1965 No. 403 (S. 17)

RATING AND VALUATION

The Valuation Appeal Committee Procedure (Scotland) Regulations 1965

Made - - - -	8*th March* 1965
Laid before Parliament	15*th March* 1965
Coming into Operation	16*th May* 1965

In exercise of the powers conferred upon me by section 15(2) of the Local Government (Financial Provisions) (Scotland) Act 1963(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and Commencement

1. These regulations may be cited as the Valuation Appeal Committee Procedure (Scotland) Regulations 1965, and shall come into operation on 16th May 1965.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Valuation and Rating (Scotland) Act 1956(b);

"appellant" includes complainer, and "appeal" shall be construed accordingly;

"Committee" means the Valuation Appeal Committee for the valuation area constituted under section 5 of the Act;

"notice" means notice in writing given by means of the recorded delivery service.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Date and place of hearing

3. The Committee shall—

(*a*) give to every appellant not less than 10 days' notice of the date, time and place fixed for the hearing of his appeal;

(*b*) be satisfied that the assessor is aware of the arrangements made for the hearing of every appeal;

(*c*) advertise not less than 10 days in advance of the first sitting of the Committee to hear appeals arising out of entries made in—

(i) the valuation roll for the year; and

(ii) the supplementary valuation roll for the year,

the date, time and place of such sitting, by causing notification of the same to be posted in some conspicuous place or places within the valuation area or published in at least one newspaper circulating in the valuation area.

(a) 1963 c. 12. (b) 4 & 5 Eliz. 2. c. 60. (c) 52 & 53 Vict. c. 63.

Representation

4. An appellant or the Assessor may appear before and be heard by the Committee in person or by counsel or solicitor or, with leave of the Committee, by any other person:

Provided that—

(1) The Committee shall so give leave only if they are of opinion that no important question of law or of fact is at issue in the appeal;

(2) a member of a Committee shall not be entitled to represent an appellant or the assessor.

Conduct of Appeals

5. Unless the Committee after hearing any submission by parties as to the order of hearing otherwise determine, the appellant shall be heard first.

6.—(1) The Committee shall have power to—

(*a*) postpone or adjourn the hearing of an appeal to any date, time and place of which they shall notify the parties at the time of adjournment or by giving them at least 5 days' notice; and

(*b*) otherwise regulate the hearing thereof,

as they may deem expedient.

(2) Without prejudice to the generality of the foregoing paragraph, the Committee shall have power to adjourn the hearing of an appeal for the purpose of considering the decision to be issued thereon, and shall notify the parties, at the time of such adjournment or by giving at least 5 days' notice, of the date, time and place of the sitting of the Committee at which the decision will be issued.

7. If any appellant fails to appear or be represented at the hearing of his appeal, the Committee may dismiss the appeal or complaint;

Provided that within 7 days from the dismissal of any appeal under this regulation or such longer period as the Committee may in special circumstances allow the appellant may represent in writing to the Committee that there was reasonable excuse for his non-appearance and the Committee may, if satisfied that there was such reasonable excuse, recall the said decision and appoint a further date, time and place for the hearing of the appeal, of which they shall give the parties at least 5 days' notice.

Decision

8. If any party fails to be present or represented when the decision on any appeal is issued, the Committee shall, except in the case of an appeal dismissed under regulation 7 of these regulations in respect of the non-appearance of the appellant, send notice of the decision to that party within 3 days.

Reasons for Decision

9. The Committee shall, on application in writing by or on behalf of the appellant or the assessor made within 10 days from the date of the decision on an appeal, supply to the parties, within 7 days from the date of the application, a statement of the reasons for the decision.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
8th March 1965.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations govern the procedure of Valuation Appeal Committees established under section 5 of the Valuation and Rating (Scotland) Act 1956.