

SCHEDULE

Regulation 16(1)

DECISIONS AGAINST WHICH NO APPEAL LIES

**Modifications etc. (not altering text)**

**C1** Sch. excluded in part (2.7.2001) by [The Housing Benefit and Council Tax Benefit \(Decisions and Appeals\) \(Transitional and Savings\) Regulations 2001 \(S.I. 2001/1264\)](#), regs. 1(1), **3(10)**

1. No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in Part X (claims), Part XII (payments) and Part XIII (overpayments) of the Housing Benefit Regulations except a decision under—

- [<sup>F1</sup>(a) regulations 83 (time and manner in which claims are to be made), 84(1) and 85(1) and (4) (date of claim);
- (b) regulation 93(3) (adjustments to payments to take account of underpayment or overpayment on account of rent allowance);
- (c) regulation 95 (circumstances in which payment is to be made to a landlord);
- (d) regulation 96 (circumstances in which payment may be made to a landlord);
- (e) regulation 100 (recoverable overpayments);
- (f) regulation 101 (person from whom recovery may be sought);
- (g) regulation 103 (diminution of capital); or
- (h) regulation 104 (sums to be deducted in calculating recoverable overpayments).]

**Textual Amendments**

**F1** Sch. para. 1(a)(h) 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)(e)(i)** (with regs. 2, 3, Sch. 3, Sch. 4)

[<sup>F2</sup>**1A.** No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in Part 9 (claims), Part 11 (payments) and Part 12 (overpayments) of the Housing Benefit (State Pension Credit) Regulations except a decision under—

- (a) regulations 64 (time and manner in which claims are to be made), 65(1) and 66(1) and (4) (date of claim);
- (b) regulation 74(3) (adjustments to payments to take account of underpayment or overpayment on account of rent allowance);
- (c) regulation 76 (circumstances in which payment is to be made to a landlord);
- (d) regulation 77 (circumstances in which payment may be made to a landlord);
- (e) regulation 81 (recoverable overpayments);
- (f) regulation 84 (diminution of capital); or
- (g) regulation 85 (sums to be deducted in calculating recoverable overpayments).]

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

**Textual Amendments**

**F2** Sch. para. 1A inserted (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)(e)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)

2. No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in Part VIII (claims), Part X (awards or payments of benefit) and Part XI (excess benefit) of the Council Tax Benefit Regulations except a decision under—

- [<sup>F3</sup>(a) regulations 69 (time and manner in which claims are to be made), 69(1) and 70(1) and (4) (date of claim);
- (b) regulation 83 (recoverable excess benefit);
- (c) regulation 85 (persons from whom recovery may be sought);
- (d) regulation 88 (diminution of capital); or
- (e) regulation 89 (sums to be deducted in calculating recoverable excess benefit).]

**Textual Amendments**

**F3** Sch. para. 2(a)(e) 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)(e)(iii)** (with regs. 2, 3, Sch. 3, Sch. 4)

[<sup>F4</sup>**2A.** No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in Part 7 (claims), Part 9 (awards or payments of benefit) and Part 10 (excess benefit) of the Council Tax Benefit (State Pension Credit) Regulations except a decision under—

- (a) regulations 53 (time and manner in which claims are to be made), 54(1) and 55(1) and (4) (date of claim);
- (b) regulation 68 (recoverable excess benefit);
- (c) regulation 70 (persons from whom recovery may be sought);
- (d) regulation 73 (diminution of capital); or
- (e) regulation 74 (sums to be deducted in calculating recoverable excess benefit).]

**Textual Amendments**

**F4** Sch. para. 2A inserted (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)(e)(iv)** (with regs. 2, 3, Sch. 3, Sch. 4)

3. Subject to paragraphs 1(f) and 2(c), no appeal shall lie against a decision as to the exercise of discretion to recover an overpayment of housing benefit or, as the case may be, excess council tax benefit.

4. No appeal shall lie against a decision of a relevant authority under paragraph 16(3)(a) or (b) and (4) of Schedule 7 to the Act (decisions involving issues that arise on appeal in other cases).

5. No appeal shall lie against a decision under Part III of these Regulations of a relevant authority relating to—

- (a) suspension of a payment of benefit or of a reduction; or

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(b) restoration following a suspension of payment of benefit or of a reduction, except a decision that entitlement to benefit is terminated under regulation 14.

[<sup>F5</sup>6. No appeal shall lie against the calculation or estimate of the claimant's, or the claimant's partner's, income or capital used by a relevant authority in accordance with [<sup>F6</sup>regulation 27(1) of the Housing Benefit (State Pension Credit) Regulations or regulation 17(1) of the Council Tax Benefit (State Pension Credit) Regulations<sup>7</sup>] (calculation of claimant's income in savings credit only cases), as modified, in both cases, by the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003.]

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**Textual Amendments**

- F5** Sch. Sch. para. 6 added (18.6.2003) by [State Pension Credit \(Decisions and Appeals-Amendments\) Regulations 2003 \(S.I. 2003/1581\)](#), regs. 1, 3
- F6** Words in Sch. para. 6 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)(e)(v)** (with regs. 2, 3, Sch. 3, Sch. 4)

**Changes to legislation:**

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