
STATUTORY INSTRUMENTS

2003 No. 2275

The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003

Amendment of the Decisions and Appeals Regulations

5.—(1) The Decisions and Appeals Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the Act” insert—

““the 1998 Act” means the Social Security Act 1998 ^{M1};”;

(b) after the definition of “Decisions and Appeals Regulations 1999” insert—

““family” has the same meaning as in section 137 of the Social Security Contributions and Benefits Act 1992 ^{M2};”.

(3) In regulation 4 (revision of decisions) after paragraph (7A) ^{M3} insert—

“(7B) Where—

(a) the relevant authority makes an original decision awarding housing benefit or council tax benefit to a claimant; and

(b) entitlement to a relevant benefit within the meaning of section 8(3) of the 1998 Act or to an increase in the rate of that relevant benefit is awarded to the claimant or a member of his family for a period which includes the date on which the original decision took effect,

the relevant authority may revise or further revise that original decision at any time.

(7C) Where entitlement to housing benefit or council tax benefit has ceased (“decision A”) because entitlement to a relevant benefit within the meaning of section 8(3) of the 1998 Act has ceased (“decision B”), decision A may be revised at any time if the entitlement to the relevant benefit to which decision B applies has been reinstated in consequence of a decision made under [^{F1}section 9 or 10 of the 1998 Act or on an appeal under section 12 of that Act”].

(4) In regulation 7(2) (decisions superseding earlier decisions) after sub-paragraph (h) ^{M4} add—

“(i) where—

(i) the claimant has been awarded entitlement to housing benefit or council tax benefit; and

(ii) subsequent to the first day of the period to which that entitlement relates, the claimant or a member of his family becomes entitled to an award of a relevant benefit within the meaning of section 8(3) of the 1998 Act or an increase in the rate of that relevant benefit.”.

(5) In regulation 8 (date from which a decision superseding an earlier decision takes effect) after paragraph (13) ^{M5} add—

Changes to legislation: *There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003, Section 5. (See end of Document for details)*

“(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 referred to in regulation 7(2)(i)(ii) or to an increase in the rate of that relevant benefit.”

Textual Amendments

- F1** Words in reg. 5(3) inserted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) \(Amendment\) Regulations 2003 \(S.I. 2003/2526\)](#), regs. 1, 2
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Marginal Citations

- M1** 1998 c. 14.
M2 1992 c. 4.
M3 Paragraph (7A) was inserted by [S.I. 2002/490](#).
M4 Sub-paragraph (h) was inserted by [S.I. 2002/490](#).
M5 Paragraph (13) was inserted by [S.I. 2003/1338](#).

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003, Section 5.