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STATUTORY INSTRUMENTS

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**2012 No. 2994**

**The Benefit Cap (Housing Benefit) Regulations 2012**

**Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001**

3.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>M1</sup> are amended as follows.

(2) In regulation 4 (revision of decisions) after paragraph (7F)<sup>M2</sup> insert—

“(7H) Where a relevant authority has reduced housing benefit as a consequence of regulation 75D of the Housing Benefit Regulations, that decision may be revised at any time.”.

(3) In regulation 7(2) (decisions superseding earlier decisions) after sub-paragraph (q)<sup>M3</sup> insert—

“(r) which as a consequence of regulation 75D of the Housing Benefit Regulations reduces housing benefit to apply the benefit cap or increases or decreases such a reduction (including a decrease to nil).”.

(4) In regulation 8 (date from which a decision superseding an earlier decision takes effect) after paragraph (14E)<sup>M4</sup> insert—

“(14F) Where a decision is superseded in accordance with regulation 7(2)(r), the superseding decision shall take effect—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 regulation 75G of the Housing Benefit Regulations) is reduced.”.

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**Marginal Citations**

**M1** [S.I. 2001/1002](#).

**M2** Paragraph (7F) was inserted by [S.I. 2006/644](#). Paragraph (7G) was inserted by [S.I. 2007/2474](#) and ceased to have effect after 31st December 2010.

**M3** Sub-paragraph (q) was added by [S.I. 2010/1907](#) and amended by [S.I. 2010/2430](#).

**M4** Paragraph (14E) was inserted by [S.I. 2010/1907](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Benefit Cap (Housing Benefit) Regulations 2012, Section 3.