

SCHEDULES

SCHEDULE 7

HOUSING BENEFIT AND COUNCIL TAX BENEFIT: REVISIONS AND APPEALS

Appeal to appeal tribunal

- 6 (1) Subject to sub-paragraph (2), this paragraph applies to any relevant decision (whether as originally made or as revised under paragraph 3) of a relevant authority which—
- (a) is made on a claim for, or on an award of, housing benefit or council tax benefit; or
 - (b) does not fall within paragraph (a) but is of a prescribed description.
- (2) This paragraph does not apply to—
- (a) any decision terminating or reducing the amount of a person's housing benefit or council tax benefit that is made in consequence of any decision made under regulations under section 2A of the Administration Act (work-focused interviews);
 - (b) any decision of a relevant authority as to the application or operation of any modification of a housing benefit scheme or council tax benefit scheme under section 134(8)(a) or section 139(6)(a) of the Administration Act (disregard of war disablement and war widows' pensions);
 - (c) so much of any decision of a relevant authority as adopts a decision of a rent officer under any order made by virtue of section 122 of the Housing Act 1996 (decisions of rent officers for the purposes of housing benefit);
 - (d) any decision of a relevant authority as to the amount of benefit to which a person is entitled in a case in which the amount is determined by the rate of benefit provided for by law; or
 - (e) any such other decision as may be prescribed.
- (3) In the case of a decision to which this paragraph applies, any person affected by the decision shall have a right to appeal to an appeal tribunal.
- (4) Nothing in sub-paragraph (3) shall confer a right of appeal in relation to—
- (a) a prescribed decision; or
 - (b) a prescribed determination embodied in or necessary to a decision.
- (5) Regulations under sub-paragraph (4) shall not prescribe any decision or determination that relates to the conditions of entitlement to housing benefit or council tax benefit for which a claim has been validly made.
- (6) Where any amount of housing benefit or council tax benefit is determined to be recoverable under or by virtue of section 75 or 76 of the Administration Act (overpayments and excess benefits), any person from whom it has been determined that it is so recoverable shall have a right of appeal to an appeal tribunal.

Status: This is the original version (as it was originally enacted).

- (7) A person with a right of appeal under this paragraph shall be given such notice of the decision in respect of which he has that right, and of that right, as may be prescribed.
- (8) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought.
- (9) In deciding an appeal under this paragraph, an appeal tribunal—
 - (a) need not consider any issue that is not raised by the appeal; and
 - (b) shall not take into account any circumstances not obtaining at the time when the decision appealed against was made.