

Appeal No. VA88/0/150 & 151

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Bord na gCon
Cork Greyhound Race Company Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Co. Cork

B E F O R E

Hugh J O'Flaherty

S.C. Chairman

Paul Butler

Barrister

Brian O'Farrell

Valuer

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 4TH DAY OF JANUARY, 1989

In these cases Mr Daly has applied for adjournments on the basis that the cases are likely governed by the Tribunal's decision given on the 6th December, 1988, in the Turf Club case. An application has been made for a case stated to the High Court in that case and the decision of the High Court or Supreme Court will govern these two appeals and eight others.

Mr Daly has emphasised the hardship that will be caused to parties if they have to go ahead with their cases and lodge the requisite fee of £300 in each case as well as the legal costs.

He says it will also create additional and unnecessary work for the Tribunal and the courts.

He says that rates will not be lost to local authorities. On behalf of the Commissioner it has been submitted that the Tribunal was established with the intention that there should be created a specialised body which would help form a consistent code of valuation law which would dispose of cases with no delay. It was pointed out that if appeals were held up while cases were processed to the High Court by way of case stated arrears would build-up and a large backlog would be created and it was to prevent such happening that the Tribunal had been established.

The Tribunal accepts that cases stated can be processed with reasonable speed if the parties set their minds to it.

However, the Tribunal takes the view that once a party appeals to it there is an obligation on such a party to see through its appeal, irrespective of whether there is a case stated requested or even pending in another case which has an identical point at issue.

The Tribunal will adjourn these cases to Dublin when they will be disposed of at a date suitable to the parties in February.

Mr Daly has requested that they might be listed for mention in the first instance at a date in February to decide what further action, if any, is to be taken in any other sphere and the Tribunal is agreeable to this course of action.

Appeal Nos. 150/151

**AN BINSE LUACHALA
VALUATION TRIBUNAL**

**AN tACHT LUACHALA, 1988
VALUATION ACT, 1988**

B E T W E E N :-

Bord na gCon

Cork Greyhound Race Co Ltd

APPELLANTS

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Paul Butler Barrister

Brian O'Farrell Valuer

DATED 4TH DAY OF JANUARY, 1989

Having this day heard an appeal on behalf of the appellants for an adjournment of the hearing of these appeals until the determination in the High Court or Supreme Court of a proposed case stated in Appeal No. 88/138 Turf Club v. Commissioner of Valuation.

The Tribunal determines that the said application for such an adjournment be refused.

Signed: _____
Cyril McHugh
Registrar

