STATUTORY RULES OF NORTHERN IRELAND

# 2007 No. 182

# RATES

## The Valuation Tribunal Rules (Northern Ireland) 2007

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| *Made - - - -* | *18th March 2007* |
| *To be laid before Parliament* | |
| *Coming into operation* | *16th April 2007* |

The Lord Chancellor makes the following Rules in exercise of the powers conferred by Article 36A(3) of, and paragraphs 7 to 13 of Schedule 9B to, the Rates (Northern Ireland) Order 1977(**1**).

### Citation and commencement

**1.** These Rules may be cited as the Valuation Tribunal Rules (Northern Ireland) 2007 and shall come into operation on 16th April 2007.

### Interpretation

**2.**—(1) In these Rules—

"the 1977 Order" means the Rates (Northern Ireland) Order 1977;

"the 2007 Regulations" means the Rate Relief (Education, Training and Leaving Care) Regulations (Northern Ireland) 2007 (**2**);

"appeal" means an appeal to the Valuation Tribunal under—

(a) Article 13(3)(**3**), 31A(12B)(**4**) or 54(**5**) of the 1977 Order; or

(b) regulation 12(1) of the 2007 Regulations;

"FAX" means the making of a facsimile copy of a document by the transmission of electronic signals;

"hearing" means an oral hearing;

"interim order" means an order made by the Valuation Tribunal under rule 9;

(**1**) S.I. 1977/2157 (N.I. 28); Article 36A was inserted by Article 29(1) of the Rates (Amendment) (Northern Ireland) Order 2006, S.I. 2006/2954 (N.I. 18) and Schedule 9B was inserted by Article 29(2) of, and Schedule 1 to, that Order.
(**2**) S.R. 2007 No. 148.
(**3**) Article 13(3) was amended by paragraph 8(7) of Schedule 2 to the Rates (Amendment) (Northern Ireland) Order 2006.
(**4**) Article 31A(12B) was inserted by Article 17(8) of the Rates (Amendment) (Northern Ireland) Order 2006.
(**5**) Article 54 was substituted by Article 33 of the Rates (Amendment) (Northern Ireland) Order 2006.

"legal member" means a member of the Valuation Tribunal appointed under paragraph 2(2)(b)(i) of Schedule 9B to the 1977 Order;

"member who has had experience in the valuation of land" means a member of the Valuation Tribunal appointed under paragraph 2(2)(b)(ii) of Schedule 9B to the 1977 Order;

"notice of appeal" means a notice of appeal under rule 5;

"order" means an order made by the Valuation Tribunal other than an interim order;

"ordinary member" means a member of the Valuation Tribunal appointed under paragraph 2(2)(b)(iii) of Schedule 9B to the 1977 Order;

"President" means the President of the Valuation Tribunal appointed under paragraph 2(2)(a) of Schedule 9B to the 1977 Order or a legal member designated by the Lord Chief Justice under paragraph 2(4) of that Schedule to carry out the functions of the President;

"register" means the register to be kept under rule 20;

"respondent"—

(a) in relation to an appeal under Article 13(3) or 31A(12B) of the 1977 Order or regulation 12(1) of the 2007 Regulations, means the Department; and

(b) in relation to an appeal under Article 54 of the 1977 Order, means the Commissioner;

"Secretary" means the person for the time being designated to discharge the functions of the Secretary under these Rules;

"tribunal" means a tribunal constituted in accordance with rule 4 and which, by virtue of paragraph 6 of Schedule 9B to the 1977 Order, exercises the jurisdiction of the Valuation Tribunal.

(2) In these Rules, a Form referred to by number means the Form so numbered in the Schedule.

