



Issue 4
[Effective from 1.8.10]

TRIBUNAL BUSINESS ARRANGEMENTS

Made by the President pursuant to the Local Government Finance Act 1988, Schedule 11, Part 1, paragraph A17(1).

INTRODUCTION

1. The following arrangements are made under paragraph A17(1) of Schedule 11 to the Local Government Finance Act 1988 (c.41)(amended by Schedule 15 to the Local Government and Public Involvement in Health Act 2007(c.28) to provide for the selection of the member or members of the Tribunal to deal with any appeal (para. A17(2)).
2. They may be amended from time to time.

PRE-HEARING, PRELIMINARY AND PROCEDURAL MATTERS

3. Any pre-hearing, preliminary or purely procedural matters (other than the exercise of the powers under regulation 18 of the Procedure Regulations, for which see paragraph 6 below) will be dealt with by a Senior Member, usually without a hearing, unless he or she directs that it should be remitted to the full panel.
4. The Senior Member referred to in the preceding paragraph is the presiding Senior Member where one has been selected unless he or she is not available and undue delay would be caused.
5. Any procedural matter that arises during a hearing by a full panel is to be determined by that panel.
6. The powers available under regulation 18 of the Procedure Regulations (summoning of witnesses; orders to produce documents, etc.) are exercisable by the panel, but may be exercised in advance of the hearing by the President or a Vice-President.
7. Any preliminary issue that may result in the determination of the appeal should be dealt with by a full panel unless the President directs otherwise.

HEARINGS

8. The hearing of an appeal (including a review of a decision) will take place before a panel of three members, unless paragraphs 10, 11 or 12 below apply.
9. At least one of the members dealing with an appeal must be a Senior Member (para. A17(3)).
10. The President may direct that an appeal shall be heard by a Senior Member alone or by a panel of two or more members, at least one of whom must be a Senior Member. The President or a Vice-President may deal with a review himself where he has already directed that a review should take place.

HEARINGS WHERE MEMBER(S) UNABLE TO SIT

11. Where a panel member is unable to sit for any reason or fails to attend and the hearing has not convened, he or she shall be replaced by another member if this can be done without postponing the hearing. The hearing may then proceed with two members, provided one of them is a Senior Member.

12. If a member is unable to act once the hearing has commenced or the appeal is part heard, or the panel has otherwise taken steps in the case, the hearing may proceed with the remaining members, in accordance with paragraph A18(2) of the Act, even if there is no Senior Member.*

13. A Senior Member selected to hear an appeal alone under paragraph 10 above who is unable to act shall be replaced by another Senior Member (para. A18(3)).

14. Where a part-heard appeal is adjourned to permit the selection of another member or members, the case shall be heard again as if any earlier hearings had not taken place.

MEMBERS UNABLE TO AGREE

15. Where an appeal has been heard by a panel with an even number of members who at its conclusion are unable to agree, a completely new panel will be selected in accordance with these arrangements to hear the appeal afresh.

DECISIONS WITHOUT AN ORAL HEARING AND REVIEW OF DECISIONS

16. Paragraphs 8 to 10 above apply also to the following:

(i) appeals where the parties have opted not to have an oral hearing (reg. 29(1) of the Procedure Regulations);

(ii) the review of a decision previously made (reg. 40(6) of the Procedure Regulations), but the review panel may not contain any member who was involved in the decision under review.

SELECTION OF MEMBERS

17. The Registrar shall institute a fair process for selecting members to participate in the Tribunal's work, having regard to their location, availability and any other relevant factors, but these arrangements shall not preclude the President from issuing instructions relating to individual chairmen and members.

18. The Senior Member selected as presiding Senior Member in any appeal or list of appeals shall take the chair.

19. Notwithstanding paragraph 17 above, the President may direct that a particular case, including reviews under regulation 40(6) of the Procedure Regulations, shall be heard by a member or members, which may include the President and Vice-Presidents, specified by him.

INTERPRETATION

20. In these Tribunal Business Arrangements:

“Act” means the legislation referred to in paragraph 1 above;

“Full panel” is the group of members selected to deal with an appeal;

* Further advice on this is to be found in the accompanying Commentary.

“Hearing” is any consideration of an appeal whether the parties are present or not;

“Member” means any member of the Tribunal, including a Senior Member;

“Panel” is the member or members selected to hear an appeal;

“Presiding Senior Member” is the Senior Member selected under paragraph 6 above to hear an appeal and to preside at the hearing or over the panel;

“Procedure Regulations” means The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, SI 2009, No. 2269;

“Registrar” is the title of the officer appointed as the clerk of the Tribunal;

“Senior Member” means the President, a Vice-President or a member of the panel of chairmen (para. A17(4) of the Act).

“Tribunal” means the Valuation Tribunal for England.

15 July 2010

A handwritten signature in black ink, consisting of stylized initials and a surname, likely 'P. Z. 1'.

President