
DRAFT STATUTORY INSTRUMENTS

2001 No.

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

PART II

REVISIONS AND SUPERSESSIONS

Revision of decisions

4.—(1) Subject to the provisions in this regulation, a relevant decision (“the original decision”) may be revised or further revised by the relevant authority which made the decision where—

- (a) the person affected makes an application for a revision within—
 - (i) one month of the date of notification of the original decision; or
 - (ii) such extended time as the relevant authority may allow under regulation 5;
- (b) within one month of the date of notification of the original decision that authority has information which is sufficient to show that the original decision was made in ignorance of, or was based upon a mistake as to, some material fact; or
- (c) an appeal is made under paragraph 6 of Schedule 7 to the Act against the original decision within the time prescribed in regulation 18 or, in a case to which regulation 19 applies the time prescribed in that regulation, but the appeal has not been determined.

(2) An original decision may be revised or further revised by the relevant authority which made the decision, at any time by that authority, where that decision—

- (a) arose from an official error; or
- (b) was made in ignorance of, or was based upon a mistake as to, some material fact and as a result of that ignorance of or mistake as to that fact, the decision was more advantageous to the person affected than it would otherwise have been but for that ignorance or mistake.

(3) Notwithstanding the provisions in paragraph (1), a relevant decision which adopts a rent officer’s determination may be revised or further revised by the relevant authority which made the decision at any time in consequence of a rent officer’s redetermination, substitute determination or substitute redetermination made under the Rent Officers (Housing Benefit Functions) Order 1997⁽¹⁾ or the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997⁽²⁾ which resulted in an increase in the amount which represents the rent for the purposes of calculating entitlement to benefit.

(4) For the purposes of calculating the period in paragraph (1)(a)(i), where a written statement is requested under regulation 10, no account shall be taken of any period beginning with the day on which the relevant authority received the request for a statement and ending with the day on which that statement was provided to that person.

(5) Where the relevant authority requires further evidence or information in order to consider all the issues raised by an application under paragraph (1)(a) (“the original application”), that authority

(1) S.I.1997/1984, amended by S.I. 2000/1.

(2) S.I. 1997/1995, amended by S.I. 2000/3.

shall notify the applicant that further evidence or information is required and, if it does so, the decision may be revised—

- (a) where the evidence or information so requested is provided within one month of the date of the notification or such longer period as the relevant authority may allow; or
 - (b) where such evidence or information is not provided within the period referred to in subparagraph (a), on the basis of the original application.
- (6) A relevant decision that is prescribed under paragraph 6(2)(e) or (4)(a) of Schedule 7 to the Act may be revised at any time.
- (7) A relevant decision made in respect of a claim or an award may be revised where—
- (a) a decision in respect of that claim or that award is given by an appeal tribunal, Commissioner or court on appeal against a decision (“decision A”);
 - (b) the relevant decision was made after decision A; and
 - (c) the relevant decision would have been made differently had the relevant authority been aware of that appeal decision at the time it made the relevant decision.
- (8) An application for a revision shall be made in writing and delivered, by whatever means, to the relevant authority or, in a case to which the Work-focused Interviews Regulations apply, either to the relevant authority or to an office of a designated authority which displays the ONE logo⁽³⁾.
- (9) The relevant authority may treat an application for a supersession as an application for a revision.
- (10) Paragraph (1) shall not apply in respect of a change of circumstances which occurred since the decision was made or where the relevant authority has evidence or information which indicates that a relevant change of circumstances will occur.

(3) Offices displaying the “ONE” logo are identified in a list entitled “ONE sites – a complete list” available from the Department of Social Security, WtWs, 2nd Floor, Adelphi, London WC2N 6HT.