
DRAFT STATUTORY INSTRUMENTS

2001 No.

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

PART III

SUSPENSION AND TERMINATION OF BENEFIT AND OTHER MATTERS

Cases where a relevant authority may suspend

- 11.**—(1) A relevant authority may suspend, in whole or in part—
- (a) any payment of housing benefit or council tax benefit;
 - (b) any reduction (by way of council tax benefit) in the amount that a person is or will become liable to pay in respect of council tax,
- in the circumstances prescribed in paragraph (2).
- (2) The prescribed circumstances are where—
- (a) it appears to the relevant authority that an issue arises whether—
 - (i) the conditions for entitlement to housing benefit or council tax benefit are or were fulfilled; or
 - (ii) a decision as to an award of such a benefit should be revised under paragraph 3 of Schedule 7 to the Act or superseded under paragraph 4 of that Schedule;
 - (b) an appeal is pending against—
 - (i) a decision of an appeal tribunal, a Commissioner or a court; or
 - (ii) a decision given by a Commissioner or a court in a different case, and it appears to the relevant authority that if the appeal were to be determined in a particular way an issue would arise whether the award of housing benefit or council tax benefit in the case itself ought to be revised or superseded; or
 - (c) an issue arises whether—
 - (i) an amount of housing benefit is recoverable under section 75 (overpayments) of the Administration Act or regulations made under that section; or
 - (ii) an excess payment of council tax benefit under section 76 of the Administration Act or regulations made under that section has occurred.

Making or restoring of payments or reductions suspended

- 12.**—(1) Subject to paragraph (2), the prescribed circumstances for the purposes of paragraph 13(1)(c) of Schedule 7 to the Act (the subsequent making, or restoring, of any or all of the payments or reductions so suspended) are—

- (a) in a case to which regulation 11(2)(a) applies, where the relevant authority is satisfied that the benefit so suspended is properly payable and no outstanding issues remain to be resolved;
 - (b) in a case to which regulation 11(2)(b) applies, an appeal is no longer pending and the benefit suspended remains payable following the determination of that appeal.
- (2) Where any of the circumstances in paragraph (1) is satisfied, the relevant authority shall, so far as practicable, make the payment, or as the case may be, restore the reduction within 14 days of the decision to make or restore that payment or reduction.

Suspension for failure to furnish information etc.

13.—(1) The relevant authority may suspend in whole or in part—

- (a) any payment of housing benefit or council tax benefit;
- (b) any reduction (by way of council tax benefit) in the amount that a person is or will become liable to pay in respect of council tax,

in relation to persons who fail to comply with the information requirements (as defined in paragraph 14 of Schedule 7 to the Act) as provided for in regulations made pursuant to section 5(1)(hh) and 6(1)(hh) of the Administration Act (person required to satisfy the information provisions).

(2) For the purposes of section 5(1)(hh) in so far as it applies to housing benefit and section 6(1)(hh) of the Administration Act the prescribed persons are—

- (a) a person in respect of whom payment of benefit or a reduction has been suspended under regulation 11(2)(a);
- (b) a person who has made an application for a decision of the relevant authority to be revised or superseded;
- (c) a person in respect of whom a question has arisen in connection with his award of benefit and who fails to comply with the requirement in regulation 73 of the Housing Benefit Regulations or regulation 63 of the Council Tax Benefit Regulations to furnish information or evidence needed for a determination whether a decision on an award should be revised under paragraph 3 or superseded under paragraph 4 of Schedule 7 to the Act.

(3) The relevant authority shall notify any person to whom paragraph (2) refers of the requirements of this regulation.

(4) A person to whom paragraph (2) refers must—

- (a) furnish the information or evidence needed within a period of—
 - (i) one month beginning with the date on which the notification under paragraph (3) was sent to him; or
 - (ii) such longer period as the relevant authority considers necessary in order to enable him to comply with the requirement; or
- (b) satisfy the relevant authority within the period provided for in paragraph (4)(a) that—
 - (i) the information or evidence so required does not exist; or
 - (ii) it is not possible for him to obtain the information or evidence so required.

(5) Where a person satisfies the requirements in paragraph (4), the relevant authority shall, so far as practicable, make, or as the case may be restore, the payment within 14 days of the decision to make or restore that payment.

Termination in cases of a failure to furnish information

14.—(1) A person in respect of whom payment of benefit or a reduction has been suspended—

- (a) under regulation 11 and who subsequently fails to comply with an information requirement; or
 - (b) under regulation 13 for failing to comply with such a requirement,
- shall cease to be entitled to the benefit from the date on which the payments or reduction were so suspended, or such earlier date on which entitlement to benefit ceases.
- (2) Paragraph (1) does not apply—
- (a) subject to sub-paragraph (b), where not more than one month has elapsed since the end of the period under regulation 13(4) for the provision of information;
 - (b) where payment of benefit or a reduction has been suspended in part under regulation 11 or regulation 13.

Decisions involving issues that arise on appeal in other cases

15.—(1) For the purposes of paragraph 16(3)(b) of Schedule 7 to the Act (prescribed cases and circumstances in which a decision may be made) the prescribed cases and circumstances are those in which the claimant would be entitled to benefit to which the decision which falls to be made relates, even if the appeal in the other case referred to in paragraph 16(1)(b) of that Schedule were decided in the way which is most unfavourable to him.

(2) For the purposes of paragraph 16(3)(b) of Schedule 7 to the Act (prescribed basis) the prescribed basis on which the relevant authority may make a decision is as if—

- (a) the appeal in the other case referred to in paragraph 16(1)(b) of that Schedule 7 had already been determined; and
- (b) the appeal had been decided in the way which is most unfavourable to the claimant.