

---

STATUTORY INSTRUMENTS

---

**2001 No. 1002**

**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    - (ii) a decision as to an award of such a benefit should be revised under paragraph 3 of Schedule 7 to the Act or superseded under paragraph 4 of that Schedule;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 [<sup>F1</sup>the First-tier Tribunal, the Upper Tribunal] or a court; or
    - (ii) a decision given by [<sup>F2</sup>the Upper Tribunal] 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issue would arise whether the award of housing benefit or council tax benefit in the case itself ought to be revised or superseded; or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.
- [<sup>F3</sup>(3) For the purposes of paragraph 13(3)(c) of Schedule 7 to the Act the prescribed circumstances are that a decision of an appeal tribunal, a Commissioner or a court has been made and the relevant authority—
- (a) is waiting to receive that decision, or in the case of an appeal tribunal decision, is considering whether to apply for a statement of reasons for it, or has applied for such a statement and is waiting to receive it; or

(b) has received that decision or, in the case of an appeal tribunal decision, the statement of reasons for it, and is considering whether to apply for leave to appeal, or where leave to appeal has been granted, is considering whether to appeal, and the relevant authority shall as soon as reasonably practicable give written notice of its intention to apply for a statement of the reasons for a tribunal decision, to apply for leave to appeal, or to appeal.]

- F1** Words in reg. 11(2)(b)(i) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 157(a)**
- F2** Words in reg. 11(2)(b)(ii) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 157(b)**
- F3** Reg. 11(3) added (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **4(2)**

### **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 [F4cc regulation 86 of the Housing Benefit Regulations, regulation 67 of the Housing Benefit (State Pension Credit) Regulations, regulation 72 of the Council Tax Benefit Regulations or regulation 57 of the Council Tax Benefit (State Pension Credit) 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.

**F4** Words in reg. 13(2)(c) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 17(3)(d)** (with regs. 2, 3, Sch. 3, Sch. 4)

#### **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—

[<sup>F5</sup>(a) subject to sub-paragraph (b), before 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.

**F5** Reg. 14(2)(a) substituted (10.11.2005) by [The Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) \(No.4\) Regulations 2005 \(S.I. 2005/2894\)](#), regs. 1(1), 4

#### **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—

---

**Changes to legislation:** *There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, PART III. (See end of Document for details)*

---

- (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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, PART III.