

SCHEDULE 1

Consequential amendments

Housing and Council Tax Benefit (Decisions and Appeals) Regulations 2001

161. In regulation 19 (late appeals)—

(a) omit paragraphs (1) to (4);

(b) for paragraph (5) substitute—

“(5) Where a dispute arises as to whether an appeal was brought within the time specified under Tribunal Procedure Rules the dispute shall be referred to, and determined by, the First-tier Tribunal.

(5A) The relevant authority may treat a late appeal as made in time in accordance with Tribunal Procedure Rules if the relevant authority is satisfied that it is in the interests of justice.”;

(c) in paragraph (6)—

(i) for “(5)(b)” substitute “(5)”;

(ii) for “grant an application unless the panel member or the relevant authority, as the case may be” substitute “treat the appeal as made in time unless the relevant authority”;

(iii) in sub-paragraphs (a) and (b) omit “to the application”; and

(iv) for “appeal to be made” to the end substitute “appeal notice to be submitted in accordance with Tribunal Procedure Rules.”;

(d) in paragraph (7) for “applicant”, in each place, substitute “appellant”;

(e) in paragraph (8)—

(i) for “grant the application” substitute “treat the appeal as made in time”; and

(ii) for the words “within which” to the end, substitute “limit under Tribunal Procedure Rules and the submission of the notice of appeal, the more compelling should be the special circumstances.”;

(f) in paragraph (9)—

(i) for “grant an application” substitute “treat the appeal as made in time”;

(ii) in sub-paragraph (a) for “these Regulations” substitute “Tribunal Procedure Rules”; and

(iii) in sub-paragraph (b) for “a Commissioner” substitute “the Upper Tribunal”; and

(g) omit paragraphs (10) to (12).