

**Changes to legislation:** Child Support, Pensions and Social Security Act 2000, Cross Heading: Appeals involving issues that arise on appeal in other cases is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 7

#### HOUSING BENEFIT AND COUNCIL TAX BENEFIT: REVISIONS AND APPEALS

##### Textual Amendments

- F1** Sch. 7 repealed (1.4.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 1; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

PROSPECTIVE

#### *Appeals involving issues that arise on appeal in other cases*

- 17 (1) This paragraph applies where—
- (a) an appeal (“appeal A”) in relation to a relevant decision (whether as originally made or as revised under paragraph 3) is made to [<sup>F2</sup>the First-tier Tribunal, or from the First-tier Tribunal to the Upper Tribunal]; and
  - (b) an appeal (“appeal B”) is pending against a decision given in a different case by [<sup>F3</sup>the Upper Tribunal] or a court.
- (2) If the relevant authority whose decision gave rise to appeal A consider it possible that the result of appeal B will be such that, if it were already determined, it would affect the determination of appeal A, they may serve notice requiring the [<sup>F4</sup>First-tier Tribunal or Upper Tribunal]—
- (a) not to determine appeal A but to refer it to them; or
  - (b) to deal with the appeal in accordance with sub-paragraph (4).
- (3) Where appeal A is referred to the authority under sub-paragraph (2)(a), following the determination of appeal B and in accordance with that determination, they shall if appropriate—
- (a) in a case where appeal A has not been determined by the [<sup>F5</sup>First-tier Tribunal], revise (under paragraph 3) their decision which gave rise to that appeal; or
  - (b) in a case where appeal A has been determined by the [<sup>F5</sup>First-tier Tribunal], make a decision (under paragraph 4) superseding the tribunal’s decision.
- (4) Where appeal A is to be dealt with in accordance with this sub-paragraph, the [<sup>F6</sup>First-tier Tribunal or Upper Tribunal] shall either—
- (a) stay appeal A until appeal B is determined; or
  - (b) if the [<sup>F7</sup>First-tier Tribunal or Upper Tribunal] considers it to be in the interests of the appellant to do so, determine appeal A as if—
    - (i) appeal B had already been determined; and

*Changes to legislation: Child Support, Pensions and Social Security Act 2000, Cross Heading: Appeals involving issues that arise on appeal in other cases is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (ii) the issues arising on appeal B had been decided in the way that was most unfavourable to the appellant.
- (5) Where the [<sup>F8</sup>First-tier Tribunal or Upper Tribunal] acts in accordance with sub-paragraph (4)(b), following the determination of appeal B the relevant authority whose decision gave rise to appeal A shall, if appropriate, make a decision (under paragraph 4) superseding the decision of the [<sup>F9</sup>First-tier Tribunal or Upper Tribunal] in accordance with that determination.
- (6) For the purposes of this paragraph, an appeal against a decision is pending if—
- (a) an appeal against the decision has been brought but not determined;
  - (b) an application for leave to appeal against the decision has been made but not determined; or
  - (c) the time within which—
    - (i) an application for leave to appeal may be made, or
    - (ii) an appeal against the decision may be brought,
 has not expired and the circumstances are such as may be prescribed.
- (7) In this paragraph—
- (a) the reference in sub-paragraph (1)(a) to an appeal to [<sup>F10</sup>the Upper Tribunal] includes a reference to an application for leave to appeal to a Commissioner;
  - (b) the reference in sub-paragraph (1)(b) to a different case—
    - (i) includes a reference to a case involving a different relevant authority; but
    - (ii) does not include a reference to a case relating to a different benefit unless the different benefit is housing benefit or council tax benefit; and
  - (c) any reference in paragraph (a), (b) or (c) of sub-paragraph (6) to an appeal, or to an application for leave to appeal, against a decision includes a reference to—
    - (i) an application for judicial review of the decision under section 31 of the <sup>M1</sup>Supreme Court Act 1981 or for leave to apply for judicial review; or
    - (ii) an application to the supervisory jurisdiction of the Court of Session in respect of the decision.
- (8) In sub-paragraph (4) “the appellant” means the person who appealed or, as the case may be, first appealed against the decision mentioned in sub-paragraph (1)(a).
- (9) Regulations may make provision supplementing the provision made by this paragraph.]

#### Textual Amendments

- F2** Words in Sch. 7 para. 17(1)(a) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(a)(i)**
- F3** Words in Sch. 7 para. 17(1)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(a)(ii)**
- F4** Words in Sch. 7 para. 17(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(b)**

---

**Changes to legislation:** Child Support, Pensions and Social Security Act 2000, Cross Heading: Appeals involving issues that arise on appeal in other cases is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- F5** Words in Sch. 7 para. 17(3)(a)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(c)**
- F6** Words in Sch. 7 para. 17(4) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(d)(i)**
- F7** Words in Sch. 7 para. 17(4)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(d)(ii)**
- F8** Words in Sch. 7 para. 17(5) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(e)(i)**
- F9** Words in Sch. 7 para. 17(5) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(e)(ii)**
- F10** Words in Sch. 7 para. 17(7)(a) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 190(12)(f)**

---

#### Marginal Citations

- M1** 1981 c. 54.

**Changes to legislation:**

Child Support, Pensions and Social Security Act 2000, Cross Heading: Appeals involving issues that arise on appeal in other cases is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 70A inserted by [2012 c. 5 Sch. 3 para. 13](#)
- Sch. 7 para. 1(2)(c) inserted by [2007 c. 5 Sch. 5 para. 13](#)
- Sch. 7 para. 6(5A)(5B) inserted by [2012 c. 5 Sch. 11 para. 13\(3\)](#)
- Sch. 7 para. 6(8)(b) inserted by [2012 c. 5 Sch. 11 para. 13\(4\)\(b\)](#)
- Sch. 7 para. 6(8)(a) words in Sch. 7 para. 6(8) renumbered as Sch. 7 para. 6(8)(a) by [2012 c. 5 Sch. 11 para. 13\(4\)\(a\)](#)

**Commencement Orders yet to be applied to the Child Support, Pensions and Social Security Act 2000**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/346 art. 2](#) amendment to earlier commencing [SI 2003/192 art. 6](#)