
STATUTORY INSTRUMENTS

2001 No. 1002

**The Housing Benefit and Council Tax Benefit
(Decisions and Appeals) Regulations 2001**

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 and shall come into force on 2nd July 2001.

(2) In these Regulations, unless the context otherwise requires—

[^{F1}“the 1998 Act” means the Social Security Act 1998;]

“the Act” means the Child Support, Pensions and Social Security Act 2000;

“the Administration Act” means the Social Security Administration Act 1992;

“appeal” means an appeal to [^{F2}the First-tier Tribunal];

“appropriate relevant authority” has the meaning it has in paragraph 4 of Schedule 7 to the Act;

“benefit week” means a period of seven consecutive days commencing on a Monday and ending on a Sunday;

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“claimant” means a person claiming housing benefit or council tax benefit or both;

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[^{F5}“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

[^{F6}“Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006;]

[^{F7}“Council Tax Benefit (State Pension Credit) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]

[^{F8}[^{F9}“couple” means—

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(b) two people who are not married to, or civil partners of, each other but are living together [^{F10}as if they were a married couple or civil partners];]]

^{M1}“Decisions and Appeals Regulations 1999” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999 ;

[^{F11}“family” has the same meaning as in section 137 of the Social Security Contributions and Benefits Act 1992;]

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[^{F14}“Housing Benefit Regulations” means the Housing Benefit Regulations 2006;]

[^{F15}“Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]

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“official error” means an error made by—

- (a) a relevant authority or a person—
 - (i) authorised to carry out any function of a relevant authority relating to housing benefit or council tax benefit; or
 - (ii) providing services relating to housing benefit or council tax benefit directly or indirectly to a relevant authority;
- (b) [^{F17}an officer of—
 - (i) the Department for Work and Pensions; or
 - (ii) the Commissioners of Inland Revenue, acting as such;]
- (c) ^{F18}...

but excludes any error caused wholly or partly by any person or body not specified in [^{F19}sub-paragraph (a) or (b)] of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of [^{F20}the Upper Tribunal] or the court;

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“partner” means—

- (a) where a claimant is a member of [^{F22}a couple], the other member of that couple; or
- (b) where a claimant is polygamously married to two or more members of his household, any such member;

“person affected” shall be construed in accordance with regulation 3;

[^{F5}“the Pilot Scheme Regulations” means the Housing Benefit (Loss of Benefit) (Pilot Scheme) Regulations 2007;]

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“principal parties” has the same meaning as in paragraph 7(4) of Schedule 7 to the Act;

“relevant authority” has the same meaning as in paragraph 1(1) of Schedule 7 to the Act;

“relevant decision” has the same meaning as in paragraph 1(2) of Schedule 7 to the Act;

[^{F24}“Scottish disability benefit” means, as the context requires, either of the following benefits—

- (a) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
- (b) child disability payment within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;]

[^{F25}“the Welfare Reform Act” means the Welfare Reform Act 2007.]

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- (3) In these Regulations, unless the context otherwise requires, a reference—
- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
 - (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

Textual Amendments

- F1** Words in reg. 1(2) inserted (6.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(b), **5(2)(a)**
- F2** Words in reg. 1 substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 149(a)**
- F3** Words in reg. 1(2) omitted (21.3.2022) by virtue of The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **7(2)(a)**
- F4** Words in reg. 1 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 149(c)(i)**
- F5** Words in reg. 1 inserted (1.11.2007) by Housing Benefit (Loss of Benefit) (Pilot Scheme) (Supplementary) Regulations 2007 (S.I. 2007/2474), regs. 1(1), **8(a)**
- F6** Words in reg. 1(2) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 17(2)(a)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F7** Words in reg. 1(2) inserted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 17(2)(b)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F8** Words in reg. 1(2) (E+W) substituted (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), art. 1(2), **Sch. 1 para. 30**
- F9** Words in reg. 1(2) (S) substituted (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 6 para. 21**
- F10** Words in reg. 1(2) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 59**
- F11** Words in reg. 1(2) inserted (6.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(b), **5(2)(b)**
- F12** Words in reg. 1(2) omitted (30.9.2002) by virtue of Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703), reg. 1, **Sch. 2 para. 8(a)(i)**
- F13** Words in reg. 1 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 149(c)(ii)**
- F14** Words in reg. 1(2) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 17(2)(c)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F15** Words in reg. 1(2) inserted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 17(2)(d)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F16** Words in reg. 1 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 149(c)(iii)**
- F17** Words in reg. 1(2) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **23(b)**

