

# Upper Tribunal Lands Chamber procedure flowchart

## For Rating Appeals

The procedure flowchart on the following pages is designed to assist both Appellants and Respondents by giving an overview of the process that the Tribunal follows in respect of appeals from decisions of Valuation Tribunals. It is not a substitute for consulting the legislation relating to your case, the Rules, Practice Directions and Practice Statement, or from taking professional advice from a solicitor or a surveyor who has experience in rating matters. Depending upon the exact nature of the case the Tribunal may either direct that additional steps be taken or that certain steps be omitted.

## For your guidance

- The Tribunal's Rules, Practice Directions, Practice Statement, forms, information about the fees it charges and its recent decisions are available on the Tribunal's website, www.gov.uk/appeal-upper-tribunal-lands
- The Tribunal's staff can answer questions about the Tribunal's processes but they cannot give you legal advice nor can they advise you on what is best for your case. If you are in doubt you should seek independent legal advice or the advice of a surveyor who has experience in rating matters.
- Once commenced, proceedings must be disposed of with all reasonable speed. The Tribunal will hear the case as soon as it can, but the parties must also do what is required of them within the timescales set. The Tribunal will allow a short stay of proceedings where the parties agree to seek Alternative Dispute Resolution, such as mediation, but it will not delay the progress of a case simply to allow negotiations to continue.
- If you cannot comply with a step or direction within the timescale set, you may apply to the Tribunal for an extension of time. Extensions will be granted only where the applicant shows good reason. All applications during the course of the case, including applications for extensions of time, must be accompanied by the Tribunal's fee of £110 made payable to 'HM Courts and Tribunals Service'. They must also set out fully the reasons for the application and you must confirm that a copy of it has been sent to the other party.
- Unless otherwise directed (either by the rules or by a specific direction) a party sending a document to the Tribunal should send one copy only.

# Getting the case started

Step 1	Step 2	Step 3
Appellant contacts the Tribunal's office. Tribunal sends/gives the Appellant an appeal form, explanatory leaflet and procedure flowchart. Alternatively, the Appellant may obtain an appeal form from the Tribunal's website.	Appellant completes and returns Notice of Appeal form, supporting documents, statement of Case and the lodging fee to the Tribunal.	Tribunal acknowledges the Notice of Appeal etc, and gives it a case number.
Notice of Appeal must be received by the Tribunal within 28 days of the Valuation.	The lodging fee is £275.	
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Step 4	Step 5	Step 6
Tribunal sends a copy of the Notice of Appeal and documents received to the other party to the proceedings in the Valuation Tribunal. Person served is asked to say if they wish to respond to the appeal.	Other party files a Respondent's Notice (if they wish to respond to the appeal) and their Statement of Case.	Appellant may send to the Tribunal and the respondent a reply to the Respondent's Statement of Case.
	The Respondent's Notice and Statement of Case must be sent to the Tribunal within one month of the Respondent being sent the Notice of Appeal.	Within one month of receiving the Respondent's Statement of Case.
Stop 7	Stap 9	
<b>Step 7</b> The parties are informed	<b>Step 8</b> For the standard procedure	
which procedure the Registrar has directed must be followed. However, the Tribunal may at any time transfer the case from one procedure to another if it thinks it appropriate to do so.	for the standard procedure continue to page 3; for the special procedure go to page 4; for the simplified procedure go to page 5; for the written representations procedure go to page 6.	

## Standard procedure

#### Step 8

Both parties are directed to send to the Tribunal and exchange with each other their expert witnesses' reports and statements of witnesses of fact.

The parties will be given two months to send to the Tribunal and exchange their experts' reports and witness statements.

#### Step 11

The parties reply to the listing questionnaires. If a party does not reply, the Tribunal may list the hearing at a venue and on dates that may not be convenient to the party.

#### Step 14

The final hearing of the appeal takes place. The Tribunal member may inspect the site and, if necessary, comparable sites before of after the hearing. The decision is usually given later in writing.

#### Step 17

If no award of costs is made the matter ends here. The hearing fee must be paid.

The hearing fee is 5% of the rateable value determined by the Tribunal, subject to a minimum fee of £275 and a maximum fee of £16,500.

#### Step 9

The parties send to the Tribunal and exchange with each other their expert witnesses' reports and statements of witnesses of fact.

#### Step 12

The Tribunal fixes the hearing. The parties are notified of the date(s) and venue. The parties must inform their witnesses.

#### Step 15

The decision is sent to both parties. The parties are invited to send in written submissions as to who should bear the costs of the appeal.

