

F1 SCHEDULE 2

Regulation 27

Decisions against which no appeal lies

Textual Amendments

F1 Sch. 2 revoked (7.4.2003 for specified purposes and with effect in accordance with reg. 1(2)) by The Child Benefit and Guardian s Allowance (Decisions and Appeals) Regulations 2003 (S.I. 2003/916), regs. 1(1), 34(a) (with reg. 35)

Child Benefit

- 1. A decision of the Secretary of State as to whether an educational establishment be recognised for the purposes of Part IX of the Contributions and Benefits Act.
2. A decision of the Secretary of State to recognise education provided otherwise than at a recognised educational establishment.
3. A decision of the Secretary of State made in accordance with the discretion conferred upon him by the following provisions of the Child Benefit (Residence and Persons Abroad) Regulations 1976 M1 —
(a) regulation 2(2)(c)(iii) (decision relating to a child’s temporary absence abroad);
(b) regulation 7(3) (certain days of absence abroad disregarded).

Marginal Citations

M1 S.I. 1976/963 ; the relevant amending instrument is S.I. 1976/1758 .

- 4. A decision of the Secretary of State made in accordance with the discretion conferred upon him by regulation 2(1) or (3) of the Child Benefit (General) Regulations 1976 M2 (provisions relating to contributions and expenses in respect of a child).

Marginal Citations

M2 S.I. 1976/963 ; the relevant amending instrument is S.I. 1976/1758 .

Claims and Payments

- [F2]5. A decision, being a decision of the Secretary of State unless specified below as a decision of the Board, under the following provisions of the Claims and Payments Regulations—
(a) [F3]regulation 4(3) or (3B) (which partner should make a claim for income support or jobseeker’s allowance);]
[F4](aa) regulation 4I (which partner should make a claim for an employment and support allowance);]
[F5](b)
[F6][F7](bb) regulation 4D(7) (which partner should make a claim for state pension credit);]]
[F8](c)
[F9](d)
[F10](e)

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 2 . (See end of Document for details)

- (f) regulation 7 (decision by the Secretary of State or the Board as to evidence and information required);
- (g) regulation 9 and Schedule 1 (decision by the Secretary of State or the Board as to interchange of claims with claims for other benefits);
- (h) regulation 11 (treating claim for maternity allowance as claim for incapacity benefit [^{F11}or employment and support allowance]);
- (i) regulation 15(7) (approving form of particulars required for determination of retirement pension questions in advance of claim);
- (j) regulations 20 to 24 (decision by the Secretary of State or the Board as to the time or manner of payments);
- (k) regulation 25(1) (intervals of payment of attendance allowance and disability living allowance where claimant is expected to return to hospital);
- (l) regulation 26 (manner and time of payment of income support);
- (m) regulation 26A (time and intervals of payment of jobseeker's allowance);
- [^{F12}(mm) regulation 26B (payment of state pension credit);]
- [^{F13}(mn) regulation 26C (manner and time of payment of employment and support allowance);]
- (n) regulation 27(1) and (1A) (decision by the Board as to manner and time of payment of tax credits);
- (o) regulation 30 (decision by the Secretary of State or the Board as to claims or payments after death of claimant);
- (p) regulation 30A (payment of arrears of joint-claim jobseeker's allowance where nominated person can no longer be traced);
- (q) regulation 31 (time and manner of payments of industrial injuries gratuities);
- (r) regulation 32 (decision by the Secretary of State or the Board as to information to be given when obtaining payment of benefit);
- (s) regulation 33 (appointments by the Secretary of State or the Board where person unable to act);
- (t) regulation 34 (decision by the Secretary of State or the Board as to paying another person on the beneficiary's behalf);
- (u) regulation 34A(1) (payment, out of benefit, of mortgage interest to qualifying lender);
- (v) regulation 35(2) (payment to third person of maternity expenses or expenses for heating in cold weather);
- (w) regulation 36 (decision by the Secretary of State or the Board to pay partner as alternative payee);
- (x) regulation 38 (decision by the Secretary of State or the Board as to the extinguishment of right to payment of sums by way of benefit where payment not obtained within the prescribed period, except a decision under paragraph (2A) (payment request after expiration of prescribed period));
- (y) regulations 42 to 46 (mobility component of disability living allowance and disability living allowance for children);
- (z) regulation 47(2) and (3) (return of instruments of payment etc. to the Secretary of State or the Board).]

