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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.

##### **Commencement Information**

- I1** Sch. 3 para. 1 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch. 1](#)
- I2** Sch. 3 para. 1 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I3** Sch. 3 para. 1 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I4** Sch. 3 para. 1 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
- I5** Sch. 3 para. 1 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I6** Sch. 3 para. 1 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- 2 If so, a decision as to the amount to which he is entitled.

##### **Commencement Information**

- I7** Sch. 3 para. 2 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I8** Sch. 3 para. 2 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I9** Sch. 3 para. 2 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
- I10** Sch. 3 para. 2 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I11** Sch. 3 para. 2 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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### *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>(d) .....
  - <sup>F1</sup>(da) .....
  - <sup>F2</sup>(e) .....
  - <sup>F3</sup>(f) section [<sup>F4</sup>6B,] 7, 8 or 9 of the Social Security Fraud Act 2001]; <sup>F5</sup>...
  - <sup>F6</sup>(g) section 18 of the Welfare Reform Act 2007];
  - <sup>F7</sup>(h) regulations made under section 85(1) or 86(1) of the Welfare Reform Act 2012;
  - (i) section 87 of that Act.]

#### **Textual Amendments**

- F1** Sch. 3 para. 3(d)(da) repealed (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 46(4)**, 150(3); S.I. 2012/2530, art. 2(2)(c)
- F2** Sch. 3 para. 3(e) repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 7 Pt. 3**; S.I. 2010/293, art. 2(3)(b) (with art. 2(4))
- F3** Sch. 3 para. 3(f) and preceding word inserted (1.4.2002) by [Social Security Fraud Act 2001 \(c. 11\)](#), **ss. 12(2)**, 20(1); S.I. 2001/3689, art. 2(2)
- F4** Word in Sch. 3 para. 3(f) inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 4 para. 10**; S.I. 2010/45, art. 2(1)(2)
- F5** Word in Sch. 3 para. 3 repealed (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 9 para. 43(a)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F6** Sch. 3 para. 3(g) and preceding word inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 17(9)**; S.I. 2008/787, art. 2(4)(f)
- F7** Sch. 3 para. 3(h)(i) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 9 para. 43(b)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

#### **Commencement Information**

- I12** Sch. 3 para. 3(a)(c) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I13** Sch. 3 para. 3(a)(c) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I14** Sch. 3 para. 3(a)(c) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I15** Sch. 3 para. 3 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I16** Sch. 3 para. 3 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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[<sup>F8</sup>3A A decision as to the amount of a relevant benefit that is payable to a person by virtue of regulations under section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001.]

#### Textual Amendments

**F8** Sch. 3 para. 3A inserted (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 51](#); [S.I. 2013/358](#), art. 6(4)(d)(i)

#### *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.

#### Commencement Information

- I17** Sch. 3 para. 4 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch. 1](#)
- I18** Sch. 3 para. 4 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with art. 5, [Sch. 12](#))
- I19** Sch. 3 para. 4 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with art. 4, [Sch. 14](#))
- I20** Sch. 3 para. 4 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with art. 3, [Sch. 2](#))
- I21** Sch. 3 para. 4 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with art. 4, [Schs. 16-18](#))
- I22** Sch. 3 para. 4 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

#### *Recovery of benefits*

5 A decision whether payment is recoverable under section 71 or 71A of the Administration Act.

#### Commencement Information

- I23** Sch. 3 para. 5 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with art. 5, [Sch. 12](#))
- I24** Sch. 3 para. 5 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with art. 4, [Sch. 14](#))
- I25** Sch. 3 para. 5 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with art. 3, [Sch. 2](#))
- I26** Sch. 3 para. 5 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with art. 4, [Schs. 16-18](#))
- I27** Sch. 3 para. 5 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

6 If so, a decision as to the amount of payment recoverable.

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#### Commencement Information

- I28** Sch. 3 para. 6 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I29** Sch. 3 para. 6 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I30** Sch. 3 para. 6 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
- I31** Sch. 3 para. 6 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I32** Sch. 3 para. 6 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- [<sup>F9</sup>6A A decision as to whether payment of housing credit (within the meaning of the State Pension Credit Act 2002) is recoverable under section 71ZB of the Administration Act.]

#### Textual Amendments

- F9** Sch. 3 paras. 6A, 6B inserted (29.4.2013 for the insertion of Sch. 3 para. 6B) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 105\(7\)](#), [150\(3\)](#); [S.I. 2013/358](#), [art. 5\(2\)\(3\)\(c\)](#)

- [<sup>F9</sup>6B A decision as to the amount of payment recoverable under section 71ZB, 71ZG or 71ZH of the Administration Act.]

#### Textual Amendments

- F9** Sch. 3 paras. 6A, 6B inserted (29.4.2013 for the insertion of Sch. 3 para. 6B) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 105\(7\)](#), [150\(3\)](#); [S.I. 2013/358](#), [art. 5\(2\)\(3\)\(c\)](#)

#### *[<sup>F10</sup>State pension: prisoners and overseas residents*

#### Textual Amendments

- F10** Sch. 3 paras. 6C, 6D and cross-heading inserted (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), [s. 56\(4\)](#), [Sch. 12 para. 37](#)

- 6C A decision that a state pension under Part 1 of the Pensions Act 2014 is not payable by reason of regulations under section 19 of that Act (prisoners).

- 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 2014 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.

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#### Commencement Information

- I33** Sch. 3 para. 7 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I34** Sch. 3 para. 7 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

#### *[<sup>F11</sup>Jobseekers' agreements*

#### Textual Amendments

- F11** Sch. 3 para. 8 and cross-heading repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 4**; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended (1.7.2013) by S.I. 2013/1511, art. 6)

- 8 A decision in relation to a jobseeker's agreement as proposed to be made under section 9 of the Jobseekers Act, or as proposed to be varied under section 10 of that Act.]

#### Commencement Information

- I35** Sch. 3 para. 8 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I36** Sch. 3 para. 8 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

#### *[<sup>F12</sup>State pension credit*

#### Textual Amendments

- F12** Sch. 3 paras. 8A-8D and cross-heading inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 1 para. 12**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)

- 8A A decision whether to specify a period as an assessed income period under section 6 of the State Pension Credit Act 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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#### Commencement Information

- I37** Sch. 3 para. 9 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch. 1](#).
- I38** Sch. 3 para. 9 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I39** Sch. 3 para. 6 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I40** Sch. 3 para. 9 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
- I41** Sch. 3 para. 9 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I42** Sch. 3 para. 9 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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