
STATUTORY INSTRUMENTS

2001 No. 1002

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

PART II

REVISIONS AND SUPERSESIONS

Revision of decisions

4.—(1) Subject to the provisions in this regulation, a relevant decision (“the original decision”) may be revised or further revised by the relevant authority which made the decision where—

- (a) [^{F1}subject to regulation 10A(3),] the person affected makes an application for a revision within—
 - (i) one month of the date of notification of the original decision; or
 - (ii) such extended time as the relevant authority may allow under regulation 5;
- (b) within one month of the date of notification of the original decision that authority has information which is sufficient to show that the original decision was made in ignorance of, or was based upon a mistake as to, some material fact; or
- (c) an appeal is made under paragraph 6 of Schedule 7 to the Act against the original decision within the time prescribed [^{F2}by Tribunal Procedure Rules], but the appeal has not been determined.

(2) An original decision may be revised or further revised by the relevant authority which made the decision, at any time by that authority, where that decision—

- (a) arose from an official error; or
- (b) was made in ignorance of, or was based upon a mistake as to, some material fact and as a result of that ignorance of or mistake as to that fact, the decision was more advantageous to the person affected than it would otherwise have been but for that ignorance or mistake.

(3) Notwithstanding the provisions in paragraph (1), a relevant decision which adopts a rent officer’s determination [^{F3}, board and attendance determination, broad rental market area determination or local housing allowance determination] may be revised or further revised by the relevant authority which made the decision at any time in consequence of a rent officer’s redetermination, substitute determination [^{F4}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] made under the Rent Officers (Housing Benefit Functions) Order 1997 ^{M1} or the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 ^{M2} which resulted in an increase in the amount which represents the rent for the purposes of calculating entitlement to benefit.

(4) For the purposes of calculating the period in paragraph (1)(a)(i), where a written statement is requested under regulation 10, no account shall be taken of any period beginning with the day on

which the relevant authority received the request for a statement and ending with the day on which that statement was provided to that person.

(5) Where the relevant authority requires further evidence or information in order to consider all the issues raised by an application under paragraph (1)(a) (“the original application”), that authority shall notify the applicant that further evidence or information is required and, if it does so, the decision may be revised—

- (a) where the evidence or information so requested is provided within one month of the date of the notification or such longer period as the relevant authority may allow; or
- (b) where such evidence or information is not provided within the period referred to in subparagraph (a), on the basis of the original application.

(6) A relevant decision that is prescribed under paragraph 6(2)(e) or (4)(a) of Schedule 7 to the Act may be revised at any time.

(7) A relevant decision made in respect of a claim or an award may be revised where—

- (a) a decision in respect of that claim or that award is given by [^{F5}the First-tier Tribunal, Upper Tribunal] or court on appeal against a decision (“decision A”);
- (b) the relevant decision was made after decision A; and
- (c) the relevant decision would have been made differently had the relevant authority been aware of that appeal decision at the time it made the relevant decision.

[^{F6}(7A) Where—

- (a) a restriction is imposed on a person under section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions) as a result of the person—
 - (i) being convicted of an offence by a court; or
 - (ii) agreeing to pay a penalty as an alternative to prosecution under section 115A of the Administration Act or section 109A of the Social Security Administration (Northern Ireland) Act 1992, and
- (b) that conviction is quashed or set aside by that or any other court, or the person withdraws his agreement to pay a penalty,

a decision of the relevant authority made in accordance with regulation 7(2)(g) or (h) may be revised at any time.]

[^{F7}(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 [^{F8}or [^{F9}Scottish disability benefit]] or to an increase in the rate of that relevant benefit [^{F10}or [^{F9}Scottish disability 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 section 9 or 10 of the 1998 Act or on an appeal under section 12 of that Act]

[^{F11}(7D) Where—

- (a) a person elects for an increase of—

- (i) a Category A or Category B retirement pension in accordance with paragraph A1 or 3C of Schedule 5 to the Contributions and Benefits Act (pension increase or lump sum where entitlement to retirement pension is deferred);
 - (ii) a shared additional pension in accordance with paragraph 1 of Schedule 5A to that Act (pension increase or lump sum where entitlement to shared additional pension is deferred); or, as the case may be,
 - (iii) graduated retirement benefit in accordance with paragraph 12 or 17 of Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005 (further provisions replacing section 36(4) of the National Insurance Act 1965: increases of graduated retirement benefit and lump sums);
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit or council tax benefit and takes into account the increase of pension or benefit in making or superseding that decision; and
- (c) the person's election for an increase is changed so that he is entitled to a lump sum,
- the relevant authority may revise the housing benefit or council tax benefit decision.]

