

Supersession

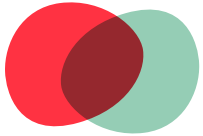
A local authority may (and sometimes must) make a decision that supersedes any Housing Benefit decision it has made or that a Tribunal has made provided grounds exist and, in some cases, the claimant applies for supersession or brings a change of circumstances to the authority's attention within a time limit. The effect of a superseding decision is usually to alter the rate of benefit from a certain date onwards, leaving the previous decision in place before that date.

The power to make superseding decisions is found in Paragraph 4 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000:

(4)

1. Subject to sub-paragraphs (4) and (4A), the following, namely -
 - a) any relevant decision (whether as originally made or as revised under paragraph 3), and
 - b) any decision under this Schedule of the First-tier Tribunal or any decision of the Upper Tribunal which relates to any such decision,may be superseded by a decision made by the appropriate relevant authority, either on an application made for the purpose by a person affected by the decision or on their own initiative.
2. In this paragraph "the appropriate relevant authority" means the authority which made the decision being superseded, the decision appealed against to the First-tier Tribunal or, as the case may be, the decision to which the decision being appealed against to the Upper Tribunal relates.
3. In making a decision under sub-paragraph (1), the relevant authority need not consider any issue that is not raised by the application or, as the case may be, did not cause them to act on their own initiative.
4. Regulations may prescribe the cases and circumstances in which, and the procedure by which, a decision may be made under this paragraph.
 - a) Regulations may prescribe the cases and circumstances in which, and the procedure by which, a decision relating to housing benefit must be made by the appropriate relevant authority.
5. Subject to sub-paragraph (6) and paragraph 18, a decision under this paragraph shall take effect as from the date on which it is made or, where applicable, the date on which the application was made.
6. Regulations may provide that, in prescribed cases or circumstances, a decision under this paragraph shall take effect as from such other date as may be prescribed.

The main Regulations made under para 4 are Regulations 7 and 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 which list the detailed grounds for supersession and the effective dates of the resulting superseding decisions including those which carry a time limit; and Regulation 79



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of the Housing Benefit Regulations 2006 which further breaks down the possible effective dates of a change of circumstance.