

SUBJECT INDEX

Administrative Appeals Chamber Reports January to December 2011 *(decisions reported up to March 2011)*

CHILD SUPPORT

Variation of maintenance calculation – ability to control assets as a matter of Scots Law

CS v CMEC and MS (CSM) [2010] UKUT 182 (AAC)

[\[2011\] AACR 2](#)

CRIMINAL INJURIES COMPENSATION

Reduction and withholding of awards – conduct of applicant – when behaviour causing or contributing to the incident makes it inappropriate to award full compensation

R (SB) v First-tier Tribunal (SEC) (CIC) [2010] UKUT 250 (AAC)

[\[2011\] AACR 11](#)

EUROPEAN UNION LAW

Discrimination on ground of sex – male-to-female transgender person remaining married to wife and claiming Category A retirement pension before Gender Recognition Act 2004 came into force – whether criteria of Act apply

Timbrell v Secretary of State for Work and Pensions [2010] EWCA Civ 701

[\[2011\] AACR 13](#)

HOUSING AND COUNCIL TAX BENEFIT

Housing benefit – maximum rent and occupation of the home – meaning of “occupier” for local housing allowance purposes – shared care of child – whether foster-child occupier of home

Wirral MBC v AH and Secretary of State for Work and Pensions (HB) [2010] UKUT 208 (AAC)

[\[2011\] AACR 6](#)

HUMAN RIGHTS

Burden of proof – whether tribunal’s approach to discretion in breach of Article 5 or Article 8 of the Convention

RH v South London and Maudsley NHS Foundation Trust and Secretary of State for Justice [2010] EWCA Civ 1273

[\[2011\] AACR 14](#)

Funeral payment – whether statutory scheme discriminatory contrary to Article 14 of the Convention in case of Jewish funeral

RM v Secretary of State for Work and Pensions (IS) [2010] UKUT 220 (AAC)

[\[2011\] AACR 8](#)

INCOME

Computation of earnings – salaried employee becoming part-time – whether payment in respect of month of transition to be treated as two separate payments

KJ v Secretary of State for Work and Pensions (CA) [2010] UKUT 218 (AAC)

[\[2011\] AACR 7](#)

INDUSTRIAL INJURY

Prescribed disease A4 – task-specific focal dystonia – meaning of “task-specific” – whether includes cervical dystonia

Secretary of State for Work and Pensions v CS (II) [2010] UKUT 198 (AAC)

[\[2011\] AACR 4](#)

JOBSEEKER'S ALLOWANCE

Housing costs – long tenancy – rent payable under Ijarah method of financing house purchase – whether qualifies for housing costs

Secretary of State for Work and Pensions v UP (JSA) [2010] UKUT 262 (AAC)

[\[2011\] AACR 12](#)

Remunerative work – seasonal self-employment – calculation of earnings

GM v Secretary of State for Work and Pensions (JSA) [2010] UKUT 221 (AAC)

[\[2011\] AACR 9](#)

MENTAL HEALTH

Restriction order – patient convicted of manslaughter relatively unlikely to reoffend – whether adequate reasons given for maintaining restriction order

RH v South London and Maudsley NHS Foundation Trust and Secretary of State for Justice [2010] EWCA Civ 1273

[\[2011\] AACR 14](#)

TRIBUNALS

Tribunal practice – direction barring teacher from work with children – nature of appeal – admissible evidence

Secretary of State for Education v JN [2010] UKUT 248 (AAC)

[\[2011\] AACR 10](#)

Tribunal practice – extension of time for appeal – whether tribunal should have regard to CPR rule 3.9

R (CD) v First-tier Tribunal (SEC) (CIC) [2010] UKUT 181 (AAC)

[\[2011\] AACR 1](#)

Tribunal practice – permission to appeal to Court of Appeal – new issue raised after decision of Upper Tribunal

RH v South London and Maudsley NHS Foundation Trust and Secretary of State for Justice [2010] EWCA Civ 1273

[\[2011\] AACR 14](#)

Tribunal procedure – case management of successive applications to First-tier Tribunal by patients subject to sections 2 and 3 of the Mental Health Act 1983 – effect of community treatment order on reference to First-tier Tribunal

KF and others v Birmingham and Solihull Mental Health Foundation Trust and another [2010] UKUT 185 (AAC)

[\[2011\] AACR 3](#)

Tribunal procedure – Upper Tribunal – enforcement reference

MD v Secretary of State for Work and Pensions (Enforcement Reference) [2010] UKUT 202 (AAC)

[\[2011\] AACR 5](#)