

Appeal No: VA23/5/0185

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015
VALUATION ACTS, 2001 - 2015**

O' LOCLAINNS IRISH WHISKEY BAR

APPELLANT

and

COMMISSIONER OF VALUATION

RESPONDENT

In relation to the valuation of

Property No. 1442479, O' Loclainn's Bar, Main Street, Ballyvaughan, County Clare.

B E F O R E

**Mr Barra Mc Cabe – BL, MRICS, MSCSI
Mr Eamonn Maguire – FRICS, FSCSI, VRS, ARB
Ms Fiona McLafferty – Solicitor**

**Deputy Chairperson
Member
Member**

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 21ST DAY OF JANUARY, 2025**

1. THE APPEAL

1.1 By Notice of Appeal received on 7th October, 2023 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value ('NAV') of the above relevant Property was fixed in the sum of €10,500.

1.2 The ground of appeal set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19(5) of the Valuation Act 2001 (as amended) because *“The property is valued at our expected turnover of €150,000 but unfortunately did not achieve sales as assumed. Our certified turnover for the year 2022 is €137,000. This figure is unlikely to improve given the external factors*

affecting businesses in this village now. As part of an academic dissertation on the factors affecting businesses in Ballyvaughan I have calculated that some 79% of hotel accommodation has been contracted by the state to house refugees. As this scenario is unlikely to change in the coming years, I expect the viability of my pub to be challenged. Regrettably, our turnover in 2019 the last year before Covid was €203,000 and we would have expected similar from the time we reopened. I can provide certified figures for the years prior to that if you require. Without the accommodation for visitors then we cannot avail of the 'tourist spend' as previously. I would be happy to supply you with the dissertation which details the challenges which we are experiencing as a result of the state contracts. My email is attached and I can email the document on request."

1.3 In the Notice of Appeal, the Appellant considers that the NAV of the Property ought to have been determined in the sum of €5,000.

2. REVALUATION HISTORY

2.1 On 23rd September, 2022 a proposed Valuation Certificate in relation to the Property was sent to the Appellant pursuant to section 26 of the Valuation Act 2001 (as amended) ('the Act') indicating a valuation of €25,000.

2.2 Being dissatisfied with the valuation proposed, representations were made by the Appellant in relation to the valuation. Following consideration of those representations, the valuation of the Property was reduced to €10,500.

2.3 A final Valuation Certificate issued on 15th September, 2023 pursuant to section 24 of the Act stating a valuation of €10,500.

2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1st February, 2022 ('the valuation date').

3. THE HEARING

3.1 The Appeal proceeded by way of an oral hearing held remotely on 7th March, 2024. At the hearing the Appellant, Ms Margaret O'Loughlen appeared in person and the Respondent was

represented by Mr Sean Donnellan MSCSI, MRICS, BSc Hons in Property Valuation and Management, representing the Respondent.

3.2 In accordance with the Rules of the Tribunal, the parties exchanged their respective reports and précis of evidence prior to the commencement of the hearing and submitted them to the Tribunal. At the oral hearing, each witness, having made an affirmation, adopted their précis as their evidence-in-chief in addition to giving oral evidence.

4. ISSUES

4.1 The appeal relates to the NAV of the Property determined by the Respondent, which has been estimated by reference to the fair maintainable trade ('FMT') of a hypothetical tenant of the Property. The Appellant disputes the FMT on the basis that it does not reflect prevailing trading conditions.

5. FACTS

5.1 From the evidence adduced by the parties, the Tribunal finds the following facts.

5.2 The Property is a licensed premises situated in Ballyvaughan, County Clare. The Property operates on a seven-day licence. The turnover of the business is generated from drink on-sales.

5.3 The Property comprises a ground floor public house adjoining a two-storey domestic property. The Property has access to an outdoor garden space.

5.4 The Property is held freehold and is owner occupied.

6. RELEVANT STATUTORY PROVISIONS

6.1 The net annual value of the Property has to be determined in accordance with the provisions of section 48(1) of the Act which provides:

“The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value.”

6.2 Section 48(3) of the Act (as amended) provides the following meaning of ‘net annual value’:

“Subject to Section 50, for the purposes of this Act, “net annual value” means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably be expected to let from year to year, on the assumption that the probable annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant.”

