

THE HIGHLAND & WESTERN ISLES
VALUATION APPEAL COMMITTEE

Inverness, 23 July 2013



Subjects	Reference Number
Urquhart Castle & Visitor Centre, Drumnadrochit, Inverness	06/26/765004/6

The Committee considered the application for referral to the Lands Tribunal of Scotland made by GVA Grimley Limited on behalf of the Appellants by letter 24 June 2013 and the Assessor’s response thereto by letter of 2 July 2013 and a supplementary submission from the Appellants’ agents by e-mail of 8 July 2013.

Having considered the submissions the Committee were of the view that none of the grounds set out in Regulation 5 of the Valuation Appeal Etc (Scotland) Regulations 1995 was met and so the application for referral was refused.

The Committee observed that the original letter of application for referral dated 24 June 2013 by the Appellants’ agents had been submitted timeously.

The relevant part of that letter reads:-

“We would respectfully request these appeals are referred under s4(1) of the Valuation Appeal Committee Etc (Scotland) Regulations 1995 to the Lands Tribunal for Scotland for hearing.

In accordance with s4(2) of the regulations we confirm it is our view that the following criteria from s5(a) to (d) apply –

- (a) The facts of the case are complex or highly technical
- (b) The evidence to be given by expert opinion is complex or highly technical
- (c) The law applicable to the case is uncertain or difficult to apply
- (d) The case raises a fundamental or general issue likely to be used as a precedent in other cases

We look forward to hearing from you in due course.

Yours sincerely”

The Committee was of the view that such a bald submission would not entitle it to find, as a matter of fact or law that any of grounds (a) to (d) were met.

In terms of Regulation 5(2) the Committee may request further representations from either of the parties and shall have regard to those further representations in reaching its decision on an application. The Committee did not request further information in this case and the supplementary submission from the Appellants’ agents of 8 July was received unbidden by the Committee. The Committee was of the view, having regard to the regulations, that it was not entitled to consider those further representations because they were submitted out of time. However, they were of the view that even if they had been submitted timeously they would not have satisfied it that the Appellants had made out a good case for referral.

This case remains cited for the Hearing on 12 September 2013.