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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**The Housing Benefit and Council Tax Benefit  
(Decisions and Appeals) Regulations 2001**

**PART V**

**APPEAL TRIBUNALS**

**Composition of appeal tribunals**

**22.**—(1) Subject to paragraph (2), for the purposes of Schedule 7 to the Act and Regulations made thereunder, an appeal tribunal shall consist of—

- (a) a financially qualified panel member and a legally qualified panel member where the appeal may require consideration by members of the appeal tribunal of issues which are, in the opinion of the President, difficult and which relate to—
  - (i) profit and loss accounts, revenue accounts or balance sheets relating to any enterprise;
  - (ii) an income and expenditure account in the case of an enterprise not trading for profit; or
  - (iii) the accounts of any trust fund; and
- (b) in any other case, a legally qualified panel member.

(2) The President may determine that an appeal tribunal constituted in accordance with paragraph (1) shall include an additional member drawn from the panel constituted under section 6 of the Social Security Act 1998 for the purposes of providing experience for that additional member or for assisting the President in the monitoring of standards of decision making by panel members.

(3) Subject to paragraph (2), an appeal tribunal determining a misconceived appeal as a preliminary issue in accordance with regulation 23(1) of these Regulations and regulation 48 of the Decisions and Appeals Regulations 1999 shall consist of a legally qualified panel member.

**Procedure in connection with appeals**

**23.**—(1) Subject to paragraphs (2) and (3), the provisions in Chapters II to V of Part V of the Decisions and Appeals Regulations 1999<sup>(1)</sup> as in force on the date these Regulations are made shall apply in relation to the procedure to be followed in respect of appeals under Schedule 7 to the Act.

(2) Regulations 38A<sup>(2)</sup>, 41<sup>(3)</sup>, 44, 45, 52 and 57B<sup>(4)</sup> of the Decisions and Appeals Regulations 1999 shall not apply in relation to the procedure to be followed in respect of appeals under Schedule 7 to the Act.

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(1) S.I.1999/991; relevant amending instruments are S.I. 1999/1466 and 2000/1596.

(2) Regulation 38A was inserted by S.I. 1999/1670.

(3) Regulation 41 was amended by S.I. 1999/1670.

(4) Regulation 57B was inserted by S.I. 2000/1596.

(3) The provisions of the Decisions and Appeals Regulations 1999 referred to in paragraph (1) shall have effect as if a reference to—

- (a) the Secretary of State, except in regulations 40~~(5)~~ (withdrawal of appeal or referral) and 58~~(6)~~ (application for leave to appeal to a Commissioner from an appeal tribunal), were a reference to a relevant authority;
- (b) party to the proceedings were a reference to principal parties;
- (c) “these Regulations” in regulations 46(1)(b) (appeals which may be struck out) and 57A~~(7)~~ (provisions common to regulations 56 and 57) were a reference to the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001;
- (d) a person in regulation 51 (postponement and adjournment) included a reference to a relevant authority;
- (e) a relevant enactment, in regulations 56 and 57 (correction of accidental errors and setting aside decisions) were a reference to Schedule 7 to the Act; and
- (f) in regulation 58—
  - (i) section 12 and 13 were a reference to paragraphs 6 and 7 of Schedule 7 to the Act; and
  - (ii) the Board were a reference to a relevant authority.

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(5) Regulation 40 was amended by S.I. [1999/2570](#).  
(6) Regulation 58 was amended by S.I. [1999/2570](#).  
(7) Regulation 57A was inserted by S.I. [2000/1596](#).