6.3 Section 20(1) of the Act provides:

“A valuation order shall specify one date by reference to which the value of every relevant property, the subject of the valuation mentioned in the order, shall be determined.”

6.4 Section 19(5) of the Act (as amended) provides:

“The valuation list as referred to in this section shall be drawn up and compiled by reference to relevant market data and other relevant data available on or before the date of issue of the valuation certificates concerned, and shall achieve both (insofar as is reasonably practicable) —

(a) correctness of value, and

(b) equity and uniformity of value between properties on that valuation list,

and so that (as regards the matters referred to in paragraph (b)) the value of each property on that valuation list is relative to the value of other properties comparable to that property on that valuation list in the rating authority area concerned or, if no such comparable

properties exist, is relative to the value of other properties on that valuation list in that rating authority area.”

6.5 Section 37(4) of the Act (as amended) provides:

“For the avoidance of doubt, neither subsection (1) (a) or (2) (b) (ii) (so far as it relates to section 19(5)) nor section 19(5) shall require the Tribunal to achieve the determination of the value of a property concerned by reference to any particular method of valuation and the Tribunal may arrive at its determination by reference to whatever method of valuation or combination of methods of valuation as the Tribunal, in its discretion, may deem appropriate.”

7. APPELLANT’S CASE

7.1 The Appellant submitted, as her précis of evidence, a project paper titled ‘*An investigation into the factors affecting Traditional Pubs in Rural West of Ireland*’ which she had prepared in July 2023 for a Post-Graduate Diploma in Business in Executive Management with the Technological University of the Shannon (TUS). The Appellant also submitted a document which described the floor area as: Main Bar (39 sq.m), Back Hall (7 sq.m) and Toilets (17 sq.m) to give a Total Area of 63 square meters.

7.2 The Appellant stated that traditional Irish pubs were in continual decline and cited numerous contributing factors for this decline, including regulatory changes, under investment in public transport, depopulation and lifestyle changes, economic and social consequences due to Covid-19 closures and international political conflict. She said that the population of Ballyvaughan was 191 in 2016, down from 258 in 2011, but there was no recent information on population, as data from the 2022 census was unavailable. However, the housing stock in Ballyvaughan in 2022 comprised of 174 houses in residential use, 171 holiday homes, seven vacant houses and two derelict houses. The Appellant compared accommodation availability between 2019 and 2022 in the categories of Holiday Homes, Hotels, Airbnb and Guest Houses. The Appellant stated that the number of holiday homes was 171 in 2019 and 171 in 2022; the number of hotel bed spaces was 246 in 2019 and 88 in 2022; Airbnb bed spaces stood at 150 in 2019 and 208 in 2022; and guest

house bed spaces at 83 in 2019 and 41 in 2022. The Appellant attributed the decline in hotel accommodation availability to arrangements with government agencies to host refugees, particularly following the invasion of Ukraine in February 2022. The Appellant also referred to a graph which she created following a survey she carried out to explore how various generations socialised in Ballyvaughan. The results of the survey showed that the Appellant's pub was the predominant choice for socialising among persons living locally in the age bracket of 18 to 25.

7.3 The Appellant gave evidence that the Property was a six-generation family-run business located in a rural village. The Property is on the Wild Atlantic Way. The Appellant stated that Ballyvaughan is a tourist destination and the business of the Property was generated from that customer profile. The Appellant had worked to establish the Property as a destination pub. The Appellant stated that monies had been invested in the bar area over the years, at the expense of the comfort of her and her family. However, there were other areas of the Property that would benefit from investment to maintain a standard similar to other licensed premises, such as the installation of a cold room as the current cellar was liable to flooding. She said the pub operated seven days a week from April to October each year, from 8.00 p.m. in the evening. In a change from previous years, the Appellant stated that the pub currently operates for the remainder of the year from Friday to Sunday from 8.00 p.m. in the evening. In addition to the foregoing, the Appellant had a full-time job outside the pub in order to supplement the income generated from the business, as there was a limit to the income that could be generated. The Appellant said she works 14 hours a day to earn the income to support her family and keep the pub business in existence. The turnover was generated solely from drink sales and different types of drinks, such as cocktails, were introduced in order to attract a broader mix of customers and increase turnover. She said there were no food sales.