- F18** Words in reg. 1(2) omitted (30.9.2002) by virtue of Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703), reg. 1, **Sch. 2 para. 8(a)(ii)**
- F19** Words in reg. 1(2) substituted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **19**
- F20** Words in reg. 1 substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 149(b)**
- F21** Words in reg. 1 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 149(c)(iv)**
- F22** Words in reg. 1(2) substituted (5.12.2005) by Social Security (Civil Partnership) (Consequential Amendments) Regulations 2005 (S.I. 2005/2878), regs. 1, **9(2)(b)**
- F23** Words in reg. 1 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 149(c)(v)**
- F24** Words in reg. 1(2) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **7(2)(b)**
- F25** Words in reg. 1(2) added by SI 2008/1082 reg. 3(2) (as substituted) (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/2428), regs. 1(2), **26**

Modifications etc. (not altering text)

- C1** Reg. 1(2) applied by S.I. 1987/1971 Sch. 5 para. 8(2) (as added) (14.10.2002) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2002 (S.I. 2002/2380), regs. 1(b), **4(b)**
- C2** Reg. 1(2) applied by S.I. 1992/1814 Sch. 5 para. 8(2) (as added) (14.10.2002) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2002 (S.I. 2002/2380), regs. 1(b), **5(b)**
- C3** Reg. 1(2) applied by 2002 SI1792 Sch. 5 Pt. 1 para 20A(4) (as substituted (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **2(12)(f)**

Marginal Citations

- M1** S.I. 1999/991; relevant amending instruments are S.I. 1999/1466 and 2000/1596.

Service of notices or documents

2. Where, by, or in consequence of, any provision of these Regulations or Schedule 7 to the Act—
- (a) any notice or other document is required to be given or sent to^{F26} ..., the Secretary of State or the relevant authority, that notice or document shall be treated as having been so given or sent on the day that it is received by^{F27} ..., the Secretary of State or the relevant authority, as the case may be; and
- (b) any notice (including notification of a decision of a relevant authority) or other document is required to be given or sent to any person other than^{F28} ..., the Secretary of State or the relevant authority, as the case may be, that notice or document shall, if sent by post to that person's last known address, be treated as having been so given or sent on the day it was posted.

Textual Amendments

- F26** Words in reg. 2(a) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 150(a)(i)**

- F27** Words in reg. 2(a) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 150(a)(ii)**
- F28** Words in reg. 2(b) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 150(b)**

Person treated as a person affected by a decision

3.—(1) For the purposes of Schedule 7 to the Act and subject to paragraph (2), a person is to be treated as a person affected by a relevant decision of a relevant authority where that person is—

- (a) a claimant;
- (b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act—
 - (i) a [^{F29}deputy] appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit appointed by the person liable to make those payments under [^{F30}the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise];
- [^{F31}(c) a person appointed by the relevant authority under regulation 82(3) of the Housing Benefit Regulations, regulation 63(3) of the Housing Benefit (State Pension Credit) Regulations, regulation 68(3) of the Council Tax Benefit Regulations or, as the case may be, regulation 52(3) of the Council Tax Benefit (State Pension Credit) Regulations (appointments for persons unable to act);]
- [^{F31}(d) a person from whom the relevant authority determines that—
 - (i) an overpayment is recoverable in accordance with Part 13 of the Housing Benefit Regulations or Part 12 of the Housing Benefit (State Pension Credit) Regulations; or
 - (ii) excess benefit is recoverable in accordance with Part 11 of the Council Tax Benefit Regulations or Part 10 of the Council Tax Benefit (State Pension Credit) Regulations; or]
- [^{F31}(e) a landlord or agent acting on behalf of that landlord and that decision is made under—
 - (i) regulation 95 (circumstances in which payment is to be made to the landlord) of the Housing Benefit Regulations;
 - (ii) regulation 96 (circumstances in which payment may be made to the landlord) of those Regulations;
 - (iii) regulation 76 (circumstances in which payment is to be made to the landlord) of the Housing Benefit (State Pension Credit) Regulations;
 - (iv) regulation 77 (circumstances in which payment may be made to the landlord) of those Regulations.]

(2) Paragraph (1) only applies in relation to a person referred to in paragraph (1) where the rights, duties or obligations of that person are affected by a relevant decision.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, PART I. (See end of Document for details)

Textual Amendments

- F29** Word in reg. 3(1)(b)(i) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **9(2)(a)**
- F30** Words in reg. 3(1)(b)(iii) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **9(2)(b)**
- F31** Reg. 3(1)(c)-(e) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 17(3)(a)** (with regs. 2, 3, Sch. 3, Sch. 4)

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, PART I.