

Status: Point in time view as at 23/09/2010.

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 22 July 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
 - [^{F1}(ca) regulations made under Article [^{F2}10 or] 19A of the Jobseekers Order;]
 - (d) Article 21 [^{F3}or 22C] of the Jobseekers Order (jobseeker's allowance). ^{F4}
 - (e) ^{F5}.....
 - [^{F6}(f) section [^{F7}5B,] 6, 7 or 8 of the Social Security Fraud Act (Northern Ireland) 2001.][^{F8}; or
 - (g) section 18 of the Welfare Reform Act (Northern Ireland) 2007.]

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| F1 | Sch. 3 para. 3(ca) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 1(4), 36(1)(a) |
| F2 | Words in Sch. 3 para. 3(ca) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 27(4), 36(1)(j) |
| F3 | Words in Sch. 3 para. 3(d) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 20(4), 36(1)(f) |
| F4 | 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Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 57, 68(2) and word "or" subsequently repealed (1.5.2002) by Social Security Fraud Act (Northern Ireland) 2001 (c. 17), ss. 16, 17(1), Sch.; S.R. 2002/165, art. 2(d) |
| F5 | Sch. 3 para. 3(e) added (prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 57, 68(2) and subsequently repealed (23.9.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 34(1), 36(2), Sch. 4 Pt. 3; S.R. 2010/327, art. 2(2)(c)(d) |
| F6 | 2001 c. 17 (NI) |

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| F7 | Words in Sch. 3 para. 3(f) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 19(2)(b), 36(1)(e), Sch. 3 para. 8 |
| F8 | 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 |

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.

[^{F9}State pension credit

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| F9 | 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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