7.4 The Appellant submitted that the availability of accommodation for tourists was crucial for the economic sustainability of the pub. Accommodation constraints also impacted the Appellant's ability to secure staff to work in the pub. She said that the contracting out of hotel accommodation to government agencies has significantly impacted her business and will continue to impact her ability to replicate the turnover generated in 2019. The Appellant claimed that the perception of Ballyvaughan as a tourist destination had changed, and that it was these external factors which

significantly impacted businesses in Ballyvaughan, including her own business. She said that here, businesses were built around a culture in which persons enjoyed the conviviality of socialising in a pub setting, and that the culture of residents that had come to Ballyvaughan in more recent years did not necessarily align to that culture. The Appellant confirmed that the trading information included in the representations to the Respondent showed total drink sales of €171,458 in 2018 and €203,034 in 2019, while drink sales for 2022 dropped significantly to €137,000. The Appellant did not anticipate that sales would increase significantly given the factors that she had identified. In addition, she said the cost of sales has increased over the years, and that the turnover generated should be viewed having regard to the significant contribution and efforts of her and her family who had worked in the business for no income, in order for family business to survive.

7.5 The Appellant did not provide any relevant market data or evidence of comparable properties, nor was any preferred method of valuation identified.

7.6 In her opinion, the Appellant felt she would have the financial capacity to make a rates payment of €1,000 per annum. The Valuation Certificate dated 15th September 2023 states *‘Your rates liability will be calculated by multiplying the Valuation of the property, set by Tailte Éireann, by the Annual Rate of Valuation (ARV) which will be set by your Local Authority.’* At the hearing, the Respondent confirmed the ARV was 0.25 at the relevant time. The rates liability is not material to the Tribunal determining the appropriate NAV of the Property.

7.7 The Appellant confirmed that her position was the NAV of the Property ought to be determined at €4,000. This was different to the NAV given in the Notice of Appeal, wherein the Appellant stated that the valuation of the Property ought to be determined at €5,000.

8. RESPONDENT’S CASE

8.1 The Appellant confirmed that while she had received the précis of evidence of the Respondent, she had not read the document. Further to a request by the Tribunal, the Respondent shared his précis of evidence on screen and provided detailed explanation of his précis as part of his evidence-in-chief.

8.2 The Respondent provided statistical detail on County Clare including a population of 127,938 (according to the 2022 Census) and a land area of 4,807 km². He said that County Clare is noted for agriculture, tourism and beautiful landscapes and is home to the Burren National Park which is renowned for its physical and cultural heritage. As regards revaluation statistics, the Respondent stated that as at 15th December 2023, the total number of pubs in County Clare was 277, of which 70 pubs or 25% had made representations to the Respondent. The statistics showed that there were 35 appeals relating to pubs lodged with the Valuation Tribunal. Of the 35 appeals lodged, 24 had not provided trading information to the Respondent. Following the hearing, the Respondent confirmed that of the 277 pubs in County Clare, 138 pubs or 49.81% were issued with a valuation that did not rely on trading information, because insufficient or no information was provided by the pub operators. Conversely, 139 pubs or 50.19% were issued with a valuation that was arrived at based on relevant trading information together with an analysis of comparable properties.

8.3 The Respondent inspected the Property in January 2024 and took both internal and external photographs, which were included in the précis of evidence, and he claimed the Property was in excellent condition throughout. The Respondent described the location of the Property as being located in Ballyvaughan, which is a tourist destination on the Wild Atlantic Way, with a backdrop of the historic Burren limestone landscape, overlooking Galway Bay. The Respondent gave the floor area of the Property as: Bar (43.63 m²), Toilets (17.32 m²) and Keg Room (10.82 m²) to give a Total Floor Area of 71.77 m².

