panel may give a direction that a hearing, or part of it, is to be held in private.

(3) Where a hearing, or part of it, is to be held in private, the VTE or the VTE panel may determine who is permitted to attend the hearing or part of it.