



VTE/PS/A4: 5 November 2013¹
[Effective from 1.12.13]
Previous version: 23 March 2010

PRACTICE STATEMENT: POSTPONEMENTS, ADJOURNMENTS AND STAYS

Postponements

1. A postponement is treated as an administrative matter, similar to listing, handled initially by staff of the Valuation Tribunal before any hearing has commenced, and, although “administrative”, must be handled in accordance with judicial practice and procedural principles.

2. A party may apply for a postponement in advance of the hearing date. Reasons must be given and the other party or parties notified.

3. An application for a postponement should be made in writing as soon as possible and should indicate the reasons for it and whether the other parties agree. In cases of urgency, the application may be made by telephone, but should then if time permits be followed by a written application sent by fax or email. An application will not normally be considered where the other party or parties have not been informed.

4. The presumption is against the granting of postponements. Postponements will not therefore be granted automatically and will be granted only if there are good reasons for doing so **and** it is in the interests of justice to do so.

5.

(a) Good reasons for granting a postponement may include the following:

- the non-availability of a party or representative owing to ill-health (although in the case of a representative’s long-term illness it is expected that alternative arrangements for representation will be made);
- a medical appointment or an arranged holiday or some other reason that makes it impossible to attend on the day of the hearing or which makes preparation for the hearing impossible (such as a serious fire in the office or a significant IT problem);
- the recent emergence of new evidence or case law that requires consideration.

¹ This is a major revision of the Practice Statement which seeks to specify more fully the circumstances in which postponements will and will not be granted with the aim of reducing their number. It also adds provisions on stays.

- Material or notices sent to an incorrect email address resulting in delay in reaching the correct recipient: see Practice Statement A8, para. 5(ii).

(b) The following examples do not constitute good reasons:

- Holiday commitments that interfere with the timetable for meeting procedural obligations (e.g. submitting a Statement of Case);
- the fact that the parties have failed to enter into meaningful negotiations or negotiations are under way and incomplete and are expected to continue beyond the hearing date.

6.

(a) Where the applicant has a good reason for postponement under para. 5(a) above, it should normally be granted unless either the other party presents a stronger argument to the contrary or the interests of justice require the application to be rejected.

(b) The fact that the other party does not support the application, remains explicitly neutral or even objects (but without reasons) must be ignored.

7 The member of staff will advise all parties in writing (normally within three working days) of the decision on the application, together with the reasons, provided that there is sufficient time prior to the hearing.

8. If the member of staff does not grant the application, the applicant may request that it be referred to a senior member (or the presiding senior member if one has been appointed for the case) if there is time before the hearing. Otherwise, the party may apply at the hearing for an adjournment or, if unable to attend in person, request that the application be considered in his absence, but with the risk that if the application is rejected, the case will proceed. Paragraphs 4-6 above shall apply to an application made or considered at this stage.

9. The Tribunal may itself postpone a hearing for administrative reasons if it is unable to hear the appeal on the given date, but it will give as much notice as possible to the parties to minimise inconvenience.

Adjournments

10. The Tribunal has the power under regulation 6(3)(h) of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 (SI 2009 No 2269) to adjourn a hearing.

11. Adjournments are decisions taken by the panel at the hearing. Parties should be aware that if an application for an adjournment is not granted, the panel will continue the hearing and the parties must be prepared to present their case.

12. Adjournments can be for any period of time ranging from a few minutes to a much longer period, depending on the reasons for the adjournment. A case may be adjourned to a date to be fixed later.

Stays

13. (i) Where the decision in an appeal before the Tribunal is likely to be affected by the outcome of another case pending in the Tribunal or in a higher court or tribunal, a party should apply to the Registrar, with a full explanation, for that appeal to be stayed (pursuant to reg. 6(3)(j)) until the decision of the Tribunal or the higher court or tribunal has been issued.

(ii) Unless the application is made jointly by the parties, the other party should be informed of the application and should send his/her comments to the Registrar within seven days.

14. The Tribunal may stay an appeal on its own initiative. This will normally be done by the President or a Vice-President.

A handwritten signature in black ink, appearing to be 'Q. Z. 1' or similar, written in a cursive style.

President

5 November 2013

**The Valuation Tribunal for England (Council Tax and Rating Appeals)
(Procedure) Regulations 2009 (SI 2009 No. 2269)**

Appeal management powers

6.—(1) Subject to the provisions of Part 1 of Schedule 11 to the 1988 Act and of these Regulations, the VTE may regulate its own procedure.

(2) . . .

(3) In particular, and without restricting the general powers in paragraphs (1) and (2), the VTE may—

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) . . .

(f) . . .

(g) . . .

(h) adjourn or postpone a hearing;

(i) . . .

(j) stay proceedings;

(k) . . .