8.4 The Respondent submitted that the onus of proof rests with the Appellant to show that the Respondent's determination of the NAV is incorrect and does not achieve equity and uniformity of value between comparable properties on the valuation list. He referred to previous judgments of the Tribunal in this regard, namely VA00/2/032 (Proudlane Limited t/a Plaza Hotel), VA07/3/054 (William Savage Construction) and VA09/1/018 (O'Sullivan's Marine Limited). The Respondent submitted that the FMT was the appropriate method of valuation for a licensed premises and identified previous judgments of the Tribunal to support this position, namely VA17/5/579, VA19/5/0376 (Solazzi Limited) and VA19/5/0480 (Aishling McMahon t/a The Wishing Well Gastro Pub), and cited the following "*it is long established in practice that the*

appropriate method of valuation in licenced premises is by the application of a percentage to the Fair Maintainable Trade. Fair Maintainable Trade represents the annual level of trade that can be achieved by a reasonable efficient operator of the business in the subject property.” The Respondent submitted that the Appellant had not discharged the onus of proof as no comparative rental evidence had been provided by them and they had not demonstrated that the FMT of €150,000 attributed by the Respondent does not represent the level of trade that could be achieved by a reasonably efficient operator of the business in the Property.

8.5 The Respondent explained that information sources available in seeking to achieve correctness of values, and equity and uniformity between ratepayers who occupy similar circumstanced properties in the rating authority area includes information received directly from ratepayers, information on market transactions obtained from the Revenue Commissioners and the Property Services Regulatory Authority, and other publicly available information such as property brochures and published market reports.

8.6 The Respondent confirmed that the valuation date of the Property was 1st February 2022. The Respondent attributed a FMT of €150,000 following an analysis of the trading information of the Property, relevant market transactions and comparable properties. The trading information provided by the Appellant showed total drink sales valued at €171,458 in 2018 and €203,034 in 2019. Covid-19 disrupted trading in 2020 and 2021. The Appellant confirmed to the Respondent that total drink sales was valued at €137,000 in 2022 and €146,288 in 2023. Having considered the representations made by the Appellant at the representation stage, the Respondent adjusted the FMT to €150,000, thereby reducing the NAV from €25,000 to €10,500.

8.7 The Respondent submitted that the value of the Property should be determined by reference to the values of other properties comparable to the Property, which appear on the valuation list in the same rating authority area as the Property. Furthermore, he submitted that properties which are similarly circumstanced are considered comparable, meaning that the properties share characteristics such as use, size, location and/or construction. He confirmed that the Respondent relied on relevant market data in the form of three key rental transactions (KRT) and he also produced four NAV comparisons to demonstrate both correctness of value and equity and

uniformity of value between properties on the valuation list. The Respondent's précis of evidence included photographs of the properties and their location relative to the Property. In relation to the NAV comparisons, the Respondent's précis also provided information on the characteristics of the comparable properties and whether the properties were on or off the Wild Atlantic Way. The details of the key rental transactions (KRT 1, KRT 2 and KRT 3) and the comparable properties (NAV 1, NAV 2, NAV 3 and NAV 4) are set out in Appendix A, (N/A to public).

8.8 The Respondent stated that the property in KRT 1 was situated on a side street of a rural town, had a similar sized trading area as the Property but was not on the Wild Atlantic Way. In cross-examination of the Respondent, the Appellant asserted that the location of this property was in a town and not a village, which has the benefit of a hotel with a strong wedding business. The Appellant also asserted that there was a culture of drinking in this town in the daytime which did not exist in Ballyvaughan. The Respondent replied that KRT 1 was not on the Wild Atlantic Way which did distinguish it from the Property, and that Ballyvaughan was more of a tourist destination. He said KRT 1 and the subject Property were of similar size and trading area. The Respondent stated that any drinking culture would be reflected in the trading information and the rental information on the rent being achieved for a property.

8.9 The Respondent stated that the property comprised in KRT 2 was situated on a side street of a rural town and was not on the Wild Atlantic Way. In her cross-examination of the Respondent, the Appellant asserted that KRT 2 is predominantly a food business, to which the Respondent replied that individual revenue streams of a property are considered separately and the NAV would be the total value for the various revenue streams.

8.10 The Respondent stated that the property in KRT 3 was situated in a small rural town and was on the Wild Atlantic Way.

8.11 The Respondent stated that NAV 1 has similar characteristics in its construction to the Property, but that it provides food and guest accommodation. In her cross-examination of the Respondent, the Appellant made the comment that NAV 1 is predominantly a food business and drink sales would mainly be wine to accompany the food.

