

Decisions of Social Security and Child Support Commissioners and Upper Tribunal judges on Housing Benefit and Council Tax Benefit

HB/CTB Decisions published on Commissioners' / Upper Tribunal website in 2009

File number	Date of decision	Council	Benefit	Legislation in issue	Keywords
[2009] UKUT 34 (AAC) CH/426/2008	11/02/09	Chichester	CTB	Recognition of Trusts Act 1987	Capital – money placed in foreign joint bank account by someone other than a claimant – whether money subject to a resulting trust – proper law to be applied – burden of proof about whether money placed in a foreign joint bank account by another person was within the beneficial ownership of the claimant
[2009] UKUT 28 (AAC) CH/1615/2008	10/02/09	Wigan	HB	Regs 10(1)(a) & 10(1)(e) HB Regs 1987	Eligible payments – whether a sum payable by the tenant in respect of a bedroom to be occupied by an overnight carer is eligible for housing benefit
[2009] UKUT 27 (AAC) CH/3801/2008	09/02/09	Walsall	HB CTB		Evidence by submission writers and presenting officers – computer print-out -. proof of decision by inference

[2009] UKUT 19 (AAC) CH/1487/2008	29/01/09	Wycombe	HB	Reg. 12 (2) (c) HB Regs 2006	Meaning of 'owner' – considers authorities tending to show does not include person with beneficial interest not on legal title
[2009] UKUT 20 (AAC) CH/3571/2008	27/01/09	Wakefield	HB	Reg 9(1)(h)	Relevance of efforts to avoid selling property and taking tenancy Interaction of decision notice and statement of reasons
[2009] UKUT 12 (AAC) CH/2726/2008	19/01/09	East Hertfordshire	HB	Para. 4(10) Sch 3 HB & CTB (Consequential Provisions) Regulations 2006	Whether accommodation 'provided by' a charity where the charity arranges for the claimant to live in accommodation belonging to a carer.
[2009] UKUT 15 (AAC) CH/2736/2008	19/01/09	Bradford	HB		Fair hearing – First-tier Tribunal judge hearing successive appeals by same claimant
[2009] UKUT 14 (AAC) CH/2880/2007	15/01/09	Neath Port Talbot	HB CTB	Reg 104 HB Regs 2006 Reg 89 of the CTB Regs 2006.	Need for tribunal to address the basis on which recoverable overpayments have been calculated and any possible offsets,
[2009] UKUT 7 (AAC) CH/4/2008	15/01/09	Brent	HB	Reg 9 HB Regs 2006	Whether regulation 9 (1)(e) applies to a discretionary beneficiary of a trust in the absence of the exercise of a power of appointment.

HB/CTB decisions selected for reporting in 2009

Reported as	File number	Council	Benefit	Legislation in issue	Keywords
R(H) 1/09	CH/3584/2007	Hackney	CTB	Reg 14 HB & CTB (D & A) Regs 2001	Whether benefit entitlement ceased under regulation 14 of the HB and CTB (Decisions and Appeals) Regulations 2001 where the local authority framed its information requirement by reference to a document which did not exist
R(H) 2/09	CH/51/2008	Islington	CTB	Reg 30(5) CTB Regs	Income - reduction in incapacity benefit because of receipt of occupational pension by virtue of s30DD of the SSCBA 1992 is not 'any deduction by way of recovery'
R(H) 3/09	[2008] UKUT 18 (AAC) CH/3160/2007	Mendip	HB	Reg 100(2) HB Regs 2006	2006 Amendments to liability for overpayments are retrospective.
R(H) 4/09	CH/779/2007 CH/1246/2007 CH/2805/2007	Hounslow Oxford Sheffield	HB	Para 4(10) Schedule 3 to HB and CTB (Consequential Provisions) Regs 2006.	Whether accommodation is 'exempt accommodation' where support is provided to tenant by a third party

HB/CTB cases under appeal to superior courts in 2009

File number	Date of decision	Council	Benefit	Legislation in issue	Keywords
CH/2321/2007 Leave to appeal granted by Court of Appeal on 08.12.08 under the name Aykac v LB Camden and Secretary of State for Work and Pensions	23/06/08	Camden	HB	Reg 10 HB Regs 2006	National of state that has ratified ECSMA department – whether "right to reside" test confined to EU Citizens.

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](#).