

LANARKSHIRE VALUATION APPEAL PANEL

STATEMENT OF REASONS

RELATIVE TO APPEALS

by

SHAHZAD AHMED per IAN D WELSH

in relation to

SHOP, 103 MAIN STREET, WISHAW

This appeal was called for hearing at a meeting of the Committee of the Lanarkshire Valuation Appeal Panel on 7 September 2011. The Appellant was neither present nor represented. His agent, Ian D Welsh had written to the Secretary by e-mails dated 25<sup>th</sup> August 2011 and 6<sup>th</sup> September 2011, which were produced, in which he requested an adjournment. The reason for the request was that over the last several months the agent had been largely unwell, under doctor's medication, and unfit for work. Mr Stuart presented the case for the Assessor.

The Assessor objected to the motion for a continuation and moved that the appeal be dismissed under Regulation 10(3) of the Valuation Appeal Committee (Procedure in Appeals under the Valuation Acts) (Scotland) 1995 (S.I. 1995 No 572) on the basis that there were no proper grounds and the Appellants had not complied with the terms of Regulation 10(1) said Regulations.

Regulation 10(1) provides that:-

- (1) An Appellant shall, not later than 35 days before the date set for the hearing, furnish to the Assessor a written statement specifying – (a) the grounds for his appeal; and (b) if the appeal relates to the valuation entered in the Valuation Roll, the valuation which the Appellant considers should be entered into the Roll and the grounds on which that valuation is arrived at.

Regulation 10(3) provides that:-

If an appellant fails timeously to-

- (a) furnish the statement required in paragraph (1); or
- (b) provide, in response to a notice served under sub-paragraph (b) of paragraph (2), the written confirmation referred to in that sub-paragraph;

the assessor may apply to the Committee to have the appeal dismissed and the Committee may grant that application if it thinks fit.

The Assessor had already explained that the requirement for grounds of appeal and the Appellants' alternative valuation to be lodged was so that the Assessor had fair notice of the Appellants' case.

The Assessor referred to the fact that the citation had been issued on 15<sup>th</sup> June. The agent had referred to continuing health problems over the last several months. This provided the agent with adequate time to instruct alternative representation in the event that he was unable to deal with the matter.

The Committee agreed with the Assessor that the request for an adjournment should be refused, and that the Appellant was in breach of Regulation 10(1). It accordingly granted the Assessor's application to the Committee under Regulation 10(3) to have the appeal dismissed.

12 September 2011