[^{F12}(7DA) Where—

- (a) a person chooses to be paid a state pension under section 9 of the Pensions Act 2014 in accordance with section 8(2) of that Act;
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit and takes into account the state pension under section 9 of that Act in making or superseding that decision; and
- (c) the person alters their choice under section 8(2) of that Act in accordance with Regulations made under section 8(7),

the relevant authority may revise the housing benefit decision.]

[^{F12}(7DB) Where—

- (a) a person, in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, chooses to be paid a survivor's pension based on inheritance of deferred graduated retirement benefit;
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit and takes into account the survivor's pension in sub-paragraph (a) in making or superseding that decision; and
- (c) the person alters their choice to be paid the survivor's pension in sub-paragraph (a) in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to Regulations made under section 8(7) of that Act,

the relevant authority may revise the housing benefit decision.]

[^{F13}(7E) Where a court makes an order under section 71 of the Antisocial Behaviour etc. (Scotland) Act 2004 and that order is set aside by the sheriff principal following an appeal under section 72(1) of that Act, a decision made in accordance with regulation 7(2)(a) may be revised at any time.

(7F) Where a local authority has served a notice in accordance with section 94 of the Antisocial Behaviour etc. (Scotland) Act 2004 and that notice is set aside by a court following an appeal under section 97(1) of that Act, a decision made in accordance with regulation 7(2)(a) may be revised at any time.]

[^{F14}(7G) Where the court makes a relevant order for possession, as defined in section 130C of the Contributions and Benefits Act (relevant orders for possession) and the order is set aside, a decision in accordance with regulation 7(2)(k) may be revised at any time.]

[^{F15}(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.]

(8) An application for a revision shall be made in writing and delivered, by whatever means, to the relevant authority ^{F16}....

(9) The relevant authority may treat an application for a supersession as an application for a revision.

(10) Paragraph (1) shall not apply in respect of a change of circumstances which occurred since the decision [^{F17}had effect] or where the relevant authority has evidence or information which indicates that a relevant change of circumstances will occur.

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| F1 | Words in reg. 4(1)(a) inserted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1), 24 |
| F2 | Words in reg. 4(1)(c) 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. 151(a) |
| F3 | Words in reg. 4(3) inserted (17.11.2003 reg. 1(1), Sch. 1) by Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003 (S.I. 2003/2399) , reg. 16(2) |
| F4 | Words in reg. 4(3) 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) |
| F5 | Words in reg. 4(7)(a) 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. 151(b) |
| F6 | Reg. 4(7A) substituted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160) , regs. 1, 9(2) |
| F7 | Reg. 4(7B)-(7C) inserted (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(3) |
| F8 | Words in reg. 4(7B)(b) 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(3)(a) |
| F9 | Words in reg. 4(7B)(b) 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(3) |
| F10 | Words in reg. 4(7B)(b) 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(3)(b) |
| F11 | Reg. 4(7D) 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(2) |
| F12 | Reg. 4(7DA)(7DB) 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(2) |
| F13 | Reg. 4(7E)(7F) inserted (3.4.2006) by The Housing Benefit (Amendment) Regulations 2006 (S.I. 2006/644) , regs. 1, 4 |
| F14 | Reg. 4(7G) 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(b) |
| F15 | Reg. 4(7H) inserted (15.4.2013) by The Benefit Cap (Housing Benefit) Regulations 2012 (S.I. 2012/2994) , regs. 1, 3(2) |
| F16 | Words in reg. 4(8) omitted (30.9.2002) by virtue of Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703) , reg. 1, Sch. 2 para. 8(b) |
| F17 | Words in reg. 4(10) substituted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1, 3(2) |

Modifications etc. (not altering text)

- C1** Reg. 4(1)(a) excluded (2.7.2001) by The Housing Benefit and Council Tax Benefit (Decisions and Appeals) (Transitional and Savings) Regulations 2001 (S.I. 2001/1264), regs. 1(1), **2(1)**

Marginal Citations

- M1** S.I. 1997/1984, amended by S.I. 2000/1.
M2 S.I. 1997/1995, amended by S.I. 2000/3.

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 4.