



PRESIDENT'S GUIDANCE

Whether Statements of Case are Public Documents

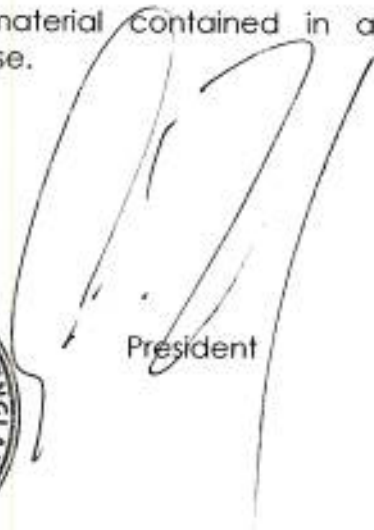
1. I have been asked whether parties' Statements of Case are public documents and may be accessed by other persons; whether a representative may pass on a Valuation Officer's Statement of Case to a third party; and whether a representative may make use of material contained in a Statement of Case for a different case.
2. Reg. 41 of the Procedure Regulations specifies the records which the Tribunal is required to keep and for how long.
3. A person has a right to inspect these records without payment of a fee (reg. 41(4)); and indeed it is a criminal offence to obstruct such access (reg. 41(5)).
4. The records to which paras. 2 and 3 above apply are the Tribunal's decisions and any corrections, orders (including revocations) and consent orders (reg. 41(1)).
5. Other documents in the proceedings, including Statements of Case, are not covered. Moreover, they constitute "exempt information" under s. 32 of the Freedom of Information Act 2000. I therefore see no basis for making them available on request to other persons.
6. Any practice in the High Court under the Civil Procedure Rules to the contrary is not in my view relevant.
7. The following two paragraphs have been formulated in the light of legal advice provided by the VOA and following discussion in the Valuation Tribunal Users' Group.
8. (a) A ratepayer's representative may pass Statements of Case to a colleague or third party, whether the case is pending, has been heard and decided by Tribunal or has been withdrawn/settled before hearing. (Whether the client's consent is necessary is a matter to be determined by the representative.)

(b) The VOA is entitled to pass a ratepayer's Statement of Case to anyone within the VOA but may not disclose it outside unless for the purpose of an official function (e.g. litigation): Commissioners for Revenue and Customs Act 2005, ss. 17(1) and 18(1).

9. Ratepayers' representatives are free to use material contained in a Statement of Case for the purposes of any other case.

12 May 2014




President