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STATUTORY INSTRUMENTS

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**2013 No. 381**

**The Universal Credit, Personal Independence Payment,  
Jobseeker's Allowance and Employment and Support  
Allowance (Decisions and Appeals) Regulations 2013**

**PART 7**

**APPEALS**

**Decisions involving issues that arise on appeal in other cases**

**53.**—(1) For the purposes of section 25(3)(b) of the 1998 Act (prescribed cases and circumstances in which a decision may be made on a prescribed basis) <sup>M1</sup>—

- (a) a prescribed case is a case in which the claimant would be entitled to the benefit to which the decision relates, even if the other appeal referred to in section 25(1)(b) of the 1998 Act were decided in a way which is the most unfavourable to the claimant; and
- (b) the prescribed basis on which the Secretary of State may make the decision is as if—
  - (i) the other appeal referred to in section 25(1)(b) of the 1998 Act had already been decided; and
  - (ii) that appeal had been decided in a way which is the most unfavourable to the claimant.

(2) For the purposes of section 25(5)(c) of the 1998 Act (appeal treated as pending against a decision in a different case, even though an appeal against the decision has not been brought or an application for permission to appeal against the decision has not been made but the time for doing so has not yet expired), the prescribed circumstances are that the Secretary of State—

- (a) certifies in writing that the Secretary of State is considering appealing against that decision; and
- (b) considers that, if such an appeal were to be decided in a particular way—
  - (i) there would be no entitlement to benefit in that case; or
  - (ii) the appeal would affect the decision in that case in some other way.

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**Marginal Citations**

**M1** Section 25 was amended by [S.I. 2008/2833](#).

**Status:**

Point in time view as at 25/02/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013, Section 53.