

# THE RATING APPEALS RULES 2000

Statutory Document No. 359/00

## THE RENT AND RATING APPEALS ACT 1986

*Coming into operation*

*1st July 2000*

In exercise of the powers conferred on the Council of Ministers by section 3(3) of the Rent and Rating Appeals Act 1986, and of all other enabling powers, the following Rules are hereby made:-

### 1 Citation, commencement and interpretation

(1) These Rules may be cited as the Rating Appeals Rules 2000 and shall come into operation on the 1st July 2000.

(2) In these Rules-

**'the Act'** means the Rating and Valuation Act 1953;

**'the clerk'** means the clerk to the Commissioners;

**'the Commissioners'** means the Isle of Man Rent and Rating Appeal Commissioners;

**'the chairman'** means the chairman of the Commissioners;

**'notice'** means a notice in writing;

**'objection'** means an objection under section 24 or 26 of the Act which has been forwarded to the Commissioners under the said section 24;

**'objector'** means a person by whom an objection is made;

**'statement'** means a statement in writing;

**'party'**, in relation to any proceedings, means any person entitled under section 25 of the Act to appear in the proceedings;

**'proceedings'** means any proceedings before the Commissioners arising out of an objection;

**'the property'**, in relation to any proceedings, means the hereditament to which the proceedings relate;

**'valuation officer'** means a valuer employed by or on the staff of the Treasury who may be called as a witness under section 25 of the Act.

### 2 Notification of objection etc

(1) Except where paragraph (2) applies, the clerk shall, within 7 days of receipt of an objection forwarded under section 24 of the Act, send a copy of it to every party (other than the objector).

(2) If it appears to the clerk that an objection does not specify the grounds on which it is

made, he shall by notice to the objector require him to furnish the Commissioners with a statement specifying those grounds, and the notice shall state that the Commissioners will not consider the objection until that requirement has been complied with.

(3) The clerk shall-

- (a) send to the Treasury a copy of any notice under paragraph (2), and
- (b) within 7 days of receipt of any statement by the objector specifying the grounds of the objection-
  - (i) send a copy of it to every party (other than the objector) and to the Treasury, and
  - (ii) send a copy of the objection to every party (other than the objector).

(4) Where the clerk sends to any party a copy of a document under paragraph (1) or (3)(b), he shall by notice invite that party, within 14 days after the notice is given, to make representations in writing to the Commissioners with respect to the objection.

### **3 Notice of hearing**

(1) Subject to paragraph (2), not less than 14 days after giving notice under rule 2(4) the clerk, after consultation with the chairman, shall fix the time and place of the sitting of the Commissioners at which the objection will be heard, and shall (in addition to publishing the notice required by section 25 of the Act) give every party and the Treasury not less than 21 days' notice of the time and place of the sitting.

(2) If it appears to the chairman that an objection can conveniently be disposed of by written representations, the clerk shall by notice in writing to every party and the Treasury invite him and it, within such time (not less than 14 days) after the notice is given as is specified in the notice,-

- (a) to agree to the disposal of the objection without a hearing, and
- (b) if he or it so agrees, to make any further representations in writing which he or it may wish to make;

and if every party and the Treasury so agree, the Commissioners shall, after considering the objection, any statement under rule 2(2), any written representations duly made and the statement under rule 5, determine the objection accordingly.

(3) Where the clerk sends a notice under paragraph (1) or (2), he shall send with it a copy of any representations made under rule 2(4) to every party (other than the party by whom they were made) and to the Treasury.

### **4 View of property**

If it appears to the Commissioners that a view of the property would assist them to determine an objection, they shall carry out such a view after giving reasonable notice of the time of the intended view to-

- (a) the occupier,

(b) every party, and

(c) the Treasury.

## **5 Statement by valuation officer**

Not less than 7 days before the date fixed for the hearing of an objection or, where the Treasury agrees to its disposal under rule 3(2), not more than 7 days after it does so, the valuation officer shall send to the clerk and to every party a statement in support of the valuation or other matter to which the objection relates.

## **6 Representation**

At the hearing of an objection any party may appear in person or be represented by an advocate or by such other person as he wishes.

## **7 Conduct of hearing**

(1) The hearing of an objection shall be held in public.

(2) The clerk shall make arrangements for the proceedings to be audio-recorded.

(3) If at the hearing of an objection a party does not appear, the Commissioners may hear and determine the objection in his absence.

(4) The objector shall appear first and may call and examine any witness (other than the valuation officer), who may be cross-examined by any other party and re-examined by the objector.

(5) Unless the parties otherwise agree, the Commissioners shall then call the valuation officer, who-

(a) may make further representations in support of the valuation or other matter to which the objection relates; and

(b) may be examined by the Commissioners and by any party.

(6) Each other party shall then appear, in such order as the Commissioners think fit, and may call and examine any witness (other than the valuation officer), who may be cross-examined by any other party and re-examined by the party by whom he was called.

(6) The Commissioners shall then invite the valuation officer and the parties, in such order as the Commissioners think fit, each to make a final statement.

## **8 Withdrawal of objection**

Where an objection is withdrawn before it is determined, no further proceedings shall be taken on it.

## **9 Decision**

(1) If it appears to the Commissioners that an objection may be determined without adjourning the proceedings, they shall give their decision at the conclusion of the hearing, and as soon as may be thereafter the clerk shall reduce the decision to writing and send a

copy to every party and the Treasury.

(2) Where paragraph (1) does not apply, or an objection is determined under rule 3(2), the Commissioners shall give their decision in writing, and the clerk shall send a copy to every party and the Treasury.

## **10 Transitional provision**

(1) Except as provided by paragraph (2), these Rules do not apply to any proceedings relating to an objection which was forwarded under section 24 of the Act before the coming into operation of these Rules.

(2) Except in a case where a hearing has already commenced, rules 6 and 9 apply to proceedings which were pending immediately before the coming into operation of these Rules.

MADE 2nd June 2000

*J. F. Kissack*

Chief Secretary

Statutory Document No. 588/00