
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.—(1) Subject to the following paragraphs, the time limit referred to in regulation 18 may be extended only if the conditions set out in this regulation are satisfied.

(2) No appeal shall be brought more than one year after the expiration of the last day for appealing under regulation 18.

(3) An application for an extension of time within which an appeal may be brought (“an application”) shall be determined by a legally qualified panel member.

(4) An application shall contain particulars of the grounds on which the extension of time is sought, including details of any relevant special circumstances for the purposes of paragraph (7).

(5) An application shall not be granted unless the panel member is satisfied that—

- (a) if the application is granted there are reasonable prospects that the appeal will be successful; or
- (b) it is in the interests of justice for the application to be granted.

(6) For the purposes of paragraph (5)(b), it is not in the interests of justice to grant an application unless the panel member is satisfied that—

- (a) any of the special circumstances specified in paragraph (7) are relevant to the application; or
- (b) some other special circumstances exist which are wholly exceptional and relevant to the application,

and as a result of those special circumstances, it was not practicable for the appeal to be made within the time limit referred to in regulation 18.

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

- (a) the applicant or a partner or dependant of the applicant has died or suffered serious illness;
- (b) the applicant 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 grant the application, the panel member shall have regard to the principle that the greater the amount of time that has elapsed between the expiration of the time within which the appeal is to be brought under regulation 18 and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application is based.

(9) In determining whether it is in the interests of justice to grant an application, 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 these Regulations); or
- (b) that a Commissioner or a court has taken a different view of the law from that previously understood and applied.

(10) An application under this regulation which has been refused may not be renewed.

(11) The panel member who determines an application shall record a summary of his decision in such written form as has been approved by the President.

(12) As soon as practicable after the decision is made, a copy of the decision shall be sent or given to the principal parties to the proceedings.