

SCHEDULE 1

Provisions conferring powers exercised in making these Regulations

| Column (1) Provision | | Column (2) Relevant Amendments |
|---|-------------------------------|---|
| Vaccine Damage Payments Act 1979 M1 | Section 4(2) and (3) | The Act, Section 46. |
| | Section 7A(1) | The Act, Section 47. |
| Child Support Act 1991 M2 | Section 16(6) | The Act, Section 40. |
| | Section 20(5) and (6) | The Act, Section 42. |
| | Section 28ZA(2)(b) and (4)(c) | The Act, Section 43. |
| | Section 28ZB(6)(c) | The Act, Section 43. |
| | Section 28ZC(7) | The Act, Section 44. |
| | Section 28ZD(1) and (2) | The Act, Section 44. |
| | Section 46B | The Act, Schedule 7, paragraph 44. |
| | Section 51(2) | The Act, Schedule 7, paragraph 46. |
| | Schedule 4A, paragraph 8 | The Act, Schedule 7, paragraph 53. |
| Social Security Administration Act 1992 M3 | Section 5(1)(hh) | The Act, Section 74. |
| | Section 159 | The Act, Schedule 7, paragraph 95. |
| | Section 159A | The Act, Schedule 7, paragraph 96. |
| Pension Schemes Act 1993 M4 | Section 170(3) | The Act, Schedule 7, paragraph 131. |
| Social Security (Recovery of Benefits) Act 1997 M5 | Section 10 | The Act, Schedule 7, paragraph 149. |
| | Section 11(5) | |
| Social Security Act 1998 M6 | Section 6(3) | |
| | Section 7(6) | |
| | Section 9(1), (4) and (6) | |
| | Section 10(3) and (6) | |

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

Section 11(1)
Section 12(2) and (3), (6) and (7)
Section 14(10)(a) and (11)
Section 16(1) and Schedule 5
Section 17
Section 18(1)
Section 20
Section 21(1) to (3)
Section 22
Section 23
Section 24
Section 25(3)(b) and (5)(c)
Section 26(6)(c)
Section 28(1)
Section 31(2)
Section 79(1) and (3) to (7)
Section 84
Schedule 1, paragraphs 7, 11 and 12
Schedule 2, paragraph 9
Schedule 3, paragraphs 1, 4 and 9

Marginal Citations

M1 1979 c.17 .
M2 1991 c.48 .
M3 1992 c.5 .
M4 1993 c.48 .
M5 1997 c.27 .
M6 1998 c.14 .

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^{M7} —

- (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

M7 [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^{M8} (provisions relating to contributions and expenses in respect of a child).

Marginal Citations

M8 [S.I. 1976/965](#) ; 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)

(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);

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

- (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) [^{F14}regulation 17(1) (direct payments to qualifying lenders by Secretary of State where specified circumstances met) of the Loans for Mortgage Interest Regulations;]
- (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)**

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

- 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** Sch. 2 para. 5(u) substituted by S.I. 2017/725, Sch. 5 para. 11(5) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**

[^{F15}Schemes that were Contracted-out Pension Schemes]

Textual Amendments

- F15** 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 ^{M9} or any Order made under it (annual increase of guaranteed minimum pensions).

Marginal Citations

- M9** 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 ^{M10}, other than [^{F16}a decision whether benefit is sufficient for a deduction to be made] .

Textual Amendments

- F16** 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)

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

Marginal Citations

M10 [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 ^{M11} , the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 ^{M12} or the Council Tax (Deductions from Income Support) Regulations 1993 ^{M13} .

(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

M11 [S.I. 1990/545](#) .

M12 [S.I. 1989/507](#) .

M13 [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 ^{M14}[^{F17}, as amended from time to time,] on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.

Textual Amendments

F17 Words in Sch. 2 para. 10 inserted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) Regulations 2018 \(S.I. 2018/1084\)](#), reg. 1, Sch. para. 8(2)(3)

Marginal Citations

M14 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 ^{M15} (children whose surviving parents are in prison or legal custody).

Marginal Citations

M15 [S.I. 1975/515](#) .

Income Support

13. A decision of the Secretary of State ^{F18} ... made in accordance with paragraph (1) or (2) of regulation 13 (income support and social fund determinations on incomplete evidence).

Textual Amendments

F18 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)**

[^{F19}State pension credit

Textual Amendments

F19 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 ^{M16} as to the length of any period of interruption of education which is to be disregarded.

Marginal Citations

M16 [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 ^{M17} .

Marginal Citations

M17 [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.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999. (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 ^{M18} .

Marginal Citations
M18 [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 ^{F20} ... made in accordance with regulation 15 (Jobseeker’s allowance determinations on incomplete evidence).

