

Housing Benefit and Council Tax Benefit Circular

Department for Work and Pensions

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HB/CTB A9/2010

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
ACTION	For information
SUBJECT	Citing Upper Tribunal decisions in appeal responses

Guidance Manual

The information in this circular does affect the content of the HB/CTB Guidance Manual. Please annotate this circular number against *paragraph C7.303-C7.305, C7.910*.

Queries

If you

- want **extra copies of this circular/copies of previous circulars**, they can be found on the website at <http://www.dwp.gov.uk/local-authority-staff/housing-benefit/user-communications/hbctb-circulars/>
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Citing Upper Tribunal decisions in appeal responses

Introduction

- 1 This circular tells you about a change in the way Upper Tribunal (UT) decisions are reported and in particular about how the numbering system for decisions has changed.

Background

- 2 Since the introduction of the new appeal tribunal structure on 3 November 2008, the Administrative Appeals Chamber (AAC) has been looking at the way that it reports its decisions. They have decided that the series of reported decisions selected by the AAC, which replace the reported Commissioners' decisions, will now be known as the Administrative Appeals Chamber Reports (AACR). These are the decisions of the UT Judges.
- 3 As the new appeal tribunal system encompasses more than just social security cases, these AACR will include decisions from all the AAC's jurisdiction, although inevitably most of the cases will be social security cases. The method of selection for reporting will remain as it is now and decisions will only be reported if they have the broad consent of the AAC as a whole. Reported decisions will therefore continue to carry greater weight than unreported.

Neutral citation

- 4 The new way of numbering UT decisions is called neutral citation and is the format already used by the higher courts, so bringing UT decisions in line with other courts of equal standing. It also enables those with internet access to more easily search for such decisions as all decisions published on the AAC website will have a neutral citation.

Reported Upper Tribunal decisions

- 5 An example of a neutral citation for a reported UT decision is '*KS v Secretary of State for Work and Pensions (JSA)* [2009] UKUT 122 (AAC); [2010] AACR 3'. To explain the composition of the citation, it is broken down below into its component parts
 - '*KS v Secretary of State for Work and Pensions (JSA)*' - refers to the parties to the appeal and the benefit involved. This part should be in italic font.
 - '[2009] UKUT 122 (AAC)' - refers to
 - the year the decision was made
 - United Kingdom Upper Tribunal
 - the neutral citation number, ie the consecutive number of the case within that year's series, and
 - the name of the chamber making the decision

- '[2010] AACR 3' – refers to the
 - year the decision was reported
 - name of the publication it is reported in, and
 - consecutive reporting number within that year's series
- 6 The AAC have indicated that names in the citation can be abbreviated, so '*KS v SSWP (JSA)* [2009] UKUT 122 (AAC); [2010] AACR 3' is acceptable. This format should always be used the first time reference is made in an appeal response to a decision with a neutral citation. Any subsequent references can be in the abbreviated format '*KS v SSWP (JSA)*'.
- 7 This format will be used on all decisions reported from 1 January 2010 onwards. Reported decisions numbered under the old 'R' format can continue to be cited as before, eg R(H) 1/08.

Unreported Upper Tribunal decisions

- 8 Some unreported decisions will also have a neutral citation number. This is when the decision has not been reported but it has nonetheless been thought to be of interest to potential parties. The only difference to the form of the citation in an unreported decision is that it will not contain the final segment of the citation and so would just be '*KS v SSWP (JSA)* [2009] UKUT 122 (AAC)'.
- 9 All other unreported decisions will retain the AAC reference number in the familiar format '*CH/1234/2010*'. It should be rare for Decision Makers (DMs) to need to cite decisions without neutral citation numbers (other than pre 3 November 2008 decisions). However, when for example a claimant or claimant's representative relies on a post 3 November 2008 decision that does not have a neutral citation number, this old file number format can still be used. Decisions without neutral citation numbers are not published on the AAC website, but copies will be provided by the AAC on request.