
DRAFT STATUTORY INSTRUMENTS

2004 No.

**The Social Security, Child Support and Tax Credits
(Decisions and Appeals) Amendment Regulations 2004**

Amendment of the Council Tax Benefit (General) Regulations 1992

5.—(1) The Council Tax Benefit (General) Regulations 1992⁽¹⁾ shall be amended in accordance with this regulation.

(2) In regulation 62 (time and manner in which claims are to be made)—

(a) in paragraph (1)⁽²⁾ for “and be accompanied by or supplemented by such certificates, documents, information and evidence as are required in accordance with regulation 63(1) (evidence and information) or paragraph 4 of Schedule A1 (treatment of claims for council tax benefit by refugees)”, substitute “having regard to the sufficiency of the written information and evidence”,

(b) in paragraph (7)⁽³⁾—

(i) in sub-paragraph (a) for “in a written form sufficient in the circumstances of the case” substitute “properly completed”,

(ii) in sub-paragraph (b) after “circumstances of the case” insert “having regard to the sufficiency of the written information and evidence”,

(iii) for “refer the defective claim to the claimant” substitute “request the claimant to complete the defective claim”, and

(iv) after “supply the claimant with the approved form” add “or request further information or evidence”,

(c) for paragraph (8)⁽⁴⁾ substitute—

“(8) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if—

(a) where paragraph (7)(a) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it within 4 weeks of the request to complete, or such longer period as the relevant authority may consider reasonable; or

(b) where paragraph (7)(b) applies—

(i) the approved form sent to the claimant is received at the designated office properly completed within 4 weeks of it having been sent to him; or, as the case may be,

(ii) the claimant supplies whatever information or evidence was requested under paragraph (7) within 4 weeks of the request,

(1) S.I.1992/1814.

(2) Paragraph (1) was amended by S.I. 1996/2432, 2000/897 and 2001/1605.

(3) Paragraph (7) was amended by S.I. 2001/1605.

(4) Paragraph (8) was amended by S.I. 2001/1605.

or within such longer period as the relevant authority may consider reasonable.”,
and

(d) in paragraph (9) after “instructions on the form” add “, including any instructions to provide information and evidence in connection with the claim”.

(3) In regulation 66(5) (who is to make a decision) for the heading and paragraphs (1) to (3) substitute—

“Decisions by a relevant authority

66.—(1) Unless provided otherwise by these Regulations, any matter required to be determined under these Regulations shall be determined in the first instance by the relevant authority.

(2) The relevant authority shall make a decision on each claim within 14 days of the provisions of regulations 62 and 63 being satisfied or as soon as reasonably practicable thereafter.”.

(5) Relevant amendments to regulation 66 were made by S.I. [1993/688](#), [1996/2432](#), [2001/1605](#) and [2004/14](#).