**The overriding objective**

**3.**—(1) The overriding objective of these Rules is to enable the Valuation Tribunal, with the assistance of the parties, to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes so far as is practicable—

(a) dealing with the case in ways which are proportionate to the complexity of the issues and to the resources of the parties;

(b) seeking informality and flexibility in the proceedings under these Rules;

(c) ensuring that the parties are on an equal footing procedurally and are able to participate fully in the proceedings, including assisting any party in the presentation of his case without advocating the course he should take;

(d) using the Valuation Tribunal's special expertise effectively; and

(e) avoiding delay, so far as compatible with the proper consideration of the issues.

(3) The Valuation Tribunal shall seek to give effect to the overriding objective when it—

(a) exercises any power under these Rules; or

(b) interprets these Rules.

(4) In particular, the Valuation Tribunal must manage cases actively in accordance with the overriding objective.

**Composition of tribunals**

**4.**—(1) Subject to paragraph (3), a tribunal shall comprise three members of the Valuation Tribunal and shall include—

(a) the President or a legal member;

(b) a member who has had experience in the valuation of land; and

(c) an ordinary member.

(2) The chairman of a tribunal shall be the President or the legal member.

(3) In any proceedings which are to be determined by a tribunal whose composition is described in paragraphs (1) and (2), those proceedings may, with the consent of the parties, be considered and determined—

(a) in the absence of any one member other than the chairman; or

(b) by the chairman alone,

whether or not the parties have subsequently withdrawn their consent.

**Notice of appeal**

**5.** Subject to rule 9(2)(d)—

(a) an appeal under Article 13(3) of the 1977 Order shall be instituted by delivering to the Secretary a notice of appeal in accordance with Form 1 within 28 days of the Department issuing the notice of determination;

(b) an appeal under Article 31A(12B) of the 1977 Order shall be instituted by delivering to the Secretary a notice of appeal in accordance with Form 2 within 28 days of the Department issuing the notice of the result of the review;

(c) an appeal under Article 54 of the 1977 Order shall be instituted by delivering to the Secretary a notice of appeal in accordance with Form 3 within 28 days of the Commissioner issuing the decision;

(d) an appeal under regulation 12(1) of the 2007 Regulations shall be instituted by delivering to the Secretary a notice of appeal in accordance with Form 4 within 28 days of the Department issuing the notice of the result of the review.

**Service of notice of appeal on respondent**

**6.** The Secretary shall, as soon as possible after receipt of a notice of appeal, send a copy of it to the respondent.

**Notification to other interested parties**

**7.**—(1) Where an appellant has indicated in the notice of appeal that there are other interested parties, the Secretary shall send to each such person a copy of the notice of appeal.

(2) Any person who receives a copy of a notice of appeal under paragraph (1) may within 28 days of the copy of the notice of appeal being sent to him, deliver to the Secretary a notice of his intention to appear as a party on such appeal and stating—

(a) his interest in the matter and the grounds upon which he intends to rely;

(b) whether he intends to appear separately or jointly with some other person;

(c) whether he intends to call an expert witness; and

(d) an address for sending documents to him.

(3) Where the appellant has indicated in the notice of appeal that he is content for the appeal to be disposed of by written representations, a person shall also indicate in his notice to the Secretary under paragraph (2) whether he consents to this.

(4) Every person who delivers to the Secretary a notice of his intention to appear as a party in accordance with paragraph (2) shall be a party to the appeal.

**Notification of appearances by the Secretary**

**8.** The Secretary shall, as soon as possible after receipt under rule 7(2) of a notice of intention to appear as a party on an appeal, send a copy of it to the other parties to the appeal.

**General power to manage proceedings**

**9.**—(1) The Valuation Tribunal may, either on its own initiative or on the application of a party, make such interim orders as it considers necessary or desirable in relation to an appeal before it.

