

**Status:** Point in time view as at 01/10/2009.

**Changes to legislation:** The Social Security (Northern Ireland) Order 1998, PART I is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3

#### DECISIONS AGAINST WHICH AN APPEAL LIES

#### PART I

#### BENEFIT DECISIONS

##### *Entitlement to benefit without a claim*

1. In such cases or circumstances as may be prescribed, a decision whether a person is entitled to a relevant benefit for which no claim is required.
2. If so, a decision as to the amount to which he is entitled.

##### *Payability of benefit*

3. A decision whether a relevant benefit (or a component of a relevant benefit) to which a person is entitled is not payable by reason of—
  - (a) any provision of the Contributions and Benefits Act by which the person is disqualified for receiving benefit;
  - (b) regulations made under section 72(8) of that Act (disability living allowance);
  - (c) regulations made under section 113(2) of that Act (suspension of payment); or
  - (d) Article 21 of the Jobseekers Order (jobseeker's allowance).<sup>F1</sup>

[<sup>F2,F3</sup> . . . ]

  - (f) section 6, 7 or 8 of the Social Security Fraud Act (Northern Ireland) 2001.<sup>F4</sup>; or
  - (g) section 18 of the Welfare Reform Act (Northern Ireland) 2007.]

**F1** Sch. 3 para. 3(d): words "; or" added (prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 57, 68\(2\)](#) and word "or" subsequently repealed (1.5.2002) by [Social Security Fraud Act \(Northern Ireland\) 2001 \(c. 17\), ss. 16, 17\(1\), Sch.](#); S.R. 2002/165, [art. 2\(d\)](#)

**F2** 2001 c. 17 (NI)

**F3** Word in Sch. 3 para. 3(e) repealed (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\), ss. 58, 60\(1\), Sch. 8](#); S.R. 2008/276, [art. 2\(2\)\(d\)](#), Sch. Pt. 2

**F4** Sch. 3 para. 3(g) and preceding words added (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\), ss. 28\(1\), 60\(1\), Sch. 3 para. 10\(9\)](#); S.R. 2008/276, [art. 2\(2\)\(d\)](#), Sch. Pt. 2

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#### *Payments to third parties*

4. Except in such cases or circumstances as may be prescribed, a decision whether the whole or part of a benefit to which a person is entitled is, by virtue of regulations, to be paid to a person other than him.

#### *Recovery of benefits*

5. A decision whether payment is recoverable under section 69 or 69A of the Administration Act.
6. If so, a decision as to the amount of payment recoverable.

#### *Industrial injuries benefit*

7. A decision whether an accident was an industrial accident for the purposes of industrial injuries benefit.

#### *Jobseekers' agreements*

8. A decision in relation to a jobseeker's agreement as proposed to be made under Article 11 of the Jobseekers Order, or as proposed to be varied under Article 12 of that Order.

#### *<sup>F5</sup>State pension credit*

<b>F5</b> 2002 c. 14 (NI)
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**8A.** A decision whether to specify a period as an assessed income period under section 6 of the State Pension Credit Act (Northern Ireland) 2002.

**8B.** If so, a decision as to the period to be so specified.

**8C.** A decision whether an assessed income period comes to an end by virtue of section 9(4) or (5) of that Act.

**8D.** If so, a decision as to when the assessed income period so ends.]

#### *Power to prescribe other decisions*

9. Such other decisions relating to a relevant benefit as may be prescribed.

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