
STATUTORY INSTRUMENTS

2001 No. 1002

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

PART II

REVISIONS AND SUPERSESIONS

Decisions superseding earlier decisions

7.—(1) Subject to the provisions in this regulation, the prescribed cases and circumstances in which a decision may be made under paragraph 4 of Schedule 7 to the Act (decisions superseding earlier decisions) are as set out in paragraph (2).

(2) The appropriate relevant authority may make a decision under paragraph 4 of Schedule 7 to the Act upon its own initiative or on an application made for the purpose on the basis that the decision to be superseded is a decision—

- (a) in respect of which—
 - (i) there has been a change of circumstances; or
 - (ii) it is anticipated that a change of circumstances will occur;
- (b) which is erroneous in point of law or made in ignorance of, or was based upon a mistake as to, some material fact provided that the decision—
 - (i) cannot be revised on the basis of that error, ignorance or mistake; and
 - (ii) is not a decision prescribed in regulations under paragraph 6(2)(e) or (4)(a) of Schedule 7 to the Act;
- (c) which adopts a rent officer's determination and in consequence of a rent officer's redetermination, substitute determination or substitute redetermination made under the Rent Officers (Housing Benefit Functions) Order 1997 or the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 the amount which represents the rent for the purposes of calculating entitlement to benefit is reduced;
- (d) of an appeal tribunal or of a Commissioner that was made in ignorance of, or was based upon a mistake as to, some material fact;
- (e) which is prescribed in regulations made under paragraph 6(2)(e) or (4)(a) of Schedule 7 to the Act;
- (f) in respect of a person who—
 - (i) is subsequently the subject of a separate decision or determination as to whether or not he took part in a work-focused interview; or
 - (ii) had been held not to have taken part in a work-focused interview, but who had, subsequent to the decision to be superseded, attained the age of 60 or ceased to reside in an area in which there is a requirement to take part in a work-focused interview.

(3) The reference to a change of circumstances in paragraph (2)(a) shall include changes of circumstances specified in regulation 75(2) of the Housing Benefit Regulations⁽¹⁾ or regulation 65(2) of the Council Tax Benefit Regulations⁽²⁾ (changes of circumstances which do not need to be notified).

(4) A decision which may be revised under regulation 4 may not be superseded under this regulation except where—

- (a) circumstances arise in which the appropriate relevant authority may revise that decision under regulation 4; and
- (b) further circumstances arise in relation to that decision which are not specified in regulation 4 but are specified in paragraph (2) or (5).

(5) Where the appropriate relevant authority requires further evidence or information from the applicant in order to consider all the issues raised by an application under paragraph (2) (“the original application”), the authority shall notify the applicant that further evidence or information is required and, if it does so, the decision may be superseded—

- (a) where the applicant provides further relevant evidence or information within one month of the date of notification or such longer period of time as the appropriate relevant authority may allow; or
- (b) where the applicant does not provide such evidence or information within the time allowed under sub-paragraph (a), on the basis of the original application.

(6) The appropriate relevant authority may treat an application for a revision or a notification of a change of circumstances as an application for a supersession.

(7) An application under this regulation shall be made in writing and delivered, by whatever means, to the relevant authority or, in a case to which the Work-focused Interviews Regulations apply, either to the relevant authority or to an office of a designated authority which displays the ONE logo.

(1) Relevant amending instruments are [S.I. 1990/546](#) and [1996/1510](#).

(2) Relevant amending instrument is [S.I. 1996/1510](#).