(2) Without prejudice to the generality of paragraph (1), the Valuation Tribunal may make an interim order—

(a) as to the manner in which an appeal is to be conducted, including any time limit to be observed;

(b) that a party provide additional information;

(c) requiring the attendance of any person in Northern Ireland to give evidence or to produce documents;

(d) extending any time limit, whether or not expired (including any time limit for instituting an appeal);

(e) requiring the provision of written answers to questions put by it;

(f) staying the whole or part of any proceedings;

(g) that part of the proceedings be dealt with separately;

(h) that any person who the Valuation Tribunal considers has an interest in the appeal may be joined as a party to the proceedings;

(i) that a witness statement be prepared or exchanged; or

(j) as to the use of experts or interpreters in the proceedings.

(3) An interim order may specify the time at, or within which and the place at which, any act is required to be done.

(4) An interim order may impose conditions.

(5) An interim order which requires a person to act or refrain from acting shall, as appropriate, include a statement of the possible consequences under rule 10 of a party's failure to comply with it within the time allowed by the Valuation Tribunal.

(6) An interim order containing a requirement described in paragraph (1)(c) shall state that, under paragraph 11(2) of Schedule 9B to the 1977 Order, any person who without reasonable excuse fails to comply with the requirement shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(7) An application for an interim order (otherwise than during a hearing) shall be made to the Secretary in writing and shall set out the reasons for the application.

(8) The Secretary shall send a copy of an application under paragraph (7) to the other parties, unless the application has been accompanied by the written consent of all the other parties to the making of the interim order.

(9) A party who objects to an application under paragraph (7) may, within 14 days of the Secretary sending the copy of the application to him, deliver to the Secretary a notice of objection, which shall be in writing and shall set out the reasons for objecting to the making of the interim order.

(10) The Secretary shall send a copy of a notice of objection received by him under paragraph (9) to the other parties.

(11) Before making an interim order, the Valuation Tribunal shall consider any objections it may have received and, if it considers it necessary for deciding the application, shall give the applicant and the parties an opportunity of being present or represented before it.

(12) The Valuation Tribunal may vary or revoke an interim order upon an application made in accordance with paragraph (7) by—

(a) a party; or

(b) where an interim order imposes a requirement, by the person subject to the requirement.

(13) The President or a legal member may exercise the powers of the Valuation Tribunal under this rule.

**Failure to comply with an interim order**

**10.**—(1) If a party fails to comply with an interim order, the Valuation Tribunal may, before or at the determination of the appeal—

(a) dismiss the whole or part of the appeal; or

(b) order that the respondent shall be debarred from contesting the appeal.

(2) The Valuation Tribunal shall not exercise its power under paragraph (1) unless it has sent to the party who has not complied with the interim order a notice giving that party an opportunity—

(a) to comply with the interim order within the period specified in the notice; or

(b) to establish why the Valuation Tribunal should not exercise its powers under paragraph (1).

(3) The President or a legal member may exercise the powers of the Valuation Tribunal under this rule.

**Disposal by written representations**

**11.**—(1) An appeal may be disposed of on the basis of written representations if all the parties have given their consent in writing.

(2) Where all the parties have given their consent as mentioned in paragraph (1), the Secretary shall send notice to the parties accordingly.

(3) Within 28 days of the Secretary giving notice to the parties under paragraph (2) each party may deliver to the Secretary his written representations.

(4) The Secretary shall send a copy of any representations received by him under paragraph (3) to the other parties, accompanied by a statement of the effect of paragraphs (5) and (6).

(5) A party to whom a copy of written representations is sent under paragraph (4), may within 28 days of the Secretary sending the copy of the representations, deliver to the Secretary his reply, or a notice that he does not intend to make a reply, as the case may be.

(6) The Secretary shall send a copy of any reply received by him under paragraph (5) to the other parties.

(7) The Valuation Tribunal may if it thinks fit—

(a) require any party to furnish in writing further particulars of the grounds relied on and of any relevant facts or contention; or

(b) make an order that the appeal be disposed of on the basis of a hearing.

(8) Where the Valuation Tribunal requires a party to furnish further particulars under paragraph (7)(a), the Secretary shall send a copy of such particulars to the other parties.