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## 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
  - [<sup>F1</sup>(ca) regulations made under Article [<sup>F2</sup>10 or] 19A of the Jobseekers Order;]
  - (d) Article 21 [<sup>F3</sup>or 22C] of the Jobseekers Order (jobseeker's allowance). <sup>F4</sup>
  - (e) <sup>F5</sup>.....
  - [<sup>F6</sup>(f) section [<sup>F7</sup>5B,] 6, 7 or 8 of the Social Security Fraud Act (Northern Ireland) 2001.][<sup>F8</sup>,<sup>F9</sup>...
  - (g) section 18 of the Welfare Reform Act (Northern Ireland) 2007.]
  - [<sup>F10</sup>(h) regulations made under Article 90(1) or 91(1) of the Welfare Reform (Northern Ireland) Order 2015;
  - (i) Article 92 of that Order.]

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 and word "or" subsequently repealed (1.5.2002) by 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

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- 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)
- 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
- F9** Word in Sch. 3 para. 3(f) repealed (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 41(a)**; S.R. 2016/215, art. 3(2)
- F10** Sch. 3 para. 3(h)(i) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 41(b)**; S.R. 2016/215, art. 3(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.

[<sup>F11</sup>**6A.** A decision as to whether payment of housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) is recoverable under section 69ZB of the Administration Act.]

- F11** Sch. 3 paras. 6A, 6B inserted (4.4.2016 for specified purposes, 2.5.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(7)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, art. 2(6)(b)

[<sup>F11</sup>**6B.** A decision as to the amount of payment recoverable under section 69ZB, 69ZG or 69ZH of the Administration Act.]

- F11** Sch. 3 paras. 6A, 6B inserted (4.4.2016 for specified purposes, 2.5.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(7)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, art. 2(6)(b)

#### *[<sup>F12</sup>State pension: prisoners and overseas residents*

- F12** Sch. 3 paras. 6C, 6D and cross-heading inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 33**

**6C** A decision that a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 is not payable by reason of section 19 of that Act (prisoners).

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**6D** A decision that a person is not entitled to increases in the rate of a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 by reason of regulations under section 20 of that Act (overseas residents).]

*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>F13</sup>State pension credit*

<b>F13</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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