

*Status: Point in time view as at 01/11/2000.*

*Changes to legislation: Child Support, Pensions and Social Security Act 2000, Cross Heading: Decisions involving issues that arise on appeal in other cases is up to date with all changes known to be in force on or before 25 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)*

## SCHEDULES

### SCHEDULE 7

#### HOUSING BENEFIT AND COUNCIL TAX BENEFIT: REVISIONS AND APPEALS

##### *Decisions involving issues that arise on appeal in other cases*

- 16 (1) This paragraph applies where—
- (a) a relevant decision, or a decision under paragraph 3 about the revision of an earlier decision, falls to be made in any particular case; and
  - (b) an appeal is pending against the decision given in another case by a Commissioner or a court.
- (2) A relevant authority need not make the decision while the appeal is pending if they consider it possible that the result of the appeal will be such that, if it were already determined, there would be no entitlement to benefit.
- (3) If a relevant authority consider it possible that the result of the appeal will be such that, if it were already determined, it would affect the decision in some other way—
- (a) they need not, except in such cases or circumstances as may be prescribed, make the decision while the appeal is pending;
  - (b) they may, in such cases or circumstances as may be prescribed, make the decision on such basis as may be prescribed.
- (4) Where—
- (a) a relevant authority act in accordance with sub-paragraph (3)(b), and
  - (b) following the making of the determination it is appropriate for their decision to be revised,
- they shall then revise their decision (under paragraph 3) in accordance with that determination.
- (5) For the purposes of this paragraph, an appeal against a decision is pending if—
- (a) an appeal against the decision has been brought but not determined;
  - (b) an application for leave to appeal against the decision has been made but not determined; or
  - (c) the time within which—
    - (i) an application for leave to appeal may be made, or
    - (ii) an appeal against the decision may be brought,has not expired and the circumstances are such as may be prescribed.
- (6) In paragraphs (a), (b) and (c) of sub-paragraph (5), any reference to an appeal against a decision, or to an application for leave to appeal against a decision, includes a reference to—

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- (a) an application for judicial review of the decision under section 31 of the <sup>M1</sup>Supreme Court Act 1981 or for leave to apply for judicial review; or
  - (b) an application to the supervisory jurisdiction of the Court of Session in respect of the decision.
- (7) In sub-paragraph (1)(b) the reference to another case—
- (a) includes a reference to a case involving a decision made, or falling to be made, by a different relevant authority; but
  - (b) does not include a reference to a case relating to another benefit unless the other benefit is housing benefit or council tax benefit.

**Commencement Information**

**II** Sch. 7 para. 16 wholly in force at 2.7.2001; Sch. 7 para. 16 not in force at Royal Assent see s. 86(2)(3) (a); Sch. 7 para. 16 in force for certain purposes at 1.11.2000 by S.I. 2000/2950, art. 3(c); Sch. 7 para. 16 in force at 2.7.2001 by S.I. 2001/1252, art. 2(2)(a)(i)

**Marginal Citations**

**M1** 1981 c. 54.

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