
STATUTORY INSTRUMENTS

2001 No. 1002

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

PART II

REVISIONS AND SUPERSESSIONS

Date from which a decision superseding an earlier decision takes effect

8.—(1) A decision made by virtue of paragraph 4 of Schedule 7 to the Act (“the superseding decision”) shall take effect on a date other than the date on which it is made or the date on which the application was made in the cases or circumstances prescribed in paragraphs (2) to (7).

(2) Subject to paragraphs (3) and (6), where the superseding decision is made on the ground that there has been, or it is anticipated that there will be, a change of circumstances, the superseding decision shall take effect on the date on which the change of circumstances is to take effect [^{F1}in accordance with—

- (a) regulation 79 of the Housing Benefit Regulations;
- (b) regulation 59 or 60 of the Housing Benefit (State Pension Credit) Regulations;
- (c) regulation 67 of the Council Tax Benefit Regulations; or
- (d) regulation 50 or 51 of the Council Tax Benefit (State Pension Credit) Regulations

as the case may be.]

(3) For the purposes of determining the date on which a superseding decision is to take effect in accordance with paragraph (2), in a case where—

- (a) the change of circumstances is a change of circumstances that is required by regulations to be notified, other than any change of circumstances to which regulation 68A [^{F2}or 68B] of the Housing Benefit Regulations or regulation 59A [^{F2}or 59B] of the Council Tax Benefit Regulations applies; and
- (b) that change of circumstances is notified more than one month after it occurs, or such longer period as may be allowed under regulation 9; and
- (c) the superseding decision is advantageous to the claimant,

the date of notification of the change of circumstances shall be treated as the date on which the change of circumstances occurred.

(4) Where the superseding decision is advantageous to the claimant and is made on the ground that the superseded decision was made in ignorance of, or was based upon a mistake as to, some material fact, the superseding decision shall take effect from the first day of the benefit week in which—

- (a) except where sub-paragraph (b) applies, the appropriate relevant authority first has information which is sufficient to show that the superseded decision was made in ignorance of, or was based upon a mistake as to, some material fact;

(b) where the superseding decision was made pursuant to an application, that application was received by the appropriate relevant authority.

(5) For the purpose of paragraphs (3)(c) and (4), the reference to the decision which is advantageous to the claimant includes a decision specified in regulation 17(2).

(6) A superseding decision made in consequence of a rent officer's redetermination, substitute determination [^{F3}substitute redetermination, board and attendance redetermination, substitute board and attendance determination, substitute board and attendance redetermination, amended broad rental market area determination or amended local housing allowance determination] under the Rent Officers (Housing Benefit Functions) Order 1997 or the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 shall take effect on the date on which a change of circumstances is to take effect in accordance with [^{F4}regulation 79 of the Housing Benefit Regulations or, as the case may be, regulation 59 or 60 of the Housing Benefit (State Pension Credit) Regulations] as if that determination or redetermination were the relevant change of circumstances.

[^{F5}(6A) Except in a case where entitlement to housing benefit ceases, where a rent officer has made a determination in exercise of the Housing Act functions pursuant to an application by a relevant authority under [^{F6}regulation 14(1)(f) or (g) of the Housing Benefit Regulations or, as the case may be, regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations"], any decision to which [^{F7}regulation 7A(3)] applies which adopts that determination shall take effect from—

(a) in a case where the amount of the rent officer's determination has increased or remains unchanged, and—

(i) rent is payable weekly or in multiples of weeks, the first day of the benefit week in which the day following the last day of the period mentioned in [^{F6}regulation 14(1)(f) or (g) of the Housing Benefit Regulations or, as the case may be, regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations"] occurs;

(ii) rent is payable other than in accordance with head (i), the first day following the last day of the period mentioned in [^{F6}regulation 14(1)(f) or (g) of the Housing Benefit Regulations or, as the case may be, regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations];

(b) in a case where the amount of the rent officer's determination has decreased, the first day of the benefit week following the date on which that determination was received by a relevant authority;

(6B) For the purposes of paragraph (6A) "Housing Act functions" has the same meaning as in regulation 2(1) of the Housing Benefit Regulations [^{F8}or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations."]

(7) Where a decision is made superseding a decision of [^{F9}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or of a Commissioner] ("the appeal decision") which—

(a) was made in ignorance of, or was based upon a mistake as to, some material fact; and

(b) was more advantageous to the claimant than it would otherwise have been but for that ignorance or mistake,

that superseding decision shall take effect on the date on which the appeal decision took or was to take effect.

