

SCHEDULES

SCHEDULE 7

HOUSING BENEFIT: REVISIONS AND APPEALS

Appeal from tribunal to Commissioner

8.—(1) Subject to the provisions of this paragraph, an appeal lies to a Commissioner from any decision of an appeal tribunal under paragraph 6 or 7 on the ground that the decision of the tribunal was erroneous in point of law.

(2) An appeal lies under this paragraph at the instance of any of the following—

- (a) the Department;
- (b) the relevant authority against whose decision the appeal to the appeal tribunal was brought;
- (c) any person affected by the decision against which the appeal to the appeal tribunal was brought or by the tribunal's decision on that appeal.

(3) If each of the principal parties to the appeal expresses the view that the decision appealed against was erroneous in point of law, the Commissioner may set aside the decision and refer the case to a tribunal with directions for its determination.

(4) Where the Commissioner holds that the decision appealed against was erroneous in point of law, he shall set it aside.

(5) Where under sub-paragraph (4) the Commissioner sets aside a decision—

- (a) he shall have power, if he can do so without making fresh or further findings of fact, to give the decision which he considers the tribunal should have given;
- (b) he shall also have power, if he considers it expedient, to make such findings and to give such decision as he considers appropriate in the light of them; and
- (c) if he does not exercise the power in head (a) or (b), he shall refer the case to a tribunal with directions for its determination.

(6) Subject to any direction of the Commissioner, a reference under sub-paragraph (3) or (5)(c) shall be to a differently constituted tribunal.

(7) No appeal lies under this paragraph without leave; and leave for the purposes of this sub-paragraph may be given—

- (a) by the person who constituted, or was the chairman of, the tribunal when the decision to be appealed against was given;
 - (b) subject to and in accordance with regulations, by a Commissioner; or
 - (c) in a prescribed case, by such person not falling within head (a) or (b) as may be prescribed.
- (8) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.