

## SCHEDULE 2

### Consequential amendments

#### **Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001**

17.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>MI</sup> shall be amended in accordance with the provisions of this paragraph.

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “Council Tax Benefit Regulations”, substitute—

““Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006;”

(b) after that definition, insert—

““Council Tax Benefit (State Pension Credit) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;

(c) for the definition of “Housing Benefit Regulations”, substitute—

““Housing Benefit Regulations” means the Housing Benefit Regulations 2006;”;

(d) after that definition, insert—

““Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”.

(3) In regulation 3 (person treated as a person affected by a decision), in paragraph (1)—

(a) for sub-paragraphs (c) to (e), substitute—

“(c) a person appointed by the relevant authority under regulation 82(3) of the Housing Benefit Regulations, regulation 63(3) of the Housing Benefit (State Pension Credit) Regulations, regulation 68(3) of the Council Tax Benefit Regulations or, as the case may be, regulation 52(3) of the Council Tax Benefit (State Pension Credit) Regulations (appointments for persons unable to act);

(d) a person from whom the relevant authority determines that—

(i) an overpayment is recoverable in accordance with Part 13 of the Housing Benefit Regulations or Part 12 of the Housing Benefit (State Pension Credit) Regulations; or

(ii) excess benefit is recoverable in accordance with Part 11 of the Council Tax Benefit Regulations or Part 10 of the Council Tax Benefit (State Pension Credit) Regulations; or

(e) a landlord or agent acting on behalf of that landlord and that decision is made under—

(i) regulation 95 (circumstances in which payment is to be made to the landlord) of the Housing Benefit Regulations;

(ii) regulation 96 (circumstances in which payment may be made to the landlord) of those Regulations;

(iii) regulation 76 (circumstances in which payment is to be made to the landlord) of the Housing Benefit (State Pension Credit) Regulations;

(iv) regulation 77 (circumstances in which payment may be made to the landlord) of those Regulations.”;

- (b) in regulation 7 (decisions superseding earlier decisions)—
- (i) in both paragraph (2ZA) <sup>M2</sup> and paragraph (2A) <sup>M3</sup>, for “regulation 12A(1)(d) or (e) of the Housing Benefit Regulations”, substitute “ regulation 14(1)(f) or (g) of the Housing Benefit Regulations or regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations ”;
  - (ii) in paragraph (2B) <sup>M4</sup>, for “regulation 8A of the Housing Benefit Regulations”, substitute “ regulation 11A of the Housing Benefit Regulations <sup>M5</sup> or regulation 11A of the Housing Benefit (State Pension Credit) Regulations <sup>M6</sup>(cases where maximum housing benefit expires) ”;
  - (iii) in paragraph (3), for the words “regulation 75(2) of the Housing Benefit Regulations(a) or regulation 65(2) of the Council Tax Benefit Regulations(b) (changes of circumstances which do not need to be notified)” to the end of the paragraph, substitute “ regulation 88(3) of the Housing Benefit Regulations, regulation 69(3) of the Housing Benefit (State Pension Credit) Regulations, regulation 74(3) of the Council Tax Benefit Regulations or regulation 59(3) of the Council Tax Benefit (State Pension Credit) Regulations (changes of circumstances which do not need to be notified). ”;
- (c) in regulation 8 (date from which a decision superseding an earlier decision takes effect)—
- (i) in paragraph (2), for the words “in accordance with” to the end of the paragraph, substitute—
    - “in accordance with—
    - (a) regulation 79 of the Housing Benefit Regulations;
    - (b) regulation 59 or 60 of the Housing Benefit (State Pension Credit) Regulations;
    - (c) regulation 67 of the Council Tax Benefit Regulations; or
    - (d) regulation 50 or 51 of the Council Tax Benefit (State Pension Credit) Regulationsas the case may be. ”;
  - (ii) in paragraph (6A) <sup>M7</sup>, for the words “regulation 12A(1)(d) or (e) of the Housing Benefit Regulations”, on each of the three occasions on which those words occur, substitute “ regulation 14(1)(f) or (g) of the Housing Benefit Regulations or, as the case may be, regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations ”;
  - (iii) in paragraph (6B) <sup>M8</sup>, after the words “the Housing Benefit Regulations”, add “ or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations. ”;
  - (iv) in paragraph (12) <sup>M9</sup>, for the words “regulation 12A(1)(d) or (e) of the Housing Benefit Regulations”, on both occasions on which those words occur, substitute “ regulation 14(1)(f) or (g) of the Housing Benefit Regulations or, as the case may be, regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations ”; and
  - (v) in paragraph (15) <sup>M10</sup>, for the words “regulation 8A of the Housing Benefit Regulations”, substitute “ regulation 11A of the Housing Benefit Regulations or, as the case may be, regulation 11A of the Housing Benefit (State Pension Credit) Regulations ”;

(d) in regulation 13(2)(c) for the words “regulation 73 of the Housing Benefit Regulations or regulation 63 of the Council Tax Benefit Regulations”, substitute “ 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 ”; and

(e) in the Schedule—

(i) in paragraph 1, for sub-paragraphs (a) to (h), substitute—

- “(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).”;

(ii) after paragraph 1, insert—

“**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).”;

(iii) in paragraph 2, for sub-paragraphs (a) to (e), substitute—

- “(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

**Changes to legislation:** There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, Paragraph 17. (See end of Document for details)

- (e) regulation 89 (sums to be deducted in calculating recoverable excess benefit).”;
- (iv) after paragraph 2 insert—
  - “**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).”;
- (v) in paragraph 6 <sup>M11</sup>, for the words “regulation 23(1) of the Housing Benefit Regulations or regulation 15(1) of the Council Tax Benefit Regulations”, substitute “ regulation 27(1) of the Housing Benefit (State Pension Credit) Regulations or regulation 17(1) of the Council Tax Benefit (State Pension Credit) Regulations ”.

#### Marginal Citations

- M1** [S.I. 2001/1002](#).
- M2** Paragraph (2ZA) was inserted by [S.I. 2004/14](#).
- M3** Paragraph (2A) was inserted by [S.I. 2003/1338](#).
- M4** Paragraph (2B) was inserted by [S.I. 2003/2399](#).
- M5** For regulation 11A, *see* Schedule 10 to the Housing Benefit Regulations 2006, paragraph 4.
- M6** For regulation 11A, *see* Schedule 9 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, paragraph 4.
- M7** Paragraph (6A) was inserted by [S.I. 2004/14](#).
- M8** Paragraph (6B) was inserted by [S.I. 2004/14](#).
- M9** Paragraph (12) was inserted by [S.I. 2003/1338](#).
- M10** Paragraph (15) was inserted by [S.I. 2003/2379](#).
- M11** Paragraph (6) was inserted by [S.I. 2003/1581](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, Paragraph 17.