

## SCHEDULES

### SCHEDULE 7

#### HOUSING BENEFIT: REVISIONS AND APPEALS

*Decisions involving issues that arise on appeal in other cases*

**16.**—(1) This paragraph applies where—

- (a) a relevant decision, or a decision under paragraph 3 about the revision of an earlier decision, falls to be made in any particular case; and
- (b) an appeal is pending against the decision given in another case by a Commissioner or a court.

(2) A relevant authority need not make the decision while the appeal is pending if it considers it possible that the result of the appeal will be such that, if it were already determined, there would be no entitlement to benefit.

(3) If a relevant authority considers it possible that the result of the appeal will be such that, if it were already determined, it would affect the decision in some other way—

- (a) it need not, except in such cases or circumstances as may be prescribed, make the decision while the appeal is pending;
- (b) it may, in such cases or circumstances as may be prescribed, make the decision on such basis as may be prescribed.

(4) Where—

- (a) a relevant authority acts in accordance with sub-paragraph (3)(b); and
- (b) following the making of the determination it is appropriate for its decision to be revised,

it shall then revise its decision (under paragraph 3) in accordance with that determination.

(5) 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.

(6) In heads (a), (b) and (c) of sub-paragraph (5), any reference to an appeal against a decision, or to an application for leave to appeal against a decision, includes a reference to an application for judicial review of the decision under section 18 of the Judicature (Northern Ireland) Act 1978 (c. 23) or for leave to apply for judicial review.

(7) In sub-paragraph (1)(b) the reference to another case—

- (a) includes a reference to a case involving a decision made, or falling to be made, by a different relevant authority; but
- (b) does not include a reference to a case relating to another benefit.