

Decisions of Upper Tribunal (Administrative Appeals Chamber) on Housing Benefit and Council Tax Benefit

HB/CTB Decisions published on Upper Tribunal (AAC) website in 2012

(Last updated 22 February 2012)

Case	Date of decision	Legislation in issue	Keywords
Wychavon District Council v EM (HB) [2012] UKUT 12 (AAC) CH/171/2011	06/01/12	Regs 8, 9 & 12 HB Regs 2006	Review under section 10 of the 2007 Act and rules 45 and 46 of the UT Procedure Rules of [2011] UKUT 144 (AAC) re liability for rent (130(1)(a) of SSCBA 1992). Accommodation a necessary and therefore claimant liable to pay a reasonable sum in respect of it (s.7 of the Mental Capacity Act 2005)

HB/CTB decisions selected for reporting in 2012

Reported as	Title and NCN	Keywords
[2012] AACR 21	<i>Glasgow City Council v AL (HB) [2011] UKUT 354 (AAC)</i> CSH/168/2010	Proper test to be applied by tribunals in Scotland in determining whether a claimant has legal capacity to enter a contract of lease – mental capacity must be judged with reference to the transaction in issue – the presumption of capacity can be overcome only by independent and informed evidence – appointment of appointee is not conclusive
[2012] AACR 22 Court of Appeal decision)	<i>Kingston upon Hull CC v DLM (HB) [2010] UKUT 234 (AAC)</i> CH/2270/2009 <i>Minter v Kingston-upon-Hull CC & Potter v SSWP 13.10.11 [2011] EWCA Civ 1155</i>	Earnings and other income – compensation payments – local authority workers' equal treatment claims and payments in lieu of remuneration Recovery of overpayments – official error and meaning of "relevant authority".

Note: non-HB/CTB search categories that may include cases of relevance or interest include Capital; Earnings and other income; Income support and state pension credit; Recovery of overpayments; Marriage and living together; Residence and presence conditions;

Revisions, supersessions and reviews. If you are interested in a specific issue that is not covered by the search categories try searching the Notes field on the [Search for Decisions](#) page by key word or phrase. See [Help with searching](#).