
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the 1999 Regulations”), the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (“the 2001 Regulations”) and the Tax Credits (Appeals) (No.2) Regulations 2002 (“the 2002 Regulations”) in respect of appeals to an appeal tribunal. They make consequential amendments to the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992.

Regulation 2 amends the 1999 Regulations. Paragraphs (2), (4) and (8) remove the power of appeal tribunals to strike out misconceived appeals. Paragraph (5) provides for a form on which appellants and parties to proceedings must notify the clerk to the appeal tribunal if they want an oral hearing; and it gives mandatory right to an oral hearing after such notification, unless the appeal is struck out. Paragraph (6) allows the tribunal clerk to strike out an appeal if an appellant does not give the notification as prescribed; and he may reinstate the appeal under paragraph (7). Paragraph (9) confirms that there is a right of appeal against a decision that a benefit claim is defective.

Regulation 3 amends the 2001 Regulations in respect of housing benefit and council tax benefit appeals to make similar provision to that made by regulation 2 in respect of other social security benefit appeals.

Regulations 4 and 5 make amendments to the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 respectively. The amendments are consequential upon, or supplementary to, the provisions in regulation 3(4) relating to appeals against decisions about defective claims.

Regulation 6 amends the 2002 Regulations in respect of tax credit appeals to make similar provision to that made by regulation 2(5) to (7) in respect of social security benefit appeals.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.