Costs submissions must be made within 14 days of the request for submissions.

#### Step 18

If a costs order is made the parties will be sent a copy of the Tribunal's Detailed Assessment of costs flowchart, which explains the detailed assessment procedure.

#### Step 10

The Tribunal sends listing questionnaires to both parties asking for their availability dates for the hearing, preferred venue and time estimate for the duration of the hearing.

The parties will be given 14 days to reply to the questionnaires.

#### Step 13

The Appellant must consult with the Respondent and send to the Tribunal a Statement of agreed facts and issues.

The Statement of agreed facts and issues must be received normally not less than 14 days before the hearing.

#### Step 16

The Tribunal considers the submissions received and decides the question of costs. This is incorporated as an addendum to the main decision and sent to the parties. The decision takes effect from this point.

## Special procedure

#### Step Special A

The appeal is allocated to a Member of the Tribunal to supervise in conjunction with the Registrars. The parties are notified of a case management hearing to be held by the Member.

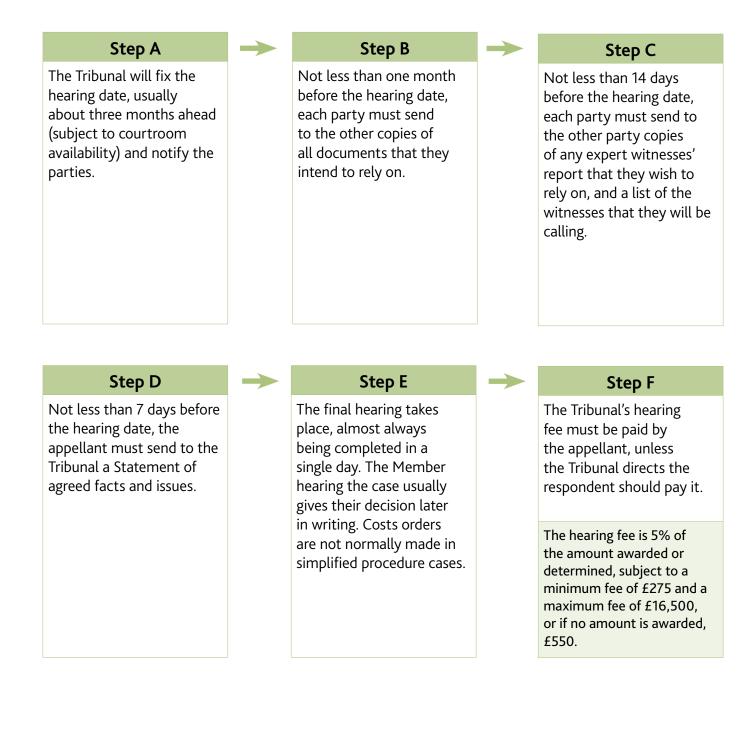
#### Step Special B

The case management hearing takes place. The Member gives a full programme of directions tailored to the case in question. They will include directions for the parties to send to the Tribunal and to exchange with each other Statements of Cases (if they have not already been done) and the disclosure of expert and other witness evidence and documents.

#### Step Special C

Subject to any particular directions the Member gives at the case management hearing, the procedure followed will broadly be that of the standard procedure which commences at Step 8 on page 3. However, further case management hearings may be held or the case listed for final hearing.

## Simplified procedure



### Written Representations procedure

#### Step WR1

At any time during one of the other procedures the parties may apply to the Tribunal for the appeal to be determined by way of written representations rather than at an oral hearing.

#### Step WR2

When an application is made the Tribunal decides whether or not it will direct the written representations procedure to be used.

#### Step WR3

If the Tribunal refuses the application the appeal continues under one of the other procedures.

#### Step WR4

If the Tribunal grants the application it will direct a timetable for filing and service of the written representations. The appellant will normally be given one month to send their written representations to the Tribunal and send a copy to the respondent.

#### Step WR7

Once the parties, written representations are received, the Tribunal will determine the appeal. Its decision will be sent to the parties. Normally, no costs orders are made in cases determined under the written representations procedure.

The determination fee is 5% of the rateable value as determined by the Tribunal subject to a minimum fee of £275 and a maximum of £16,500, or if no amount is awarded £550.

#### Step WR5

The respondent submits their written representations within the time directed, normally within one month of receipt of the appellant's written representations..

#### Step WR6

The appellant sends to the Tribunal and to the respondent a response to the respondent's written representations. The Appellant will normally be given 14 days to do so.