Textual Amendments
F20 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)**

[^{F21}Loss of Benefit for Breach of Community Order]

Textual Amendments
F21 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)**

^{F22}**19A.**

Textual Amendments
F22 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 ^{M19} , except a decision of the Secretary of State under the following provisions of those Regulations—

- (a) [^{F23}regulation 3(1)(a) to offset any interim payment made in anticipation of an award of benefit;]
- (b) [^{F23}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;

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

- (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

F23 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

M19 [S.I. 1988/664](#); the relevant amending instruments are [S.I. 1988/668](#), 1991/2742, 1993/650 and 1996/1345.

[^{F24}**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

F24 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 ^{M20} 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

M20 [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.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999. (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.

[^{F25}**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

F25 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))

[^{F26}Loss of benefit]

Textual Amendments

F26 Sch. 2 para. 27 added (1.4.2002) by [Social Security \(Loss of Benefit\) Regulations 2001 \(S.I. 2001/4022\)](#) , regs. 1(1) , **21**

[^{F27}**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

F27 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)**

SCHEDULE 3

Regulations 1(3) and 35

Qualifications of Persons Appointed to the Panel

Modifications etc. (not altering text)

- C1** Sch. 3 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#), regs. 1(1), **8**
- C2** Sch. 3 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#), regs. 1(1), **8** (with reg. 8(4))

[^{F28}Legal Qualifications

Textual Amendments

- F28** Sch. 3 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 128** (with arts. 3(2)(d), 4)

1. Persons who—

- (a) have a general qualification (construed in accordance with section 71 of the Courts and Legal Services Act 1990 ^{M21}); or
- (b) are advocates or solicitors in Scotland.

Marginal Citations

- M21** 1990 c.41 .

Medical Qualifications

2. ^{F29} ... Registered medical practitioners, where—

- [^{F30}(a) the practitioner is a citizen of an EEA state and his name appears on a medical specialist register maintained in an EEA state in accordance with the Medical Directive, or he is a Swiss citizen with equivalent qualifications; or]
- (b) the practitioner holds a vocational training certificate or a certificate of acquired rights in an EEA State other than the United Kingdom which must in his case be recognised in the United Kingdom by virtue of the Medical Directive (whether or not as read with the EEA Agreement) or by virtue of an enforceable community right; or
- [^{F31}(c) the practitioner does not satisfy the requirements of sub-paragraph (a) or (b) above, but has not less than 10 years experience in clinical practice, or as a medical disability analyst in disciplines which are the same or similar to those undertaken by practitioners to whom those sub-paragraphs apply.]

Textual Amendments

- F29** Word in Sch. 3 para. 2 omitted (18.3.2005) by virtue of [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(20)(a)(i)**

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

- F30** Sch. 3 para. 2(a) substituted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(20)(a)(ii)**
- F31** Sch. 3 para. 2(c) substituted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(20)(a)(iii)**

3. In paragraph 2 above and in this paragraph—

“EEA Agreement” means the Agreement of the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993^{M22} ;

“EEA State” means a state which is a contracting party to the EEA Agreement;

“Medical Directive” means Council Directive [93/16/EEC](#) of 5th April 1993 to facilitate the free movement of doctors and the mutual recognitions of their diplomas, certificates and other evidence of formal qualifications^{M23}, as amended by Council Directive [97/50/EC](#) of 6th October 1997^{M24}^{F32}, or any directive which replaces Directive [93/16/EEC](#);

Textual Amendments

- F32** Words in Sch. 3 para. 3 added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(20)(b)**

Marginal Citations

- M22** Cm. 2183 and OJ No.L1, 3.1. 1994, p.572.
M23 OJ. No. L165, 7.7. 1993 page 1.
M24 OJ. No. L921, 24.10. 1997, page 35.

Financial Qualifications

4. Accountants who are members of—

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants in Scotland;
- (c) the Institute of Chartered Accountants in Ireland;
- ^{F33}(cc) the Institute of Certified Public Accountants in Ireland;]
- (d) the Association of Chartered Certified Accountants;
- (e) the Chartered Institute of Management Accountants; or
- (f) the Chartered Institute of Public Finance and Accountancy.

Textual Amendments

- F33** Sch. 3 para. 4(cc) inserted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **22**

Disability Qualifications

5. Persons, other than registered medical practitioners, who are experienced in dealing with the needs of disabled persons—

- (a) in a professional or voluntary capacity; or
- (b) because they are themselves disabled.]

[^{F34}SCHEDULE 3A

Regulation 7(1)(a)

Textual Amendments

F34 Sch. 3A inserted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#) , regs. 1(1) , **35**

Date [^{F35}from which superseding decision takes effect] where a claimant is in receipt of income support or jobseeker's allowance.

Textual Amendments

F35 Words in Sch. 3A substituted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(a)**

Income Support

1. Subject to paragraphs 2 to 6, where the amount of income support payable under an award is changed by a superseding decision made on the ground of a change of circumstances, that superseding decision shall take effect—

- (a) where income support is paid in arrears, from the first day of the benefit week in which the relevant change of circumstances occurs or is expected to occur; or
- (b) where income support is paid in advance, from the date of the relevant change of circumstances, or the day on which the relevant change of circumstances is expected to occur, if either of those days is the first day of the benefit week and otherwise from the next following such day,

and for the purposes of this paragraph any period of residence in temporary accommodation under arrangements for training made under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 for a period which is expected to last for seven days or less shall not be regarded as a change of circumstances.

