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Changes to legislation: Welfare Reform Act 2012, SCHEDULE 11 is up to date with all changes known to be in force on or before 04 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 11

Section 102

POWER TO REQUIRE CONSIDERATION OF REVISION BEFORE APPEAL

Vaccine Damage Payments Act 1979 (c. 17)

1 The Vaccine Damage Payments Act 1979 is amended as follows.

Commencement Information

- I1** Sch. 11 para. 1 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
I2 Sch. 11 para. 1 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

2 (1) Section 4 (appeals to appeal tribunals) is amended as follows.

(2) After subsection (1A) there is inserted—

“(1B) If the claimant's address is not in Northern Ireland, regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal only if the Secretary of State has considered whether to reverse the decision under section 3A.

(1C) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the Secretary of State was on an application,
- (b) the Secretary of State considered issues of a specified description, or
- (c) the consideration by the Secretary of State satisfied any other condition specified in the regulations.”

(3) At the end of subsection (2) there is inserted—

“(c) provision that, where in accordance with regulations under subsection (1B) there is no right of appeal against a decision, any purported appeal may be treated as an application to reverse the decision under section 3A.”

Commencement Information

- I3** Sch. 11 para. 2 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
I4 Sch. 11 para. 2 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

3 (1) Section 8 (regulations) is amended as follows.

(2) In subsection (2)(a) the words from “which shall be” to “House of Parliament” are repealed.

(3) After that subsection there is inserted—

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“(2A) A statutory instrument containing regulations made by the Secretary of State under this Act—

- (a) except in the case of an instrument containing regulations under section 4(1B), is subject to annulment in pursuance of a resolution of either House of Parliament;
- (b) in the case of an instrument containing regulations under section 4(1B), may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

(4) At the end there is inserted—

“(5) The power to make regulations under section 4(1B) may be exercised—

- (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
 - (iii) provision which is either unconditional or is subject to any specified condition.”

Commencement Information

- I5** Sch. 11 para. 3 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
I6 Sch. 11 para. 3 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

Child Support Act 1991 (c. 48)

4 The Child Support Act 1991 is amended as follows.

Commencement Information

- I7** Sch. 11 para. 4 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
I8 Sch. 11 para. 4 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

5 (1) Section 20 (appeals to First-tier Tribunal), as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000 (and subsequently amended), is amended as follows.

(2) After subsection (2) there is inserted—

“(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision mentioned in subsection (1)(a) or (b) only if the [^{F1}Secretary of State] has considered whether to revise the decision under section 16.

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(2B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the [^{F1}Secretary of State] was on an application,
- (b) the [^{F1}Secretary of State] considered issues of a specified description, or
- (c) the consideration by the [^{F1}Secretary of State] satisfied any other condition specified in the regulations.”

(3) At the end of subsection (4) there is inserted—

- “(c) provision that, where in accordance with regulations under subsection (2A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 16.”

Textual Amendments

F1 Words in Sch. 11 para. 5(2) 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. 108(2)

Commencement Information

I9 Sch. 11 para. 5 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24

I10 Sch. 11 para. 5 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

6 (1) Section 20 (appeals to First-tier Tribunal), as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000, is amended as follows.

(2) After subsection (3) there is inserted—

“(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision only if the [^{F2}Secretary of State] has considered whether to revise the decision under section 16.

(3B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the [^{F2}Secretary of State] was on an application,
- (b) the [^{F2}Secretary of State] considered issues of a specified description, or
- (c) the consideration by the [^{F2}Secretary of State] satisfied any other condition specified in the regulations.”

(3) At the end of subsection (5) there is inserted—

- “(c) provision that, where in accordance with regulations under subsection (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 16.”

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Textual Amendments

- F2** Words in Sch. 11 para. 6(2) 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. 108\(3\)](#)

Commencement Information

- I11** Sch. 11 para. 6 in force at 25.2.2013 for specified purposes by [S.I. 2013/358](#), art. 2(1), Sch. 1 paras. 18, [24](#)
I12 Sch. 11 para. 6 in force at 29.4.2013 in so far as not already in force by [S.I. 2013/983](#), [art. 8](#)

7 In section 51A (pilot schemes) at the end there is inserted—

“(6) This section does not apply to regulations under—

- (a) subsection (2A) of section 20 as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000;
- (b) subsection (3A) of section 20 as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000.”

