
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 213

**The Housing Benefit (Decisions and Appeals)
Regulations (Northern Ireland) 2001**

Part V

Appeal Tribunals

Composition of appeal tribunals

22.—(1) Subject to paragraph (2), for the purposes of Schedule 7 to the Act and Regulations made thereunder, an appeal tribunal shall consist of—

- (a) a financially qualified panel member and a legally qualified panel member where the appeal may require consideration by members of the appeal tribunal of issues which are, in the opinion of the President, difficult and which relate to—
 - (i) profit and loss accounts, revenue accounts or balance sheets relating to any enterprise;
 - (ii) an income and expenditure account in the case of an enterprise not trading for profit, or
 - (iii) the accounts of any trust fund, and
- (b) in any other case, a legally qualified panel member.

(2) The President may determine that an appeal tribunal constituted in accordance with paragraph (1) shall include an additional member drawn from the panel constituted under Article 7 of the Social Security (Northern Ireland) Order 1998⁽¹⁾ for the purposes of providing experience for that additional member or for assisting the President in the monitoring of standards of decision making by panel members.

(3) Subject to paragraph (2), an appeal tribunal determining a misconceived appeal as a preliminary issue in accordance with regulation 23(1) of these Regulations and regulation 48 of the Decisions and Appeals Regulations 1999 (misconceived appeals) shall consist of a legally qualified panel member.

Procedure in connection with appeals

23.—(1) Subject to paragraphs (2) to (4), the provisions in Chapters II to V of Part V of the Decisions and Appeals Regulations 1999⁽²⁾ as in operation on the date these Regulations are made shall apply in relation to the procedure to be followed in respect of appeals under Schedule 7 to the Act.

(1) S.I.1998/1506 (N.I. 10)

(2) Relevant amending Regulations are S.R. 1999 No. 272, S.R. 2000 No. 215 and S.R. 2001 No. 29

(2) Regulations 38A(3), 41(4), 44(5), 45, 52 and 54(13)(b) of the Decisions and Appeals Regulations 1999 shall not apply in relation to the procedure to be followed in respect of appeals under Schedule 7 to the Act.

(3) The provisions of the Decisions and Appeals Regulations 1999 referred to in paragraph (1) shall have effect as if a reference to—

- (a) the Department, except in regulations 40 (withdrawal of appeals and referrals) and 58(6) (application for leave to appeal to a Commissioner from an appeal tribunal), were a reference to a relevant authority;
- (b) party to the proceedings were a reference to principal parties;
- (c) “these Regulations” in regulations 46(1)(b) (appeals which may be struck out) and 57A(7) (provisions common to regulations 56 and 57) were a reference to the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001;
- (d) a person in regulation 51 (postponement and adjournment) included a reference to a relevant authority;
- (e) a relevant statutory provision in regulations 56(8) (correction of accidental errors) and 57(9) (setting aside decisions on certain grounds) were a reference to Schedule 7 to the Act, and
- (f) in regulation 58 (application for leave to appeal to a Commissioner from an appeal tribunal)—
 - (i) Articles 13 and 14 were a reference to paragraphs 6 and 7 of Schedule 7 to the Act, and
 - (ii) after “the Department” there was inserted “or a relevant authority”.

(4) The provisions of the Decisions and Appeals Regulations 1999 referred to in paragraph (1) shall have effect as if in regulations 53(3)(b)(10) (decisions of appeal tribunals) and 57A(1) “or, as the case may be, a Child Support Commissioner” were omitted.

(3) Regulation 38A was inserted by regulation 2(4) of S.R. 1999 No. 272
 (4) Regulation 41 was amended by regulation 2(5) of S.R. 1999 No. 272
 (5) Regulation 44 was amended by regulation 7(4) of S.R. 2001 No. 29
 (6) Regulation 58 was amended by regulation 6(20) of S.R. 2000 No. 215
 (7) Regulation 57A was inserted by regulation 6(19) of S.R. 2000 No. 215
 (8) Regulation 56 was amended by regulation 6(17) of S.R. 2000 No. 215
 (9) Regulation 57 was amended by regulation 6(18) of S.R. 2000 No. 215
 (10) Regulation 53(3)(b) was amended by regulation 6(15)(a) of S.R. 2000 No. 215