2. In the cases set out in paragraph 3, the superseding decision shall take effect from the day on which the relevant change of circumstances occurs or is expected to occur.

3. The cases referred to in paragraph 2 are where—

- (a) income support is paid in arrears and entitlement ends, or is expected to end, for a reason other than that the claimant no longer satisfies the provisions of section 124(1)(b) of the Contributions and Benefits Act;

[income support is being paid from 8th April 2002 to persons who, immediately before that day, had a preserved right for the purposes of the Income Support Regulations;]

^{F36}(aa)

- (b) a child or young person referred to in regulation 16(6) of the Income Support Regulations (child in care of local authority or detained in custody) lives, or is expected to live, with the claimant for part only of the benefit week;

^{F37}(c)

- (d) a person referred to in paragraph 1, 2, 3 or 18 of Schedule 7 to the Income Support Regulations—

- (i) ceases, or is expected to cease, to be a patient; or

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

- (ii) a member of his family ceases, or is expected to cease, to be a patient, in either case for a period of less than a week;
- (e) a person referred to in paragraph 8 of Schedule 7 to the Income Support Regulations—
 - (i) ceases to be a prisoner; or
 - (ii) becomes a prisoner;
- (f) a person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies—
 - (i) becomes incapable of work by reason of disease or bodily or mental disablement; or
 - (ii) enters the maternity period (as defined in section 126(2) of that Act) or the day is known on which that person is expected to enter the maternity period;
- (g) during the currency of the claim, a claimant makes a claim for a relevant social security benefit—
 - (i) the result of which is that his benefit week changes; or
 - (ii) under regulation 13 of the Claims and Payment Regulations and an award of that benefit on the relevant day for the purposes of that regulation means that his benefit week is expected to change.
- [regulation 9 of the Social Security (Disability Living Allowance) Regulations 1991
- ^{F38}(h) (persons in certain accommodation other than hospitals) applies, or ceases to apply, to the claimant for a period of less than one week]^{F39}; or
- (i) regulations under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012 apply, or cease to apply, to the claimant for a period of less than one week]

Textual Amendments

- F36** Sch. 3A para. 3(aa) inserted (8.4.2002) by [Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2002 \(S.I. 2002/398\)](#), regs. 1, **3(a)**
- F37** Sch. 3A para. 3(c) omitted (18.3.2005) by virtue of [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(b)**
- F38** Sch. 3A para. 3(h) added (2.10.2006) by [Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **3(3)**
- F39** Sch. 3A para. 3(i) and word inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 21**

4. A superseding decision made in consequence of a payment of income being treated as paid on a particular day under regulation 31(1)(b) [^{F40}, (2) or (3)] or 39C(3) of the Income Support Regulations (date on which income is treated as paid) shall take effect from the day on which that payment is treated as paid.

Textual Amendments

- F40** Words in Sch. 3A para. 4 substituted (8.8.2003) by [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), **5**

5. Where—

- (a) it is decided upon supersession on the ground of a relevant change of circumstances [^{F41} or change specified in paragraphs 12 and 13] that the amount of income support is, or is to be, reduced; and

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

- (b) the Secretary of State certifies that it is impracticable for a superseding decision to take effect from the day prescribed in [^{F42}paragraph 12 or] the preceding paragraphs of this Schedule (other than where paragraph 3(g) or 4 applies),

that superseding decision shall take effect—

- (i) where the relevant change has occurred, from the first day of the benefit week following that in which that superseding decision is made; or
- (ii) where the relevant change is expected to occur, from the first day of the benefit week following that in which that change of circumstances is expected to occur.

Textual Amendments

F41 Words in Sch. 3A para. 5(a) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(c)(i)**

F42 Words in Sch. 3A para. 5(b) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(c)(ii)**

6. Where—

- (a) a superseding decision (“the former supersession”) was made on the ground of a relevant change of circumstances in the cases set out in paragraphs 3(b) to (g); and
- (b) that superseding decision is itself superseded by a subsequent decision because the circumstances which gave rise to the former supersession cease to apply (“the second change”), that subsequent decision shall take effect from the date of the second change.

Jobseeker’s Allowance

7. Subject to paragraphs 8 to 11, where a decision in respect of a claim for jobseeker’s allowance is superseded on the ground that there has been or there is expected to be, a relevant change of circumstances, the supersession shall take effect from the first day of the benefit week (as defined in regulation 1(3) of the Jobseeker’s Allowance Regulations) in which that relevant change of circumstances occurs or is expected to occur.

