

Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

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HB/CTB A19/2009

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
ACTION	For information
SUBJECT	Changes to First-Tier Tribunal rules

Guidance Manual

The information in this circular does affect the content of the HB/CTB Guidance Manual. Please annotate this circular number against paragraph A6.120 and A7.74.

Queries

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Changes to First-Tier Tribunal rules

Introduction

- 1 This Circular gives guidance on the changes brought about by a recent amendment¹ to the First-Tier Tribunal Rules² (FtT Rules), which came into force on 1 September 2009.

¹ *The Tribunal Procedure (Amendment No 2) Rules 2009, SI 2009 No 1975,*

² *The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, SI 2008 No 2685*

Background

- 2 When the FtT rules came into force on 3 November 2008 there was uncertainty as to whether or not the Tribunal had the power to extend the absolute time limit of 13 months. Also the time limit of one month for appealing from the date a claimant was sent a notice of a refusal to revise was not carried forward to the new rules.

Changes

- 3 From 1 September 2009 the FtT Rules were amended to make it clear that the Tribunal has no power to extend the absolute time limit for appealing¹.

¹ *FtT Rules, rule 23(8)*

- 4 The Rules were also amended to reinstate the intention that a claimant has one month to appeal from the date on which the notice of refusal to revise is sent¹ but late applications may be considered subject to the absolute time limit in para 3 above.

¹ *FtT Rules, Schedule 1*