



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER II

SOCIAL SECURITY DECISIONS AND APPEALS

Housing benefit and council tax benefit

34 Determination of claims and reviews

- (1) Regulations shall provide that, where a person claims—
 - (a) housing benefit; or
 - (b) council tax benefit,the authority to whom the claim is made shall notify the person of its determination of the claim.
- (2) Any such notification shall be given in such form as may be prescribed.
- (3) Regulations may make provision requiring authorities to whom claims for housing benefit or council tax benefit are made by, or in respect of, persons who have been entitled to a jobseeker's allowance or to income support to give priority, in prescribed circumstances, to those claims over other claims for any such benefit.
- (4) Regulations shall make provision for reviews of determinations relating to housing benefit or council tax benefit.
- (5) Regulations may make provision as respects matters arising out of the revision on review of such determinations.

Status: Point in time view as at 18/10/1999.

Changes to legislation: Social Security Act 1998, Cross Heading: Housing benefit and council tax benefit is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

II S. 34 in force at 18.10.1999 by S.I. 1999/2860, art. 2(a) (with art. 4, Schs. 16-18)

35 Suspension of benefit in prescribed circumstances

- (1) Regulations may provide for—
- (a) suspending in prescribed circumstances, in whole or in part—
 - (i) payments of housing benefit or council tax benefit; or
 - (ii) any right (exercisable by way of council tax benefit) to make a reduction in the amount that a person is or becomes liable to pay in respect of council tax;
 - (b) the subsequent making, or restoring, in prescribed circumstances of any or all of the payments, or any right, so suspended.
- (2) Regulations made under subsection (1) above may, in particular, make provision for any case where, in relation to a claim for housing benefit or council tax benefit—
- (a) it appears to the authority that an issue arises whether the conditions for entitlement to the benefit are or were fulfilled;
 - (b) it appears to the authority that an issue arises whether the determination of the claim should be reviewed in accordance with regulations made under section 34(4) above;
 - (c) an appeal is pending to a court in relation to the determination of the claim; or
 - (d) an appeal is pending to a court in relation to the determination (whether made by the authority or by any other authority) of a different claim for housing benefit or council tax benefit, and it appears to the authority that if the appeal were to be determined in a particular way an issue would arise whether the determination of the claim ought to be reviewed.
- (3) For the purposes of subsection (2) above, an appeal is pending to a court in England and Wales in relation to a determination if—
- (a) an application, or a renewed application, for leave to apply for judicial review of the determination has been made but not determined;
 - (b) such leave has been granted but the application for judicial review has not been determined;
 - (c) an appeal has been brought (or an application has been made for leave to appeal) against an order made on a judicial review of the determination, and the appeal (or application) has not been determined; or
 - (d) in such circumstances as may be prescribed, the time for making an application or appeal such as is mentioned in paragraph (a) or (c) above has not yet expired.
- (4) For the purposes of subsection (2) above, an appeal is pending to a court in Scotland in relation to a determination if—
- (a) an application to the supervisory jurisdiction of the Court of Session has been made in respect of the determination and the application has not been determined;
 - (b) an appeal has been brought against an order made on such an application and the appeal has not been determined;

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- (c) in such circumstances as may be prescribed, an application such as is mentioned in paragraph (a) above has not been made in respect of the determination and a period prescribed for the purposes of this section for making such an application has not expired; or
- (d) in such circumstances as may be prescribed, the time for making an appeal such as is mentioned in paragraph (b) above has not yet expired.

Status:

Point in time view as at 18/10/1999.

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