8. Where the relevant change of circumstances giving rise to the supersession is that—

- (a) entitlement to jobseeker’s allowance ends, or is expected to end, for a reason other than that the claimant no longer satisfies the provisions of section 3(1)(a) [^{F43}or 3A(1)(a)] of the Jobseekers Act; or
- [jobseeker’s allowance is being paid from 8th April 2002 to persons who, immediately ^{F44}(aa) before that day, had a preserved right for the purposes of the Jobseeker’s Allowance Regulations;]
- (b) a child or young person who is normally in the care of a local authority or who is detained in custody lives, or is expected to live, with the claimant for a part only of the benefit week; or
- ^{F45}(c)
- (d) the partner of the claimant or a member of his family ceases, or is expected to cease, to be a hospital in-patient for a period of less than a week [^{F46}; or
- (e) a joint-claim couple ceases to be [^{F47}a couple],]

the supersession shall take effect from the date that the relevant change of circumstances occurs or is expected to occur.

Textual Amendments

- F43** Words in Sch. 3A para. 8(a) inserted (19.3.2001) by [The Social Security Amendment \(Joint Claims\) Regulations 2001 \(S.I. 2001/518\)](#) , regs. 1(1) , **4(c)(i)**
- F44** Sch. 3A para. 8(aa) inserted (8.4.2002) by [Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2002 \(S.I. 2002/398\)](#) , regs. 1 , **3(b)**
- F45** Sch. 3A para. 8(c) omitted (18.3.2005) by virtue of [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(21)(b)**
- F46** Sch. 3A para. 8(e) and word inserted (19.3.2001) by [The Social Security Amendment \(Joint Claims\) Regulations 2001 \(S.I. 2001/518\)](#) , regs. 1(1) , **4(c)(ii)**
- F47** Words in Sch. 3A para. 8(e) substituted (5.12.2005) by [Social Security \(Civil Partnership\) \(Consequential Amendments\) Regulations 2005 \(S.I. 2005/2878\)](#) , regs. 1 , **8(4)**

9. Where the relevant change of circumstances giving rise to a supersession is any of those specified in paragraph 8, and, in consequence of those circumstances ceasing to apply, a further superseding decision is made, that further superseding decision shall take effect from the date that those circumstances ceased to apply.

10. Where, under the provisions of regulation 96 or 102C(3) of the Jobseeker's Allowance Regulations, income is treated as paid on a certain date and that payment gives rise, or is expected to give rise, to a relevant change of circumstance resulting in a supersession, that supersession shall take effect from that date.

11. Where a relevant change of circumstances [^{F48}or change specified in paragraphs 12 and 13] occurs which results, or is expected to result, in a reduced award of jobseeker's allowance then, if the Secretary of State is of the opinion that it is impracticable for a supersession to take effect in accordance with [^{F49}paragraph 12 or] the preceding paragraphs of this Schedule, the supersession shall take effect from the first day of the benefit week following that in which the relevant change of circumstances occurs.]

Textual Amendments

- F48** Words in Sch. 3A para. 11 inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(21)(d)(i)**
- F49** Words in Sch. 3A para. 11 inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(21)(d)(ii)**

[^{F50}Changes other than changes of circumstances

12. Where an amount of income support or jobseeker's allowance payable under an award is changed by a superseding decision specified in paragraph 13 the superseding decision shall take effect—

- (a) in the case of a change in respect of income support, from the day specified in paragraph 1(a) or (b) for a change of circumstances; and
- (b) in the case of a change in respect of jobseeker's allowance, from the day specified in paragraph 7 for a change of circumstances.

Textual Amendments

- F50** Sch. 3A para. 12 - Sch. 3A para. 13 added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(21)(e)**

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

13. The following are superseding decisions for the purposes of paragraph 12—
- (a) a decision which supersedes a decision specified in regulation 6(2)(b) to (ee); and
 - (b) a superseding decision which would, but for paragraph 12, take effect from a date specified in regulation 7(5) to (7), (12) to (16), (18) to (20), (22), (24) and (33).]

Textual Amendments

F50 Sch. 3A para. 12 - Sch. 3A para. 13 added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(e)**

Textual Amendments

F50 Sch. 3A para. 12 - Sch. 3A para. 13 added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(e)**

[^{F51}SCHEDULE 3B

DATE ON WHICH CHANGE OF CIRCUMSTANCES TAKES EFFECT
WHERE CLAIMANT ENTITLED TO STATE PENSION CREDIT

Textual Amendments

F51 Sch. 3B inserted (7.4.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **22**

1. Where the amount of state pension credit payable under an award is changed by a superseding decision made on the ground that there has been a relevant change of circumstances, that superseding decision shall take effect from the following days—

- (a) for the purpose only of determining the day on which an assessed income period begins under section 9 of the State Pension Credit Act , from the day following the day on which the last previous assessed income period ended; and
- [^{F52}(b) except as provided in the following paragraphs—
- (i) where state pension credit is paid in advance, from the day that change occurs or is expected to occur if either of those days is the first day of a benefit week but if it is not from the next following such day;
 - (ii) where state pension credit is paid in arrears, from the first day of the benefit week in which that change occurs or is expected to occur.]