8.12 In regard to NAV 2, the Respondent again said that it was similar in construction to the Property except it provided food and guest accommodation. However, the Appellant brought to the attention of the Tribunal that this property did not reopen following Covid-19. In reply, the Respondent maintained that representations had been received in respect of this property and the valuation was not appealed.

8.13 The Respondent stated that NAV 3 also has similar characteristics in its construction as the Property, but that it too serves food in contrast to the Property. NAV 3 is located on the Wild Atlantic Way and is located in a smaller village than Ballyvaughan. Under cross-examination, the Appellant asserted that this property is predominantly a food business and that drink sales would mainly be wine to accompany the food. The Respondent replied that the trading information received from the operator of this pub did not distinguish wine sales from the sales of other types of drink. He also said that the food sales used in the calculation of the NAV would not necessarily represent actual turnover because a discount was applied due to the significant costs associated with a food business. He said that drink sales for NAV 3 was greater than the food sales.

8.14 The Respondent stated that NAV 4 was similar in construction characteristics to the Property, which is located in an isolated rural location. Under cross-examination, the Respondent said he was not aware that this property had been closed for 15 months or more.

8.15 As regards the percentage figure of 7% applied to the drink sales of the Property, the Respondent explained that the percentage was derived from a scheme established by the Respondent which applied a sliding scale from between 6% to 10% depending on location and turnover. This scale was applied across the rating authority area of Clare County Council. The lowest percentage was applied to low turnover below €100,000. The percentage appropriate for the Property was 7%.

9. FINDINGS AND CONCLUSIONS

9.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Clare County Council.

9.2 Section 35 of the Act provides that the appeal from the Appellant must specify the grounds on which the Appellant considers that the NAV determined by the Respondent is incorrect and the value the Appellant considers the Respondent should have determined as the NAV.

9.3 The NAV of the Property means the rent which the Property might, in its actual state, be reasonably expected to let from year to year on the terms set out in section 48(3) of the Act. The rent is measured on a hypothetical tenancy of the Property and not by reference to the actual occupancy circumstances of the existing operator. The actual turnover generated may have to be adjusted to take account of the extent to which the turnover can be attributed solely to the personal skill, reputation and business acumen of the existing operator. There are different methods of valuation designed to assist in determining the NAV.

9.4 It is long established that licensed premises can be valued based on an estimate of the Fair Maintainable Trade ('FMT') that a property can generate. The Property in this appeal was valued by the Respondent based on the FMT method of valuation. By applying the FMT method, the NAV of a property is determined by applying a given percentage to the estimated FMT to produce a notional rent that a hypothetical tenant would pay as a yearly rent for the property. The FMT is an estimate of the gross annual receipts from each individual revenue stream generated in the property which a reasonably competent operator could be expected to achieve at the property at the valuation date. The Tribunal accepts that the method of valuation of utilising turnover and estimating FMT is an appropriate method in the valuation of licensed premises to ensure correctness of value, and equity and uniformity of value across comparable properties on the valuation list in a rating authority area.

9.5 The proposed Valuation Certificate issued by the Respondent on 23rd September 2022 attributed a NAV of €25,000 to the Property. Representations were made by the Appellant, which included trading information for the Property (reproduced in Appendix B, N/A to public). The Valuation Certificate issued by the Respondent on 15th September 2023 determined a NAV of €10,500 for the Property calculated on the basis of a FMT of €150,000 and applying 7% to the FMT.

9.6 The Appellant did not challenge the percentage of 7% applied to the FMT. The percentage of 7% was similarly applied to the comparable properties comprised in NAV 1, NAV 2, NAV 3 and NAV 4. The Appellant disputes the Respondent's FMT of €150,000 on the basis that it did not reflect prevailing trading conditions. The Appellant contended at representation stage that the NAV of the Property ought to be determined at €4,000 without providing any methodology for arriving at this figure. In order to achieve a NAV of €4,000, and applying the accepted percentage of 7%, the FMT would be €57,143. Furthermore, in the Notice of Appeal, the Appellant contended for a NAV of €5,000 without any evidential basis, and to achieve this NAV, applying the accepted percentage of 7%, the FMT would be €71,429. Both these numbers are significantly below the turnover generated at the Property in the years before and after the Covid-19 pandemic.

