

SCHEDULE 3

Minor, consequential and supplemental provisions

Child Support, Pensions and Social Security Act 2000

190.—(1) Schedule 7 to the Child Support, Pensions and Social Security Act 2000⁽¹⁾ (housing benefit and council tax benefit: revisions and appeals) is amended as follows.

- (2) In paragraph 4 (decisions superseding earlier decisions)—
 - (a) in sub-paragraph (1)(b) for “of an appeal tribunal or a Commissioner” substitute “of the First-tier Tribunal or any decision of the Upper Tribunal which relates to any such decision”; and
 - (b) in sub-paragraph (2)—
 - (i) for “tribunal” substitute “First-tier Tribunal”; and
 - (ii) for “Commissioner” substitute “Upper Tribunal”.
- (3) In paragraph 6 (appeal to appeal tribunal)—
 - (a) in the heading for “appeal tribunal” substitute “First-tier Tribunal”; and
 - (b) in sub-paragraphs (3), (6) and (9) for “an appeal tribunal” substitute “the First-tier Tribunal”.
- (4) In paragraph 7 (redetermination etc of appeals by tribunal)—
 - (a) in sub-paragraph (1) for the words from “to a person” to the end substitute “to the First-tier Tribunal for permission to appeal to the Upper Tribunal from any decision of the First-tier Tribunal under paragraph 6”;
 - (b) omit sub-paragraph (2); and
 - (c) in sub-paragraph (3)—
 - (i) for “the person” substitute “the First-tier Tribunal”; and
 - (ii) for “tribunal” substitute “First-tier Tribunal”.
- (5) In paragraph 8 (appeal from tribunal to Commissioner)—
 - (a) in the heading for “tribunal to Commissioner” substitute “First-tier Tribunal to Upper Tribunal”;
 - (b) omit sub-paragraph (1);
 - (c) in sub-paragraph (2)—
 - (i) for “lies under this paragraph” substitute “to the Upper Tribunal under section 11 of the Tribunals, Courts and Enforcement Act 2007 from any decision of the First-tier Tribunal under paragraph 6 or 7 lies”; and
 - (ii) in paragraph (c) for “appeal tribunal” substitute “First-tier Tribunal”; and
 - (d) omit sub-paragraphs (3) to (8).
- (6) In paragraph 9 (appeal from Commissioner on point of law)—
 - (a) for the heading substitute “Applications for permission to appeal against a decision of the Upper Tribunal”;
 - (b) omit sub-paragraphs (1) and (2); and
 - (c) in sub-paragraph (3)—

(1) 2000 c.19.

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- (i) for “An application for leave under this paragraph in respect of a Commissioner’s decision” substitute “An application for permission to appeal from a decision of the Upper Tribunal in respect of a decision of the First-tier Tribunal under paragraph 6 or 7”;
 - (ii) in paragraph (a) for “Commissioner”, in both places, substitute “Upper Tribunal”;
 - (iii) in paragraphs (a) and (b) for “Commissioner’s” substitute “Upper Tribunal’s”;
 - (iv) in paragraph (c) for “leave” substitute “permission”; and
 - (v) omit the words from “and regulations” to the end; and
- (d) omit sub-paragraphs (4) and (5).
- (7) In paragraph 10 (procedure) omit sub-paragraphs (2) to (8).
- (8) In paragraph 11 (finality of decisions) after “Subject to the provisions of this Schedule” insert “and to any provision made by or under Chapter 2 of Part 1 of the Tribunals, Courts and Enforcement Act 2007”.
- (9) In paragraph 12(a) (matters arising as respects decisions) for “, an appeal tribunal or a Commissioner” substitute “or the First-tier Tribunal, or any decision of the Upper Tribunal which relates to any decision under this Schedule of the First-Tier Tribunal,”.
- (10) In paragraph 13 (suspension in prescribed circumstances)—
- (a) in sub-paragraph (2)—
 - (i) in paragraph (c) for “an appeal tribunal, a Commissioner” substitute “the First-tier Tribunal, the Upper Tribunal”; and
 - (ii) in paragraph (d) for “a Commissioner” substitute “the Upper Tribunal”; and
 - (b) in sub-paragraph (3)(b) and (c) for “leave” substitute “permission”.
- (11) In paragraph 16(1)(b) (decisions involving issues that arise on appeal in other cases) for “a Commissioner” substitute “the Upper Tribunal”.
- (12) In paragraph 17 (appeals involving issues that arise on appeal in other cases)—
- (a) in sub-paragraph (1)—
 - (i) in paragraph (a) for “an appeal tribunal, or from an appeal tribunal to a Commissioner” substitute “the First-tier Tribunal, or from the First-tier Tribunal to the Upper Tribunal”; and
 - (ii) in paragraph (b) for “a Commissioner” substitute “the Upper Tribunal”;
 - (b) in sub-paragraph (2) for “tribunal or Commissioner” substitute “First-tier Tribunal or Upper Tribunal”;
 - (c) in sub-paragraph (3)(a) and (b) for “tribunal” substitute “First-tier Tribunal”;
 - (d) in sub-paragraph (4)—
 - (i) for “appeal tribunal or Commissioner” substitute “First-tier Tribunal or Upper Tribunal”; and
 - (ii) in paragraph (b) for “tribunal or Commissioner” substitute “First-tier Tribunal or Upper Tribunal”;
 - (e) in sub-paragraph (5)—
 - (i) for “appeal tribunal or Commissioner” substitute “First-tier Tribunal or Upper Tribunal”; and
 - (ii) for “tribunal or Commissioner” substitute “First-tier Tribunal or Upper Tribunal”; and

- (f) in sub-paragraph (7)(a) for “a Commissioner”, in both places, substitute “the Upper Tribunal”.
- (13) In paragraph 18 (restrictions on entitlement to benefit in certain cases of error)—
 - (a) in sub-paragraph (1)(a) for “by virtue of this Schedule to a Commissioner” substitute “to the Upper Tribunal”;
 - (b) in sub-paragraph (3) for “the Commissioner” substitute “the Upper Tribunal”; and
 - (c) in sub-paragraph (9)(a) and (b) for “a Commissioner” substitute “the Upper Tribunal”.
- (14) In paragraph 19(1) (correction of errors and setting aside of decisions)—
 - (a) in sub-paragraph (1)—
 - (i) in paragraph (a) after “record of a decision made” insert “by the relevant authority”; and
 - (ii) omit paragraph (b) (together with the “and” immediately before it); and
 - (b) in sub-paragraph (2) omit “or set aside decisions”.
- (15) In paragraph 20 (regulations)—
 - (a) in paragraph (1) for the words from “exercisable—” to the end “substitute “exercisable by the Secretary of State”; and
 - (b) omit sub-paragraph (6).
- (16) In paragraph 23 (interpretation) omit the definitions of “appeal tribunal”, “the Chief Commissioner” and “Commissioner”.