Textual Amendments

F52 Sch. 3B para. 1(b) substituted (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(4), **8(a)**

[^{F53}2. Subject to paragraph 3, where the relevant change is that—

- (a) the claimant’s income or the income of the claimant’s partner (other than deemed income from capital) has changed;

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

- (b) the claimant or the claimant's partner becomes entitled to—
- (i) disability living allowance (middle or higher rate care component); ^{F54}...
 - (ii) attendance allowance; ^{F55} ...
 - [personal independence payment (standard or enhanced rate daily living component ^{F56}(iii) under section 78 of the Welfare Reform Act 2012); or]
 - [armed forces independence payment under the Armed Forces and Reserve Forces ^{F57}(iv) (Compensation Scheme) Order 2011; or]
- (c) the claimant or the claimant's partner again receives [^{F58}any of the allowances or payments] mentioned in sub-paragraph (b) above immediately after the end of the period specified in paragraph 2A,

the superseding decision shall take effect on the first day of the benefit week in which that change occurs or if that is not practicable in the circumstances of the case, on the first day of the next following benefit week.]

Textual Amendments

- F53** Sch. 3B para. 2 substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(a)**
- F54** Word in Sch. 3B para. 2(b)(i) omitted (8.4.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(b)(i)**
- F55** Word in Sch. 3B para. 2(b)(ii) omitted (8.4.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 15(2)(a)**
- F56** Sch. 3B para. 2(b)(iii) inserted (8.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(b)(ii)**
- F57** Sch. 3B para. 2(b)(iv) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 15(2)(b)**
- F58** Words in Sch. 3B para. 2(c) substituted (8.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(b)(iii)**

[
^{F59}**2A.** A period specified for the purposes of paragraph 2 is a period when the claimant or the claimant's partner is maintained free of charge while undergoing medical or other treatment as an in-patient in—

- (a) a hospital or similar institution under—
 - (i) the National Health Service 2006;
 - (ii) the National Health Service (Wales) Act 2006; or
 - (iii) the National Health Service (Scotland) Act 1978; or
- (b) a hospital or similar institution maintained or administered by the Defence Council.]

Textual Amendments

- F59** Sch. 3B para. 2A inserted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(c)**

3. Paragraph 2 shall not apply where the only relevant change is that working tax credit under the Tax Credits Act 2002 becomes payable or becomes payable at a higher rate.

4. A superseding decision shall take effect from the day the change of circumstances occurs or is expected to occur if—

- (a) the person ceases to be or becomes a prisoner, and for this purpose “prisoner” has the same meaning as in regulation 1(2) of the State Pension Credit Regulations ; or
- (b) whilst entitled to state pension credit a claimant is awarded another social security benefit and in consequence of that award his benefit week changes or is expected to change.

[^{F60}5. In a case where the relevant circumstance is that the claimant ceased to be a patient, if he becomes a patient again in the same benefit week, the superseding decision in respect of ceasing to be a patient shall take effect from the first day of the week in which the change occurred.]

Textual Amendments

F60 Sch. 3B para. 5 substituted (6.10.2003) by [State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **5(4)**

6. In paragraph 5, “patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of the [^{F61}Social Security (Hospital In-Patients) Regulations 2005]]

Textual Amendments

F61 Words in Sch. 3B para. 6 substituted (24.9.2007) by [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **3(9)**

[^{F62}7. [^{F63}Subject to [^{F64}paragraph 8A], where] an amount of state pension credit payable under an award is changed by a superseding decision specified in paragraph 8 the superseding decision shall take effect from the day specified in paragraph 1(b).

Textual Amendments

F62 Sch. 3B paras. 7-8 added (10.4.2006) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **5(4)**

F63 Words in Sch. 3B para. 7 substituted (6.4.2010) by [Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **4(4)(a)**

F64 Words in Sch. 3B para. 7 substituted (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(4), **8(c)**

8. The following are superseding decisions for the purposes of paragraph 7—

- (a) a decision which supersedes a decision specified in regulation 6(2)(b) to (ee) and (m); and
- (b) a superseding decision which would, but for paragraphs 2 and 7, take effect from a date specified in regulation 7(5) to (7), (12) to (16) and (29C).]

Textual Amendments

F62 Sch. 3B paras. 7-8 added (10.4.2006) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **5(4)**

[^{F65}8A. Where the relevant change of circumstances is the death of the claimant, the superseding decision shall take effect on the first day of the benefit week next following the date of death.]

Textual Amendments

F65 Sch. 3B para. 8A substituted for Sch. 3B paras. 9-10 (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(4), **8(d)**

[^{F66}11. In this Schedule, “benefit week” means—

- (a) where state pension credit is paid in advance, the period of 7 days beginning on the day on which, in the claimant’s case, that benefit is payable;
- (b) where state pension credit is paid in arrears, the period of 7 days ending on the day on which, in the claimant’s case, that benefit is payable.]

