



VTE/PS/B4: 1 February 2013¹
[Effective from 1 March 2013]

PRACTICE STATEMENT: HEARINGS IN PRIVATE AND EXTRAORDINARY VENUE

Introduction

1. The basic rule is that "all hearings must be held in public" (Procedure Regulations, reg. 31(1); see Annex 1).
2. The Tribunal is also governed by the Human Rights Act 1998, which gives effect in English law to art. 6 of the European Convention on Human Rights, which provides that "In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing ..."
3. Proceedings in the Tribunal do determine "civil rights and obligations" as that expression is understood.
4. There are exceptions to the requirement to hold hearings in public recognised both in art. 6 of the Convention and at common law. However, the presumption is that a hearing will be held in public and only exceptionally will it be right or indeed lawful to exclude the public (and press) from all or part of a hearing or adopt measures having that effect.

Hearings in Private

5. Exclusion of the public should be ordered only if alternative measures short of exclusion would not suffice.
6. The grounds for holding a hearing (or part of a hearing) in private are as follows:
 - a) Publicity would defeat the object of the hearing; or
 - b) It involves matters relating to national security; or
 - c) It involves especially confidential information (including information relating to personal financial matters, and commercially sensitive information) and publicity would cause damage ; or
 - d) A private hearing is necessary to protect the interests of any child or vulnerable person; or
 - e) It is otherwise necessary in the interests of justice on such grounds as public safety, public order, personal safety, privacy or family life.

¹ This version of the Practice Statement replaces the version dated 23 March 2010.

7. An application must be made in writing in advance of the hearing with full supporting argument and a copy served on the other party or parties, who may make representations to the President.
8. Where an application is made orally at the hearing, the appeal will normally be adjourned and the party advised of the proper procedure unless the panel is of the view that the application is entirely without merit and is being used merely to delay proceedings and secure an adjournment.
9. Applications will be determined by the President.
10. A direction to exclude must be clear as to who is permitted to attend and who is not.
11. The President's decision will normally be made public even if the hearing has been held in private.
12. An applicant under this Practice Statement is advised to consult Practice Statement C3: 1 February 2013 which deals with the material to be included in the published decision.

Extraordinary Venue

13. Hearings will normally be held in public at a normal venue, but in exceptional circumstances, pursuant to para. 7(e) above, the Tribunal may direct that the hearing, or part of the hearing, shall be held in a venue nominated by the appellant.
14. The venue may be the appellant's home or such other place to which he or she has access or at which he or she is staying, notwithstanding that this would have the effect of preventing the attendance of members of the public.
15. The proposed premises must be suitable for the purpose of a hearing, and, in the judgment of the Valuation Tribunal Service, suitable in terms of health and safety.
16. The appellant must apply in writing and advance compelling grounds for not being able to attend a hearing at the normal venue.
17. Medical or other evidence, as appropriate, in support of an application should normally be provided.
18. Applications should be made to the relevant local office and then forwarded to the Registrar.
19. The views of the respondent will be invited if the Registrar is of the opinion that the application has merit.

20. The President may consider whether, instead of granting the application, alternative arrangements, such as telephone conferencing or the use of other technology, would be practicable and preferable.

21. The decision on the application will be taken by the President; the appellant (and, where appropriate, the respondent) will be informed.

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

1 February 2013

President

**THE VALUATION TRIBUNAL FOR ENGLAND (COUNCIL TAX AND RATING APPEALS)
(PROCEDURE) REGULATIONS 2009 (SI 2009 NO 2269)**

Public and private hearings

31.—(1) Subject to the following paragraphs, all hearings must be held in public.

(2) The VTE or the VTE panel may give a direction that a hearing, or part of it, is to be held in private.

(3) Where a hearing, or part of it, is to be held in private, the VTE or the VTE panel may determine who is permitted to attend the hearing or part of it.