
STATUTORY INSTRUMENTS

2001 No. 1002

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

PART IV

RIGHTS OF APPEAL AND PROCEDURE FOR BRINGING APPEALS

Late appeals

19.—^{F1}(1)

^{F1}(2)

^{F1}(3)

^{F1}(4)

^{F2}(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.]

(6) For the purposes of paragraph ^{F3}(5), it is not in the interests of justice to ^{F4}treat the appeal as made in time unless the relevant authority, is satisfied that—

- (a) any of the special circumstances specified in paragraph (7) are relevant^{F5}...; or
- (b) some other special circumstances exist which are wholly exceptional and relevant^{F5}...

and as a result of those special circumstances, it was not practicable for the ^{F6}appeal notice to be submitted in accordance with Tribunal Procedure Rules.]

(7) For the purposes of paragraph (6)(a), the special circumstances are—

- (a) the ^{F7}appellant] or a partner or dependant of the ^{F7}appellant] has died or suffered serious illness;
- (b) the ^{F7}appellant] is not resident in the United Kingdom; or
- (c) normal postal services were disrupted.

(8) In determining whether it is in the interests of justice to ^{F8}treat the appeal as made in time], ^{F9}regard shall be had] to the principle that the greater the amount of time that has elapsed between the expiration of the time ^{F10}limit under Tribunal Procedure Rules and the submission of the notice of appeal, the more compelling should be the special circumstances.]

(9) In determining whether it is in the interests of justice to ^{F11}treat the appeal as made in time], no account shall be taken of the following—

- (a) that the applicant was unaware of or misunderstood the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by [^{F12}Tribunal Procedure Rules]); or
- (b) that [^{F13}the Upper Tribunal] or a court has taken a different view of the law from that previously understood and applied.

^{F14}(10)

^{F14}(11)

^{F14}(12)

Textual Amendments

- F1** Reg. 19(1)-(4) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(a)**
- F2** Reg. 19(5)(5A) substituted for reg. 19(5) (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(b)**
- F3** Word in reg. 19(6) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(c)(i)**
- F4** Words in reg. 19(6) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(c)(ii)**
- F5** Words in reg. 19(6)(a)(b) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(c)(iii)**
- F6** Words in reg. 19(6) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(c)(iv)**
- F7** Words in reg. 19(7) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(d)**
- F8** Words in reg. 19(8) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(e)(i)**
- F9** Words in reg. 19(8) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **27(d)**
- F10** Words in reg. 19(8) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(e)(ii)**
- F11** Words in reg. 19(9) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(f)(i)**
- F12** Words in reg. 19(9)(a) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(f)(ii)**
- F13** Words in reg. 19(9)(b) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(f)(iii)**
- F14** Words in reg. 19(10)-(12) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 161(g)**

Modifications etc. (not altering text)

- C1** Reg. 19(5)-(9) applied (2.7.2001) by The Housing Benefit and Council Tax Benefit (Decisions and Appeals) (Transitional and Savings) Regulations 2001 (S.I. 2001/1264), regs. 1(1), **3(8)**

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, Section 19.