Textual Amendments

F66 Sch. 3B paras. 9-11 added (6.4.2010) by [Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **4(4)(b)**

[^{F67} SCHEDULE 3C

Regulation 7(1)(a)

DATE FROM WHICH CHANGE OF CIRCUMSTANCES TAKES EFFECT WHERE
CLAIMANT ENTITLED TO EMPLOYMENT AND SUPPORT ALLOWANCE

Textual Amendments

F67 Sch. 3C inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **43**

1. Subject to paragraphs 2 to 7, where the amount of an employment and support allowance payable under an award is changed by a superseding decision made on the ground of a change of circumstances, that superseding decision shall take effect from the first day of the benefit week in which the relevant change of circumstances occurs or is expected to occur.

2. In the cases set out in paragraph 3, the superseding decision shall take effect from the day on which the relevant change of circumstances occurs or is expected to occur.

3. The cases referred to in paragraph 2 are where—

- (a) entitlement ends, or is expected to end, for a reason other than that the claimant no longer satisfies the provisions of paragraph 6(1)(a) of Schedule 1 to the Welfare Reform Act ;
- (b) a child or young person referred to in regulation 156(6)(d) or (h) of the Employment and Support Allowance Regulations (child in care of local authority or detained in custody) lives, or is expected to live, with the claimant for part only of the benefit week;
- (c) a person referred to in paragraph 12 of Schedule 5 to the Employment and Support Allowance Regulations —
 - (i) ceases, or is expected to cease, to be a patient; or
 - (ii) a member of the person’s family ceases, or is expected to cease, to be a patient,

- in either case for a period of less than a week;
- (d) a person referred to in paragraph 3 of Schedule 5 to the Employment and Support Allowance Regulations —
 - (i) ceases to be a prisoner; or
 - (ii) becomes a prisoner;
 - (e) during the currency of the claim a claimant makes a claim for a relevant social security benefit—
 - (i) the result of which is that his benefit week changes; or
 - (ii) in accordance with regulation 13 of the Claims and Payments Regulations and an award of that benefit on the relevant day for the purposes of that regulation means that his benefit week is expected to change.
 - [^{F68}(f) regulation 9 of the Social Security (Disability Living Allowance) Regulations 1991 (persons in care homes) applies, or ceases to apply, to the claimant for a period of less than one week; or
 - (g) regulations under section 85(1) of the Welfare Reform Act 2012 (care home residents) apply, or cease to apply, to the claimant for a period of less than one week.]

Textual Amendments

F68 Sch. 3C para. 3(f)(g) inserted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), 8

4. A superseding decision made in consequence of a payment of income being treated as paid on a particular day under regulation 93 of the Employment and Support Allowance Regulations (date on which income is treated as paid) shall take effect from the day on which that payment is treated as paid.

5. Where—

- (a) it is decided upon supersession on the ground of a relevant change of circumstances or change specified in paragraphs 9 and 10 that the amount of an employment and support allowance is, or is to be, reduced; and
- (b) the Secretary of State certifies that it is impracticable for a superseding decision to take effect from the day prescribed in paragraph 9 or the preceding paragraphs of this Schedule (other than where paragraph 3(e) or 4 applies),

that superseding decision shall take effect—

- (i) where the relevant change has occurred, from the first day of the benefit week following that in which that superseding decision is made; or
- (ii) where the relevant change is expected to occur, from the first day of the benefit week following that in which that change of circumstances is expected to occur.

6. Where—

- (a) a superseding decision (“the former supersession”) was made on the ground of a relevant change of circumstances in the cases set out in paragraph 3(b) to (e); and
- (b) that superseding decision is itself superseded by a subsequent decision because the circumstances which gave rise to the former supersession cease to apply (“the second change”),

that subsequent decision shall take effect from the date of the second change.

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

7. In the case of an employment and support allowance decision where there has been a limited capability for work determination, where—

- (a) the Secretary of State is satisfied that, in relation to a limited capability for work determination, the claimant or payee failed to notify an appropriate office of a change of circumstances which regulations under the Administration Act required him to notify; and
- (b) the claimant or payee, as the case may be, could reasonably have been expected to know that the change of circumstances should have been notified,

the superseding decision shall take effect—

- (i) from the date on which the claimant or payee, as the case may be, ought to have notified the change of circumstances; or
- (ii) if more than one change has taken place between the date from which the decision to be superseded took effect and the date of the superseding decision, from the date on which the first change ought to have been notified.

Changes other than changes of circumstances

8. Where—

- (a) the Secretary of State supersedes a decision made by an appeal tribunal or a Commissioner on the grounds specified in regulation 6(2)(c)(i) (ignorance of, or mistake as to, a material fact);
- (b) the decision to be superseded was more advantageous to the claimant because of the ignorance or mistake than it would otherwise have been; and
- (c) the material fact—
 - (i) does not relate to the limited capability for work determination embodied in or necessary to the decision; or
 - (ii) relates to a limited capability for work determination embodied in or necessary to the decision and the Secretary of State is satisfied that at the time the decision was made the claimant or payee, as the case may be, knew or could reasonably have been expected to know of it and that it was relevant,

the superseding decision shall take effect from the first day of the benefit week in which the decision of the appeal tribunal or the Commissioner took effect or was to take effect.