Textual Amendments

- F2** Sch. 2 para. 5 substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **21(a)**
- F3** Sch. 2 para. 5(a) substituted (21.12.2004) by [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#), regs. 1, **2(9)(a)**
- F4** Sch. 2 para. 5(aa) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **42(a)**
- F5** Sch. 2 para. 5(b) omitted (21.12.2004) by virtue of [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#), regs. 1, **2(9)(b)**
- F6** Sch. 2 para. 5(bb) substituted (21.12.2004) by [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#), regs. 1, **2(9)(c)**
- F7** Sch. 2 para. 5(bb) inserted (18.6.2003) by [State Pension Credit \(Decisions and Appeals-Amendments\) Regulations 2003 \(S.I. 2003/1581\)](#), regs. 1, **2(a)**
- F8** Sch. 2 para. 5(c) omitted (21.12.2004) by virtue of [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#), regs. 1, **2(9)(b)**
- F9** Sch. 2 para. 5(d) omitted (21.12.2004) by virtue of [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#), regs. 1, **2(9)(b)**
- F10** Sch. 2 para. 5(e) omitted (21.12.2004) by virtue of [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#), regs. 1, **2(9)(b)**
- F11** Words in Sch. 2 para. 5(h) added (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **42(b)**
- F12** Sch. 2 para. 5(mm) inserted (18.6.2003) by [State Pension Credit \(Decisions and Appeals-Amendments\) Regulations 2003 \(S.I. 2003/1581\)](#), regs. 1, **2(b)**
- F13** Sch. 2 para. 5(mn) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **42(c)**

[^{F14}Schemes that were Contracted-out Pension Schemes]

Textual Amendments

- F14** Heading to Sch. 2 para. 6 substituted (6.4.2016) by [The Pensions Act 2014 \(Abolition of Contracting-out for Salary Related Pension Schemes\) \(Consequential Amendments and Savings\) Order 2016 \(S.I. 2016/200\)](#), arts. 1(2), **15**

6. A decision of the Secretary of State under section 109 of the Pension Schemes Act 1993 ^{M3} or any Order made under it (annual increase of guaranteed minimum pensions).

Marginal Citations

- M3** 1993 c.48.

Decisions depending on other cases

7. A decision of the Secretary of State under section 25 or 26 (decisions and appeals depending on other cases).

Deductions

8. A decision which falls to be made by the Secretary of State under the Fines (Deductions from Income Support) Regulations 1992 ^{M4}, other than [^{F15} a decision whether benefit is sufficient for a deduction to be made] .

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 2 . (See end of Document for details)

Textual Amendments

F15 Words in Sch. 2 para. 8 substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#) , art. 3(1)(a) , [Sch. 19 para. 2](#) (with art. 3(1)(b) , Schs. 21-23)

Marginal Citations

M4 [S.I. 1992/2182](#) .

9.—(1) Except in relation to a decision to which sub-paragraph (2) applies, any decision of the Secretary of State under the Community Charges (Deductions from Income Support) (No.2) Regulations 1990 ^{M5} , the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 ^{M6} or the Council Tax (Deductions from Income Support) Regulations 1993 ^{M7} .

(2) This sub-paragraph applies to a decision—

- (a) whether there is an outstanding sum due of the amount sought to be deducted;
- (b) whether benefit is sufficient for a deduction to be made; and
- (c) on the priority to be given to any deduction.

Marginal Citations

M5 [S.I. 1990/545](#) .

M6 [S.I. 1989/507](#) .

M7 [S.I. 1993/494](#) .

European Community Regulations

10. An authorization given by the Secretary of State in accordance with article 22(1) or 55(1) of Council Regulation (EEC) No. 1408/71 ^{M8} on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.

Marginal Citations

M8 See Council Regulation (EEC) No. 1408/71, O.J. No. L149/2, 5.7.71 (O.J./S.E. 1971(II) page 416).

Expenses

11. A decision of the Secretary of State whether to pay expenses to any person under section 180 of the Administration Act.

Guardian's Allowance

12. A decision of the Secretary of State relating to the giving of a notice under regulation 5(8) of the Social Security (Guardian's Allowance) Regulations 1975 ^{M9} (children whose surviving parents are in prison or legal custody).

Marginal Citations

M9 [S.I. 1975/515](#) .

