

The legal issues - room size and use

The decision of the first-tier tribunal and/or the grounds of appeal raise arguments about what constitutes a bedroom for the purpose of the relevant Housing Benefit regulations, with particular reference to the size and/or use of the room(s) concerned.

Other cases and the "lead case"

This is obviously an issue of some importance and the Upper Tribunal has received a number of cases raising similar arguments. Some are applications, some are appeals. Some are brought by claimants who did not succeed at the first-tier tribunal, and some are brought by the local authority or the Secretary of State where the claimant was successful at the first-tier tribunal.

One case (CH/153/2014) is proceeding as a "lead case". In that case, submissions from the Secretary of State have been received and further submissions from the other parties are awaited. It is not possible to give an indication of when a final decision will be available. Depending on the outcome of that case, there is a possibility that the losing side will seek to appeal to the Court of Appeal.

Stay of this case

As the same issue arises as in the "lead case" it is appropriate to stay – i.e put on hold - this case pending the outcome of the lead case.

DIRECTIONS

In view of the above I **Direct** that further consideration of this case be **stayed** pending the outcome of proceedings in CH/153/2014 and any appeal arising out of that decision.

Mr M Roots, Registrar, 18 June 2014

A Registrar is a lawyer authorised to deal with certain procedural aspects of the case. If you are dissatisfied with this ruling you are entitled to request a Judge of the Upper Tribunal to consider it and confirm or replace with his/her own. Any such request should be made in writing within 14 days of the date of issue.