9. Where an amount of an employment and support allowance payable under an award is changed by a superseding decision specified in paragraph 10 the superseding decision shall take effect from the day specified in paragraph 1 for a change of circumstances.

10. The following are superseding decisions for the purposes of paragraph 9—

- (a) a decision which supersedes a decision specified in regulation 6(2)(b) and (d) to (ee); and
- (b) a superseding decision which would, but for paragraph 9, take effect from a date specified in regulation 7(6), (7), (12), (13), (17D) to (17F), and (33).]

[^{F69}SCHEDULE 3D

Regulation 7B

EFFECTIVE DATES FOR SUPERSESSION OF CHILD SUPPORT DECISIONS

Textual Amendments

F69 Sch. 3D inserted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(16)** (with reg. 7)

[^{F70}1. This Schedule sets out the exceptions to the general rule in section 17(4) of the Child Support Act (that is the rule that a supersession decision takes effect from the beginning of the maintenance period in which it is made or, where applicable, the beginning of the maintenance period in which an application for a supersession is made).

Textual Amendments

F70 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

Expected change

2. Where the ground for the supersession decision is that a relevant change of circumstances is expected to occur or that a ground for a variation is expected to occur, the decision takes effect from the beginning of the maintenance period in which that change or that ground is expected to occur.

Textual Amendments

F70 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

Decision backdated to when the change occurred

3. Where the ground for the supersession decision is that a relevant change of circumstances of the following kind has occurred, the decision takes effect from the beginning of the maintenance period in which the change occurred—

(a) a qualifying child dies or ceases to be a qualifying child;

[^{F71}(aa) a relevant other child dies or ceases to be a relevant other child;]

(b) the person with care ceases to be a person with care in relation to a qualifying child;

(c) the person with care, the non-resident parent or a qualifying child ceases to be habitually resident in the United Kingdom; ^{F72}...

(d) paragraph 4(2) of Schedule 1 to the Child Support Act (flat rate for a non-resident parent whose partner is a non-resident parent) begins or ceases to apply [^{F73}; or

(e) the non-resident parent begins or ceases to receive a benefit mentioned in regulation 4(1) of the Maintenance Calculations and Special Cases Regulations (flat rate) or begins or ceases to be a person who receives, or whose partner receives, a benefit referred to in regulation 4(2) of those Regulations.]

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

Textual Amendments

- F70** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F71** Sch. 3D para. 3(aa) inserted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(i)**
- F72** Word in Sch. 3D para. 3(c) omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(ii)**
- F73** Sch. 3D para. 3(e) and word added (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(iii)**

[^{F74}**3A.** In paragraph 3, the reference to the day on which a person begins or ceases to receive a benefit is to the day on which entitlement to the benefit commences or ends, as the case may be.]

Textual Amendments

- F70** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F74** Sch. 3D para. 3A inserted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(b)**

Textual Amendments

- F70** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F71** Sch. 3D para. 3(aa) inserted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(i)**
- F72** Word in Sch. 3D para. 3(c) omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(ii)**
- F73** Sch. 3D para. 3(e) and word added (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(iii)**
- F74** Sch. 3D para. 3A inserted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(b)**

Non-resident parent or partner on or off benefit

^{F75}**4.**

Textual Amendments

- F70** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F75** Sch. 3D para. 4 omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(c)**

New qualifying child

5. Paragraphs 6 and 7 apply where the ground for the supersession is that there is a new qualifying child in relation to the non-resident parent.

Textual Amendments

F70 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

6. Where there is a new qualifying child in relation to the same person with care—
- (a) if the application is made by the non-resident parent, the decision takes effect from the beginning of the maintenance period in which the application is made; and
 - (b) if the application is made by the person with care the decision takes effect from the beginning of the maintenance period in which notification of the application is given to the non-resident parent.

Textual Amendments

F70 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

7. Where there is a new qualifying child in relation to a different person with care and an application for a maintenance calculation has been made under section 4 or section 7 of the Child Support Act, the decision takes effect from the beginning of the maintenance period in which notification of the calculation is given to the non-resident parent.

Textual Amendments

F70 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

Series of changes waiting to be actioned

8. Where a decision is superseded on application and, in relation to that decision, a maintenance calculation is made to which paragraph 15 of Schedule 1 to the Child Support Act applies, the effective date of the calculation or calculations is the beginning of the maintenance period in which the change of circumstances to which the calculation relates occurred or is expected to occur and where it occurred before the date of the application for the supersession and was notified after that date, [^{F76}the beginning of the maintenance period in which that application was made].

