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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

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

**PART IV**

**RIGHTS OF APPEAL AND PROCEDURE FOR BRINGING APPEALS**

**Appeal against a decision which has been revised**

**17.**—(1) An appeal against a decision of the relevant authority shall not lapse where the decision is revised under paragraph 3 of Schedule 7 to the Act before the appeal is determined and the decision as revised is not more advantageous to the appellant than the decision before it was so revised.

(2) For the purposes of this regulation, a decision which is more advantageous includes any decision where—

- (a) any housing benefit or council tax benefit paid or any reduction in the amount that a person is liable to pay in respect of council tax is greater or is awarded for a longer period in consequence of a decision made under paragraph 3 of Schedule 7 to the Act;
- (b) the amount of housing benefit or council tax benefit in payment or reduction in the amount a person is liable to pay in respect of council tax would have been greater but for the operation of the Administration Act in suspending the payment of, or disqualifying a claimant from receiving, some or all of the benefit;
- (c) as a result of the decision, a denial of, or disqualification for the receiving of, housing benefit or council tax benefit is lifted, wholly or in part; or
- (d) in consequence of the revised decision, housing benefit or council tax benefit paid is not recoverable by virtue of or as a consequence of section 75 or 76 of the Administration Act, or an amount so recoverable is reduced.

(3) Where a decision as revised under paragraph 3 of Schedule 7 to the Act is not more advantageous to the appellant than the decision before it was revised, the appeal shall be treated as though it had been brought against the decision as revised.

(4) The appellant shall have a period of one month from the date of notification of the decision as revised to make further representations as to the appeal.

(5) After the expiration of the period specified in paragraph (4), or within that period if the appellant consents in writing, the appeal to the appeal tribunal shall proceed except where, in the light of further representations from the appellant, the relevant authority further revises its decision and that decision is more advantageous to the appellant than the decision before it was revised.