
DRAFT STATUTORY INSTRUMENTS

2001 No.

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

PART I

GENERAL

Person treated as a person affected by a decision

3.—(1) For the purposes of Schedule 7 to the Act and subject to paragraph (2), a person is to be treated as a person affected by a relevant decision of a relevant authority where that person is—

- (a) a claimant;
- (b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act—
 - (i) a receiver appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit appointed by the person liable to make those payments under the Powers of Attorney Act 1971⁽¹⁾ or the Enduring Powers of Attorney Act 1985⁽²⁾;
- (c) a person appointed by the relevant authority under regulation 71(3) of the Housing Benefit Regulations or regulation 61(3) of the Council Tax Benefit Regulations (appointments for persons unable to act);
- (d) a person from whom the relevant authority determines that an overpayment is recoverable in accordance with Part XIII of the Housing Benefit Regulations or excess benefit is recoverable in accordance with Part XI of the Council Tax Benefit Regulations; or
- (e) a landlord or agent acting on behalf of that landlord and that decision is made under regulation 93 (circumstances in which payment is to be made to a landlord) or 94 (circumstances in which payment may be made to a landlord) of the Housing Benefit Regulations.

(2) Paragraph (1) only applies in relation to a person referred to in paragraph (1) where the rights, duties or obligations of that person are affected by a relevant decision.

(1) 1971 c. 77.
(2) 1985 c. 29.