

## SCHEDULES

### SCHEDULE 7

#### HOUSING BENEFIT: REVISIONS AND APPEALS

##### *Procedure*

**10.—**(1) Regulations may make for the purposes of this Schedule any such provision as is specified in Schedule 4 to the 1998 Order, or as would be so specified if the references to the Department in paragraph 1 of that Schedule were references to a relevant authority.

(2) Regulations prescribing the procedure to be followed in cases before a Commissioner shall provide that any hearing shall be in public except in so far as the Commissioner for special reasons otherwise directs.

(3) The power by regulations to prescribe procedure includes power—

(a) to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not; and

(b) to confer on the Department a right to be represented and heard in any proceedings before a Commissioner to which it is not already a party.

(4) If it appears to a Commissioner that a matter before him involves a question of fact of special difficulty, he may direct that in dealing with that matter he shall have the assistance of one or more persons appearing to him to have knowledge or experience which would be relevant in determining that question.

(5) If it appears to the Chief Commissioner (or, in the case of his inability to act, to such other of the Commissioners as he may have nominated to act for the purpose) that—

(a) an application for leave under paragraph 8(7)(b); or

(b) an appeal,

falling to be heard by one of the Commissioners involves a question of law of special difficulty, he may direct that the application or appeal be dealt with, not by that Commissioner alone, but by a tribunal consisting of any two or more of the Commissioners.

(6) If the decision of such a tribunal is not unanimous, the decision of the majority shall be the decision of the tribunal; and the presiding Commissioner shall have a casting vote if the votes (including his first vote) are equally divided.

(7) Where a direction is given under sub-paragraph (5)(a), paragraph 8(7)(b) shall have effect as if the reference to a Commissioner were a reference to such a tribunal as is mentioned in sub-paragraph (5).

(8) Except so far as it may be applied by regulations, Part I of the Arbitration Act 1996 (c. 23) shall not apply to any proceedings under this Schedule.