
DRAFT STATUTORY INSTRUMENTS

2001 No.

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

PART V

APPEAL TRIBUNALS

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⁽¹⁾ 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⁽²⁾, 41⁽³⁾, 44, 45, 52 and 57B⁽⁴⁾ 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.

(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.

(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.
(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.