Income Support

13. A decision of the Secretary of State ^{F16} ... made in accordance with paragraph (1) or (2) of regulation 13 (income support and social fund determinations on incomplete evidence).

Textual Amendments

F16 Words in Sch. 2 para. 13 omitted (19.6.2000) by virtue of [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#) , regs. 1(1) , **34(b)**

[^{F17}State pension credit

Textual Amendments

F17 Sch. 2 para. 13A and cross-heading inserted (7.4.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **21**

13A. A decision of the Secretary of State made in accordance with paragraph (1) or (3) of regulation 13 in relation to state pension credit (determination on incomplete evidence).]

Industrial Injuries Benefit

14. A decision of the Secretary of State relating to the question whether—

- (a) disablement pension be increased under section 104 of the Contributions and Benefits Act (constant attendance); or
- (b) disablement pension be further increased under section 105 of the Contributions and Benefits Act (exceptionally severe disablement);

and if an increase is to be granted or renewed, the period for which and the amount at which it is payable.

15. A decision of the Secretary of State under regulation 2(2) of the Social Security (Industrial Injuries and Diseases) Miscellaneous Provisions Regulations 1986 ^{M10} as to the length of any period of interruption of education which is to be disregarded.

Marginal Citations

M10 [S.I. 1986/1561](#) .

16. A decision of the Secretary of State to approve or not to approve a person undertaking work for the purposes of regulation 17 of the Social Security (General Benefit) Regulations 1982 ^{M11} .

Marginal Citations

M11 [S.I. 1982/1408](#) ; the relevant amending instruments are [S.I. 1983/186](#) and [S.I. 1986/1561](#) .

17. A decision of the Secretary of State as to how the limitations under Part VI of Schedule 7 to the Contributions and Benefits Act on the benefit payable in respect of any death are to be applied in the circumstances of any case.

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the *The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 2*. (See end of Document for details)

Invalid Vehicle Scheme

18. A decision of the Secretary of State relating to the issue of certificates under regulation 13 of, and Schedule 2 to, the Social Security (Disability Living Allowance) Regulations 1991 ^{M12}.

Marginal Citations

M12 [S.I. 1991/2890](#).

Jobseeker’s Allowance

19.—(1) A decision of the Secretary of State under Chapter IV of Part II of the Jobseeker’s Allowance Regulations as to the day and the time a claimant is to attend at a job centre.

(2) A decision of the Secretary of State as to the day of the week on which a claimant is required to provide a signed declaration under regulation 24(10) of the Jobseeker’s Allowance Regulations.

(3) A decision of the Secretary of State ^{F18} ... made in accordance with regulation 15 (Jobseeker’s allowance determinations on incomplete evidence).

Textual Amendments

F18 Words in Sch. 2 para. 19(3) omitted (19.6.2000) by virtue of [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **34(c)**

[^{F19}Loss of Benefit for Breach of Community Order]

Textual Amendments

F19 and cross-heading inserted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#), regs. 1(1), **21(b)**

^{F20}**19A.**

Textual Amendments

F20 Sch. 2 para. 19A omitted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of [Welfare Reform Act 2009 \(Section 26\) \(Consequential Amendments\) Regulations 2010 \(S.I. 2010/424\)](#), **reg. 4(6)**

Payments on Account, Overpayments and Recovery

20. A decision of the Secretary of State under the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 ^{M13}, except a decision of the Secretary of State under the following provisions of those Regulations—

- (a) [^{F21}regulation 3(1)(a) to offset any interim payment made in anticipation of an award of benefit;]
- (b) [^{F21}regulation 4(1) as to the overpayment of an interim payment;]
- (c) regulation 5 as to the offsetting of a prior payment against a subsequent award;
- (d) regulation 11(1) as to whether a payment in excess of entitlement has been credited to a bank or other account;

- (e) regulation 13 as to the sums to be deducted in calculating recoverable amounts;
- (f) regulation 14(1) as to the treatment of capital to be reduced;
- (g) regulation 19 determining a claimant's protected earnings; and
- (h) regulation 24 whether a determination as to a claimant's protected earnings is revised or superseded.

