

## SCHEDULES

### SCHEDULE 7

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

##### *Suspension in prescribed circumstances*

- 13 (1) Regulations may provide for—
- (a) suspending, in whole or in part, any payments of housing benefit or council tax benefit;
  - (b) suspending, in whole or in part, any reduction (by way of council tax benefit) in the amount that a person is or will become liable to pay in respect of council tax;
  - (c) the subsequent making, or restoring, in prescribed circumstances of any or all of the payments, or reductions, so suspended.
- (2) Regulations made under sub-paragraph (1) 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 relevant authority that an issue arises whether the conditions for entitlement to such a benefit are or were fulfilled;
  - (b) it appears to the relevant authority that an issue arises whether a decision as to an award of such a benefit should be revised (under paragraph 3) or superseded (under paragraph 4);
  - (c) an appeal is pending against a decision of an appeal tribunal, a Commissioner or a court; or
  - (d) it appears to the relevant authority, where an appeal is pending against the decision given by a Commissioner or a court in a different case, that if the appeal were to be determined in a particular way an issue would arise whether the award of housing benefit or council tax benefit in the case itself ought to be revised or superseded.
- (3) For the purposes of sub-paragraph (2), 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.
- (4) In sub-paragraph (2)(d) the reference to a different case—
- (a) includes a reference to a case involving a different relevant authority; but
  - (b) does not include a reference to a case relating to a different benefit unless the different benefit is housing benefit or council tax benefit.