
STATUTORY INSTRUMENTS

2003 No. 2399

The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003

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

16.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001⁽¹⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3) of regulation 4 and paragraph (2)(c) of regulation 7 after the words “adopts a rent officer’s determination” insert “, board and attendance determination, broad rental market area determination or local housing allowance determination”.

(3) In paragraph (3) of regulation 4, paragraph (2)(c) of regulation 7 and paragraph (6) of regulation 8 for the words “or substitute redetermination” substitute “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”.

(4) After paragraph (2A) of regulation 7 insert the following paragraphs—

“(2B) The appropriate relevant authority may make a decision under paragraph 4 of Schedule 7 to the Act upon its own initiative on the basis that the decision to be superseded is a decision in respect of which the maximum housing benefit would cease to have effect by virtue of regulation 8A of the Housing Benefit Regulations, but for the decision made in accordance with this regulation.

(2C) For the purposes of paragraph (2B) and paragraph (15) of regulation 8 “maximum housing benefit” means the maximum housing benefit determined in accordance with regulations made under section 130(4) of the Social Security Contributions and Benefits Act 1992.”.

(5) After paragraph (14) of regulation 8 insert the following paragraph—

“(15) A decision to which regulation 7(2B) applies shall take effect from the day immediately following the day on which the maximum housing benefit would have ceased to have effect by virtue of regulation 8A of the Housing Benefit Regulations, but for the decision made in accordance with regulation 7(2B).”.

(1) S.I.2001/1002. Relevant amending instruments are S.I. 2002/490 and 1379 and 2003/1050, 1338 and 2275.