(8) A superseding decision made as a consequence of a determination which is a relevant determination for the purposes of paragraph 18 of Schedule 7 to the Act (restrictions on entitlement to benefit in certain cases of error) shall take effect from the date of the relevant determination.

[^{F10}(9) A decision to which regulation 7(2)(g) or (h) applies shall take effect from the first day of the disqualification period prescribed for the purposes of section [^{F11}6B or] 7 of the Social Security Fraud Act 2001.]

[^{F12}(10) Where the decision is superseded in accordance with regulation 7(2)(a)(i) and the relevant circumstances are that there has been a change in the legislation in relation to housing benefit or council tax benefit, the superseding decision shall take effect from the date on which that change in the legislation had effect.

(11) Where a superseding decision is made in a case to which regulation 7(2)(d)(ii) applies the superseding decision shall take effect from the date on which [^{F13}the decision of the appeal tribunal, the First-tier Tribunal, the Upper Tribunal [^{F14}, the Commissioner] or the Commissioner] would have taken effect had it been decided in accordance with the determination of the [^{F15}Upper Tribunal [^{F14}, the Commissioner]] or the court in the appeal referred to in paragraph 17(1)(b) of Schedule 7 to the Act.]

^{F16}(12)

^{F17}(13)

[^{F18}(14) Where the decision is superseded in accordance with regulation 7(2)(i) the superseding decision shall take effect from the date on which entitlement arises to the relevant benefit [^{F19}or [^{F20}Scottish disability benefit]] referred to in regulation 7(2)(i)(ii) or to an increase in the rate of that relevant benefit [^{F19}or [^{F20}Scottish disability benefit]].]

[^{F21}(14A) Where a decision is superseded in accordance with regulation 7(2)(j), [^{F22}(ja) or (jb),] the superseding decision shall take effect from the day on which a lump sum, or a payment on account of a lump sum, is paid or repaid if that day is the first day of the benefit week but, if it is not, from the next following such day.]

[^{F23}(14B) A decision to which regulation 7(2)(k) applies shall take effect in accordance with regulation 4 of the Pilot Scheme Regulations;

(14C) A decision to which regulation 7(2)(l) applies shall take effect on the day the claimant first represented himself to be a person in hardship in accordance with regulation 5 of the Pilot Scheme Regulations.]

[^{F24}(14D) Where the decision is superseded in accordance with regulation 7(2)(o), [^{F25}or (p)] the decision shall take effect from—

- (a) the first day of entitlement to an amount in consequence of the decision of the Secretary of State referred to in regulation 7(2)(o)(iii) [^{F26}or (p)(iii)]; or
- (b) the first day that there would have been such entitlement had the claimant or the claimant's partner been entitled to an employment and support allowance by virtue of section 1 of the Welfare Reform Act,

if that day is the first day of the benefit week but, if it is not, from the next following such day.]

[^{F27}(14E) Where a decision is superseded in accordance with regulation 7(2)(q) the decision shall take effect—

- (a) where the decision made in accordance with the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 takes effect on or after 1st April in any year but before 16th April of that year—
 - (i) from 1st April for a council tax benefit award;
 - (ii) from 1st April for a housing benefit award in which the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 80(2)(b) or (c) of

the Housing Benefit Regulations or, as the case may be, regulation 61(2)(b) or (c) of the Housing Benefit (State Pension Credit) Regulations;

(iii) from the first Monday in April for a housing benefit award to which subparagraph (a)(ii) does not apply;

(b) in any other case, from the day the decision made in accordance with the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 takes effect.]

[^{F28}(14F) Where a decision is superseded in accordance with regulation 7(2)(r), the superseding decision shall take effect—

(a) on the date the superseding decision is made where the decision results in the application of the benefit cap or an increase in a reduction; and

(b) where the decision results in the benefit cap ceasing to apply or a decrease in a reduction, on the date from which the welfare benefit (within the meaning of [^{F29}section 96(10) of the Welfare Reform Act 2012 (benefit cap)]) is reduced.]

[^{F30}(14G) A superseding decision made in consequence of regulation 7(2)(s) shall take effect—

(a) on 1st April in a case where—

(i) the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 80(2)(b) or (c) of the Housing Benefit Regulations or, as the case may be, regulation 61(2)(b) or (c) of the Housing Benefit (State Pension Credit) Regulations; and

(ii) the decision to award personal independence payment takes effect in the same benefit week as the 1st April;

(b) on the first Monday in April in a case where—

(i) the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 80(2)(a) of the Housing Benefit Regulations or, as the case may be, regulation 61(2)(a) of the Housing Benefit (State Pension Credit) Regulations; and

(ii) the decision to award personal independence payment takes effect in the same benefit week as the first Monday in April;

(c) in any other case, on the day after the last day of entitlement to disability living allowance.]