Textual Amendments

F70 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

F76 Words in Sch. 3D para. 8 substituted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(d)**

Own initiative decision

9. Unless paragraph 4 applies, where a decision is superseded in a case where the [^{F77}Secretary of State] is required to give notice under regulation 7C, the decision takes effect from the first day of the maintenance period which includes the date which is 28 days after the date on which the [^{F77}Secretary of State] has given notice (oral or written) to the relevant persons under that regulation.

Textual Amendments

- F70** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F77** Words in Sch. 3D para. 10 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(15)**

Supersession of tribunal decision made pending outcome of a related appeal

10. Where, in accordance with section 28ZB(5) of the Child Support Act (appeals involving issues that arise on appeal in other cases), the [^{F77}Secretary of State] makes a decision superseding the decision of the First-tier Tribunal or the Upper Tribunal, the superseding decision takes effect from the beginning of the maintenance period following the date on which the decision of the First-tier Tribunal or, as the case may be, the Upper Tribunal would have taken effect had it been decided in accordance with the determination of the Upper Tribunal or the court in the appeal referred to in section 28ZB(1)(b).

Textual Amendments

- F70** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F77** Words in Sch. 3D para. 10 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(15)**

Supersession of tribunal decision made in error due to misrepresentation etc.

11. Where—

- (a) a decision made by [^{F78}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or of a Child Support Commissioner] is superseded on the ground that it was erroneous due to misrepresentation of, or that there was a failure to disclose, a material fact; and
- (b) the [^{F79}Secretary of State] is satisfied that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error,

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

the superseding decision takes effect from the date on which the decision of [F80 an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or a Child Support Commissioner (as the case may be)] took, or was to take, effect.

Textual Amendments

- F70** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F78** Words in Sch. 3D para. 11(a) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **4(6)(a)**
- F79** Words in Sch. 3D para. 11 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(15)**
- F80** Words in Sch. 3D para. 11 substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **4(6)(b)**

Supersession of look alike case where law reinterpreted by the Upper Tribunal or a court

12. Any decision made under section 17 of the Child Support Act in consequence of a determination which is a relevant determination for the purposes of section 28ZC (cases of error) of that Act takes effect from the date of the relevant determination.]]

Textual Amendments

- F70** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

SCHEDULE 4

Regulation 59

REVOCATIONS

| <i>Column 1 Statutory Instrument Number</i> | <i>Column 2 Statutory Instrument</i> | <i>Column 3 Provision Revoked</i> |
|---|--|---------------------------------------|
| 1979/432 | The Vaccine Damage Payments Regulations 1979 | Part III |
| 1992/2641 | The Child Support Appeal Tribunals (Procedure) Regulations 1992 | The whole Regulations |
| 1995/311 | The Social Security (Incapacity for Work) (General) Regulations 1995 | Regulations 19 and 20 to 22 |

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

| | | |
|----------------------------|---|---|
| 1995/1801 | The Social Security (Adjudication) Regulations 1995 | The whole Regulations |
| 1996/182 | The Social Security (Adjudication) and Child Support Amendment Regulations 1996 | Regulation 2 |
| 1996/425 | The Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendments) Regulations 1996 | Regulation 2 |
| 1996/1518 | The Social Security (Adjudication) Amendment Regulations 1996 | The whole Regulations |
| 1996/2306 | The Social Security (Claims and Payments and Adjudication) Amendment Regulations 1996 | Regulations 8 and 9 |
| 1996/2450 | The Social Security (Adjudication) and Child Support Amendment (No.2) Regulations 1996 | Regulations 2 to 13 |
| 1996/2659 | The Social Security (Adjudication) Amendment (No.2) Regulations 1996 | The whole Regulations |
| 1997/65 | The Income-Related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations 1997 | Regulation 16 |
| 1997/793 | The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 | Regulations 1(2)(a) and 8 to 17 |
| 1997/810 | The Social Security (Industrial Injuries) (Miscellaneous Amendments) Regulations 1997 | Regulations 2, 3 and 4 |
| [^{F81} 1997/955] | The Social Security (Adjudication) and Commissioners Procedure and Child Support Commissioners (Procedure) Amendment Regulations 1997 | In regulation 1(2), the definition of "the Adjudication Regulations" and regulations 2 to 6 |
| 1997/1839 | The Social Security (Attendance Allowance and Disability Living Allowance) (Miscellaneous Amendments) Regulations 1997 | In regulation 1(2) the definition of "the Adjudication Regulations" and regulation 4 |

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

| | | |
|-----------|--|-----------------------|
| 1997/2237 | The Social Security (Recovery of Benefits) (Appeals) Regulations 1997 | The whole Regulations |
| 1997/2305 | The Social Security (Miscellaneous Amendments) (No.4) Regulations 1997 | Regulation 4 |

Textual Amendments

F81 Word in Sch. 4 substituted (5.7.1999) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment \(No. 2\) Regulations 1999 \(S.I. 1999/1623\)](#) , regs. 1(1) , 7

Changes to legislation:

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