9.7 The trading information provided by the Appellant shows that the turnover generated in the Property was from drink sales. While every service business in the State experienced significant business disruption during the Covid-19 pandemic and the imposition of public health restrictions in 2020 and 2021, there was government assistance available to businesses during this period including wage-subsidy and tax support schemes. In this regard, the Tribunal notes from the trading information provided by the Appellant, that the figure for 'wages & salaries' for 2019 is €21,604 based on a turnover of €203,034, whereas the comparable figures for 2021 is €40,592 based on a turnover of just €26,730. The disruption caused by Covid-19 is reflected in the turnover in the Property for 2020 and 2021, with turnover of €26,730 in 2020 and €27,596 in 2021. In the years prior to Covid-19, the Property generated turnover of €171,458 in 2018 and €203,084 in 2019. Post Covid-19, the Property generated turnover of €137,000 in 2022.

9.8 The Tribunal has considered the Key Rental Transactions and the NAV/‘tone of the list’ comparisons submitted by the Respondent, in addition to the trading information of the Appellant. The comparators show there is a level of trading activity in drink sales in Ballyvaughan. The Appellant did not provide any relevant market data or NAV comparisons.

9.9 The Tribunal finds that the pub business operated by the Appellant from the Property has a long-established trade and generated turnover of €171,458 in 2018, €203,034, in 2019 and a turnover of €137,000 in 2022. Based on the foregoing figures and having due regard to the impact on the turnover in 2020 and 2021 caused by Covid-19, the Tribunal considers that an FMT of €57,413 based on the NAV of €4,000 contended for by the Appellant is less than a reasonably competent hypothetical tenant would expect to achieve and is not persuaded by such a claim.

9.10 The Property is well maintained, and the evidence of the Appellant was that the Property was chosen as the predominant place to socialise in Ballyvaughan among persons living locally in the age bracket of 18 to 25. The Appellant by her own evidence demonstrated that while the number of hotels and guest houses decreased between 2019 and 2022, in the same period, the number of Airbnb beds increased and holiday homes remained the same. The Appellant attributed the decline in hotel accommodation availability to arrangements with government agencies to host refugees, particularly following the invasion of Ukraine. However, some of these events occurred after the valuation date, and given the exceptional circumstance of the invasion of Ukraine, would unlikely be a factor in the mind of the hypothetical tenant at the valuation date.

9.11 The Tribunal notes that the Appellant included a floor area measurement with her précis of evidence. In the Respondent’s précis of evidence it was stated that the floor areas were not challenged. At the hearing, the Respondent gave evidence of the floor areas. The Appellant did not put the floor area measurement into evidence at the hearing. In addition, the expert that measured the floor area on behalf of the Appellant was not present at the hearing to give evidence or to be cross examined on the method of measurement employed by them. As the Respondent’s witness made an affirmation in respect of the Respondent’s measurement, a floor area of 71.77 m² is accepted by the Tribunal as the floor area of the subject property.

9.12 For these reasons the Tribunal considers that a FMT of €150,000 reflects what a reasonably competent hypothetical tenant could achieve at the Property, which also captures potential uncertainty in trading conditions in Ballyvaughan.

9.13 Having examined the particulars of the Property and carefully considered the written and oral evidence of the Appellant and the Respondent, the Tribunal is satisfied that the Appellant has not demonstrated that the value of the Property at a net annual value of €10,500 does not accord with that required to be achieved by section 19(5) of the Valuation Act 2001 (as amended).

DETERMINATION

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent.

RIGHT OF APPEAL

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Tribunal's determination as being erroneous in point of law may declare such dissatisfaction and require the Tribunal to state and sign a case for the opinion of the High Court

This right of appeal may be exercised only if a party makes a declaration of dissatisfaction in writing to the Tribunal so that it is received within 21 days from the date of the Tribunal's Determination and having declared dissatisfaction, by notice in writing addressed to the Chairperson of the Tribunal within 28 days from the date of the said Determination, requires the Tribunal to state and sign a case for the opinion of the High Court thereon within 3 months from the date of receipt of such notice.