

**DECISION OF THE UPPER TRIBUNAL
(ADMINISTRATIVE APPEALS CHAMBER)**

As the decision of the First-tier Tribunal (made on 16 November 2016 at Blackburn under reference SC063/16/00352) involved the making of an error in point of law, it is SET ASIDE under section 12(2)(a) and (b)(i) of the Tribunals, Courts and Enforcement Act 2007 and the case is REMITTED to the tribunal for rehearing by a differently constituted panel.

DIRECTIONS:

- A. The tribunal must undertake a complete reconsideration of the issues that are raised by the appeal in order to decide the claimant's entitlement to a tax credit for the tax year 2014-2015 in accordance with my reasons below.
- B. I draw the tribunal's attention to paragraphs 34-36 on page 102, which relate the claimant's wife's income as a foster carer.

REASONS FOR DECISION

1. The claimant appealed to the First-tier Tribunal against the decision of the Commissioners in respect of the 2014-2015 tax year. That decision was made on 21 January 2016 under section 18 of the Tax Credits Act 2002.
2. In reaching that decision, the decision-maker applied the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (SI No 2005) as amended by the Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015 (SI No 605). The latter came into force on 6 April 2015, which is not in the 2014-2015 tax year.
3. On appeal, the First-tier Tribunal took the same approach and applied the amendments. However, Tribunal Judge Rocke gave the claimant permission to appeal, asking whether that approach was correct.
4. Ms Collins, on behalf of the Commissioners, has supported the appeal. She accepts that the amendments only took effect from 6 April 2015 and cannot be applied to tax years before that date. I accept that submission as in accordance with general principles.
5. The parties are agreed that the case should be remitted to the First-tier Tribunal for rehearing and I have so decided.

**Signed on original
on 21 August 2017**

**Edward Jacobs
Upper Tribunal Judge**