



**FIRST-TIER TRIBUNAL**  
**SOCIAL ENTITLEMENT CHAMBER**

Held at: Brighton

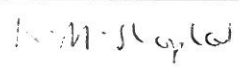
on: 12/05/2014

Before: Judge K.M. Shepherd

<b>Appellant:</b>	<b>Tribunal Ref.</b> SC177/13/01485
	<b>NI No.</b>
<b>Respondent: Rother District Council</b>	

**DECISION NOTICE**

1. The appeal is allowed.
2. The decision made on 20/12/2012 is set aside.
3. In terms of Section 3(1) of the Human Rights Act 1998 regulation 13D (3)(a) of the Housing Benefit Regulations 2006 can and should be read as follows: "(a) couple (within the meaning of Part 7 of the Act) (or one member of a couple who cannot share a bedroom because of severe disability)." Not to so read it would be incompatible with the appellant's rights under Article 14 of the European Convention of Human Rights read with Article 1 of the First Protocol of the European Convention of Human Rights.
4. Applying regulation 13D (3)(a) as so read, the appellant is entitled to the two bedroom Local Housing Allowance rate.

Signed  Tribunal Judge: K.M. Shepherd	Date: 12/05/2014
<i>Decision Notice issued to</i>	<i>Appellant on: 12/05/2014</i> <i>Respondent on: 12/05/2014</i>