
STATUTORY INSTRUMENTS

2008 No. 2685

**The Tribunal Procedure (First-tier Tribunal)
(Social Entitlement Chamber) Rules 2008**

PART 3

Proceedings before the Tribunal

CHAPTER 1

Before the hearing

Cases in which the notice of appeal is to be sent to the decision maker

23.—^{F1}(1) This rule applies to ^{F2}appeals under paragraph 6 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000 (housing benefit and council tax benefit: revisions and appeals) or under section 22 of the Child Trust Funds Act 2004.]

(2) An appellant must start proceedings by sending or delivering a notice of appeal to the decision maker so that it is received ^{F3}^{F4} ... —

- (a) in a housing benefit or council tax benefit case ^{F5}, no later than the latest of]—
 - one month after the date on which notice of the decision being challenged was sent to the appellant;
- (ii) if a written statement of reasons for the decision was requested within that month, 14 days after the later of—
 - (aa) the end of that month; or
 - (ab) the date on which the written statement of reasons was provided; or
- (iii) if the appellant made an application for revision of the decision under regulation 4(1)(a) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 and that application was unsuccessful, one month after the date on which notice that the decision would not be revised was sent to the appellant;
- (b) in an appeal under section 22 of the Child Trust Funds Act 2004, the period of 30 days specified in section 23(1) of that Act.]

(3) If the appellant provides the notice of appeal to the decision maker later than the time required by ^{F6}paragraph (2)(a)] the notice of appeal must include the reason why the notice of appeal was not provided in time.

(4) Subject to paragraph (5), where an appeal is not made within the time specified in ^{F7}paragraph (2)], it will be treated as having been made in time ^{F8}if neither the decision maker nor any other respondent objects].

(5) No appeal may be made more than 12 months after the time specified in ^{F9}paragraph (2)].

(6) The notice of appeal must be in English or Welsh, must be signed by the appellant and must state—

- (a) the name and address of the appellant;
 - (b) the name and address of the appellant's representative (if any);
 - (c) an address where documents for the appellant may be sent or delivered;
 - (d) details of the decision being appealed; and
 - (e) the grounds on which the appellant relies.
- (7) The decision maker must refer the case to the Tribunal immediately if—
- (a) the appeal has been made after the time specified in [F10 paragraph (2)] and the decision maker [F11 or any other respondent] objects to it being treated as having been made in time; or
 - (b) the decision maker considers that the appeal has been made more than 12 months after the time specified in [F12 paragraph (2)].
- [F13(8) Notwithstanding rule 5(3)(a) F14... (case management powers) and rule 7(2) (failure to comply with rules etc.), the Tribunal must not extend the time limit in paragraph (5).]

Textual Amendments

- F1** Rule 23(1) substituted (8.4.2013) by [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), rules 1(2)(a), **26**
- F2** Words in rule 23(1) substituted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **16(a)**
- F3** Words in rule 23(2) omitted (30.10.2018) by virtue of [The Tribunal Procedure \(Amendment No. 2\) Rules 2018 \(S.I. 2018/1053\)](#), rules 1, **2(2)(a)**
- F4** Words in rule 23(2) substituted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **16(b)**
- F5** Words in rule 23(2)(a) inserted (30.10.2018) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2018 \(S.I. 2018/1053\)](#), rules 1, **2(2)(b)**
- F6** Words in rule 23(3) substituted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **16(c)**
- F7** Words in rule 23(4) substituted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **16(d)**
- F8** Words in rule 23(4) substituted (6.4.2012) by [The Tribunal Procedure \(Amendment\) Rules 2012 \(S.I. 2012/500\)](#), rules 1(2), **4(2)(a)**
- F9** Words in rule 23(5) substituted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **16(d)**
- F10** Words in rule 23(7)(a) substituted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **16(d)**
- F11** Words in rule 23(7)(a) inserted (6.4.2012) by [The Tribunal Procedure \(Amendment\) Rules 2012 \(S.I. 2012/500\)](#), rules 1(2), **4(2)(b)**
- F12** Words in rule 23(7)(b) substituted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **16(d)**
- F13** Rule 23(8) inserted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), rules 1, **3**
- F14** Words in rule 23(8) omitted (21.8.2015) by [The Tribunal Procedure \(Amendment\) Rules 2015 \(S.I. 2015/1510\)](#), rules 1, **16(e)**

Modifications etc. (not altering text)

- C1** Rule 23 applied (with modifications) by [S.I. 2002/1915](#), **art. 5** (as 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. 181**)

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, Section 23.