Textual Amendments

F21 Sch. 2 para. 20(a)(b) omitted (1.4.2013) by virtue of [The Social Security \(Payments on Account of Benefit\) Regulations 2013 \(S.I. 2013/383\)](#), regs. 1(2)(a), **20(1)(a)** (with reg. 20(2))

Marginal Citations

M13 [S.I. 1988/664](#); the relevant amending instruments are [S.I. 1988/668](#), 1991/2742, 1993/650 and 1996/1345.

[^{F22}**20A.** A decision of the Secretary of State under the Social Security (Payments on Account of Benefit) Regulations 2013 except a decision under regulation 10 of those Regulations.]

Textual Amendments

F22 Sch. 2 para. 20A inserted (1.4.2013) by [The Social Security \(Payments on Account of Benefit\) Regulations 2013 \(S.I. 2013/383\)](#), regs. 1(2)(a), **20(1)(b)**

Persons Abroad

- 21.** A decision of the Secretary of State made under—
- (a) regulation 2(1)(a) of the Social Security Benefit (Persons Abroad) Regulations 1975 ^{M14} whether to certify that it is consistent with the proper administration of the Contributions and Benefits Act that a disqualification under section 113(1)(a) of that Act should not apply;
 - (b) regulation 9(4) or (5) of those Regulations whether to allow a person to avoid disqualification for receiving benefit during a period of temporary absence from Great Britain longer than that specified in the regulation.

Marginal Citations

M14 [S.I. 1975/563](#); the relevant amending instruments are [S.I. 1976/409](#), 1977/342 and 1679, 1979/463 and 1432, 1981/1157, 1982/388 and 1738, 1983/186, 1984/1303, 1986/1545 and 1561, 1988/435, 1989/1642, 1990/40 and 621, 1991/2742, 1992/1700 and 2595, 1994/268 and 1832, 1995/829 and 1996/207 and 1345.

Reciprocal Agreements

22. A decision of the Secretary of State made in accordance with an Order made under section 179 of the Administration Act (reciprocal agreements with countries outside the United Kingdom).

Social Fund Awards

23. A decision of the Secretary of State under section 78 of the Administration Act relating to the recovery of social fund awards.

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the *The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 2*. (See end of Document for details)

Suspension

24. A decision of the Secretary of State relating to the suspension of a relevant benefit or to the payment of such a benefit which has been suspended under Part III.

Up-rating

25. A decision of the Secretary of State relating to the up-rating of benefits under Part X of the Administration Act.

[^{F23}**26.** Any decision treated as a decision of the Secretary of State whether or not to waive or defer a work-focused interview.]

Textual Amendments

F23 Sch. 2 para. 26 added (3.4.2000) by [The Social Security \(Work-focused Interviews\) Regulations 2000 \(S.I. 2000/897\)](#), reg. 1, **Sch. 6 para. 7** (with reg. 2(5))

[^{F24}Loss of benefit]

Textual Amendments

F24 Sch. 2 para. 27 added (1.4.2002) by [Social Security \(Loss of Benefit\) Regulations 2001 \(S.I. 2001/4022\)](#), regs. 1(1), **21**

[^{F25}**27.**—(1) In the circumstances referred to in sub-paragraph (2), a decision of the Secretary of State that a sanctionable benefit as defined in section 6A(1) of the Social Security Fraud Act 2001 is not payable (or is to be reduced) pursuant to section 6B, 7, 8 or 9 of that Act as a result of—

- (a) a conviction for one or more benefit offences in one set of proceedings;
- (b) an agreement to pay a penalty under section 115A of the Administration Act (penalty as alternative to prosecution) or section 109A of the Social Security Administration (Northern Ireland) Act 1992 (the corresponding provision for Northern Ireland) in relation to a benefit offence;
- (c) a caution in respect of one or more benefit offences; or
- (d) a conviction for one or more benefit offences in each of two sets of proceedings, the later offence or offences being committed within the period of 5 years after the date of any of the convictions for a benefit offence in the earlier proceedings.

(2) The circumstances are that the only ground of appeal is that any of the convictions was erroneous, or that the offender (as defined in section 6B(1) of the Social Security Fraud Act 2001) did not commit the benefit offence in respect of which there has been an agreement to pay a penalty or a caution has been accepted.]

Textual Amendments

F25 Sch. 2 para. 27 substituted (1.4.2010) by [The Social Security \(Loss of Benefit\) Amendment Regulations 2010 \(S.I. 2010/1160\)](#), regs. 1, **3(5)**

Status:

Point in time view as at 06/04/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 2 .