[^{F31}(15) A decision to which regulation 7A(2) applies shall take effect—

(a) from 1st April in a case where the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 80(2)(b) or (c) of the Housing Benefit Regulations or, as the case may be, regulation 61(2)(b) or (c) of the Housing Benefit (State Pension Credit) Regulations; and

(b) in any other case, from the first Monday in April.]

Textual Amendments

- F1** Words in reg. 8(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(3)(c)(i)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F2** Words in reg. 8(3) inserted (6.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit\) Regulations 2003 \(S.I. 2003/325\)](#), regs. 1(1)(a), **28(b)** (with reg. 29)
- F3** Words in reg. 8(6) substituted (17.11.2003 reg. 1(1), Sch. 1) by [Housing Benefit \(General\) \(Local Housing Allowance\) Amendment Regulations 2003 \(S.I. 2003/2399\)](#), **reg. 16(3)**
- F4** Words in reg. 8(6) substituted (1.11.2010) by [The Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/2449\)](#), regs. 1(2), **6(2)**

- F5** Reg. 8(6A)(6B) inserted (5.4.2004) by Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004 (S.I. 2004/14), regs. 1(1), **34(2)** (with reg. 27)
- F6** Words in reg. 8(6A) 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)(c)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F7** Words in reg. 8(6A) substituted (with application in accordance with reg. 1(3)-(5) of the amending S.I., 6.4.2009 in so far as not already in force) by The Housing Benefit (Local Housing Allowance, Miscellaneous and Consequential) Amendment Regulations 2007 (S.I. 2007/2870), regs. 1(2), **4(4)(a)**
- F8** Words in reg. 8(6B) added (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)(c)(iii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F9** Words in reg. 8(7) substituted (retrospective to 14.5.2012) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **5(3)(a)**
- F10** Reg. 8(9) added (1.4.2002) by Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **9(c)**
- F11** Words in reg. 8(9) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **9(4)**
- F12** Reg. 8(10)(11) added (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **4(2)** (with reg. 6)
- F13** Words in reg. 8(11) substituted (retrospective to 14.5.2012) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **5(3)(b)(i)**
- F14** Words in reg. 8(11) substituted (retrospective to 14.5.2012) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **5(3)(b)(ii)**
- F15** Words in reg. 8(11) 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. 154(b)(ii)**
- F16** Reg. 8(12) revoked (24.9.2007) by Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **8**
- F17** Reg. 8(13) revoked (24.9.2007) by Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **8**
- F18** Reg. 8(14) added (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(5)**
- F19** Words in reg. 8(14) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), arts. 1(2), **8(5)**
- F20** Words in reg. 8(14) substituted (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(5)**
- F21** Reg. 8(14A) inserted (6.4.2006) by Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005 (S.I. 2005/2677), regs. 1(1), **10(4)**
- F22** Words in reg. 8(14A) inserted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **20(4)**
- F23** Reg. 8(14B)(14C) inserted (1.11.2007 for specified purposes) by Housing Benefit (Loss of Benefit) (Pilot Scheme)(Supplementary) Regulations 2007 (S.I. 2007/2474), regs. 1, 3, **8(d)**
- F24** Reg. 8(14D) inserted by SI 2008/1082 reg. 3(4) (as substituted) (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/2428), regs. 1(2), **26**
- F25** Words in reg. 8(14D) inserted (1.10.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), reg. 1(2), **Sch. 5 para. 71(3)(a)(i)** (with reg. 3)
- F26** Words in reg. 8(14D) inserted (1.10.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), reg. 1(2), **Sch. 5 para. 71(3)(a)(ii)** (with reg. 3)

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, Section 8. (See end of Document for details)

- F27** Reg. 8(14E) inserted (1.10.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), reg. 1(2), **Sch. 5 para. 71(3)(b)** (with reg. 3)
- F28** Reg. 8(14F) inserted (15.4.2013) by The Benefit Cap (Housing Benefit) Regulations 2012 (S.I. 2012/2994), regs. 1, **3(4)**
- F29** Words in reg. 8(14F)(b) substituted (7.11.2016) by The Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/909), regs. 1(1), **4**
- F30** Reg. 8(14G) added (31.3.2014) by The Housing Benefit (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/213), regs. 1(2), **2(3)**
- F31** Reg. 8(15) substituted (1.1.2013) by The Housing Benefit (Amendment) Regulations 2012 (S.I. 2012/3040), regs. 1(2), **2(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, Section 8.