

LANARKSHIRE VALUATION APPEAL PANEL

STATEMENT OF REASONS

RELATIVE TO APPEAL

by

DICKIE & MOORE LTD

for

IN RESPECT OF

OFFICE, 4 ORBITAL COURT, EAST KILBRIDE,  
GLASGOW

This appeal which was in respect of the 2010 Revaluation was called for hearing at a meeting of the Committee of the Lanarkshire Valuation Appeal Panel on 14 December 2011. The Appellants were represented by Paul Crawford, Crawford Associates (Scotland) Limited, 29 Tulliallan, Place, East Kilbride. Mr Gill presented the case for the Assessor.

Mr Gill 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 the Appellant did not comply with the terms of Regulation 10(1) of the said Regulations.

Regulation 10(1)(a) provides that:-

- (1) An Appellant shall, not later than thirty five days before the date set for the hearing, furnish to the Assessor a written statement specifying – (a) the grounds for his appeal;

Regulation 10(3)(a) provides that :-

If an appellant fails timeously to-

- (a) furnish the statement required in paragraph (1)

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

No grounds had been lodged on behalf of the Appellants. Mr Crawford acknowledged that he had not complied, due to oversight. He explained that he had been lulled into a false sense of security because the Assessor for Lothian with whom he was in the habit of dealing reached out to appellants and their agents and always wrote setting out the timetable to be followed. There had also been difficulties over accessing the property which had complicated his ability to discuss matters with the Assessor. His clients were in serious dialogue with their bank lenders and appointments with Mr Crawford had been postponed. They were however still in occupation of the premises.

Mr Gill submitted that the difficulties were entirely of the Appellants' own making. If the Appellants had seen fit to lodge an appeal they ought to have discussed the grounds for the appeal with their agent and instructed him accordingly.

The Committee having adjourned the hearing to give the matter careful consideration decided that the Appellants were in breach of Regulation 10(1)(a), and had offered no reasonable excuse for their failure to comply with the requirements of that regulation.

The Committee accordingly granted the Assessor's application under Regulation 10(3) to have the appeal dismissed.

16 December 2011