Commencement Information

- I13** Sch. 11 para. 7 in force at 25.2.2013 for specified purposes by [S.I. 2013/358](#), art. 2(1), Sch. 1 paras. 18, [24](#)
I14 Sch. 11 para. 7 in force at 29.4.2013 in so far as not already in force by [S.I. 2013/983](#), [art. 8](#)

8 In section 52 (regulations and orders), in subsection (2)(a), after “section 12(5)(b),” there is inserted “20(2A), 20(3A)” .

Commencement Information

- I15** Sch. 11 para. 8 in force at 25.2.2013 for specified purposes by [S.I. 2013/358](#), art. 2(1), Sch. 1 paras. 18, [24](#)
I16 Sch. 11 para. 8 in force at 29.4.2013 in so far as not already in force by [S.I. 2013/983](#), [art. 8](#)

Social Security (Recovery of Benefits) Act 1997 (c. 27)

9 The Social Security (Recovery of Benefits) Act 1997 is amended as follows.

Commencement Information

- I17** Sch. 11 para. 9 in force at 25.2.2013 for specified purposes by [S.I. 2013/358](#), art. 2(1), Sch. 1 paras. 18, [24](#)
I18 Sch. 11 para. 9 in force at 29.4.2013 in so far as not already in force by [S.I. 2013/983](#), [art. 8](#)

10 (1) Section 11 (appeals against certificates) is amended as follows.

(2) After subsection (2) there is inserted—

“(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, an appeal may be made under this section only if the Secretary of State has reviewed the certificate under section 10.

(2B) The regulations may in particular provide that that condition is met only where—

- (a) the review by the Secretary of State was on an application,

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- (b) the Secretary of State considered issues of a specified description, or
- (c) the review by the Secretary of State satisfied any other condition specified in the regulations.”

(3) In subsection (5)(c) after “any such appeal“ there is inserted “(or, where in accordance with regulations under subsection (2A) there is no right of appeal, any purported appeal)”.

Commencement Information

I19 Sch. 11 para. 10 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24

I20 Sch. 11 para. 10 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

- 11 (1) Section 30 of that Act (regulations and orders) is amended as follows.
- (2) In subsection (2) after “regulations under section” there is inserted “ 11(2A) or ”.
- (3) After that subsection there is inserted—
- “(2A) A statutory instrument containing regulations under section 11(2A) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Commencement Information

I21 Sch. 11 para. 11 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24

I22 Sch. 11 para. 11 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

PROSPECTIVE

Child Support, Pensions and Social Security Act 2000 (c. 19)

- 12 Schedule 7 to the Child Support, Pensions and Social Security Act 2000 is amended as follows.
- 13 (1) Paragraph 6 (housing benefit and council tax benefit: appeal to First-tier Tribunal) is amended as follows.
- (2) In sub-paragraph (4), after paragraph (b) there is inserted—
- “or where regulations under sub-paragraph (5A) so provide.”
- (3) After sub-paragraph (5) there is inserted—
- “(5A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal in relation to a decision only if the relevant authority which made the decision has considered whether to revise the decision under paragraph 3.
- (5B) The regulations may in particular provide that that condition is met only where—
- (a) the consideration by the relevant authority was on an application,

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- (b) the relevant authority considered issues of a specified description, or
- (c) the consideration by the relevant authority satisfied any other condition specified in the regulations.”

(4) In sub-paragraph (8)—

- (a) the words from “make provision” to the end become paragraph (a);
- (b) after that paragraph there is inserted—
 - “(b) provide that, where in accordance with regulations under sub-paragraph (5A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under paragraph 3.”

14 In paragraph 20(4) (regulations subject to affirmative procedure) for “or (4)” there is substituted “, (4) or (5A)”.

Child Maintenance and Other Payments Act 2008 (c. 6)

15 The Child Maintenance and Other Payments Act 2008 is amended as follows.

Commencement Information

I23 Sch. 11 para. 15 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24

I24 Sch. 11 para. 15 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

16 In section 49(2) (regulations regarding reconsideration) after “and” there is inserted “ may prescribe ”.

Commencement Information

I25 Sch. 11 para. 16 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24

I26 Sch. 11 para. 16 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

17 (1) Section 50 (appeals to First-tier Tribunal) is amended as follows.

(2) After subsection (1) there is inserted—

“(1A) Regulations may provide that, in such cases or circumstances as may be prescribed, a person may appeal against a determination made on a claim only if the Secretary of State has decided whether to reconsider the determination under section 49.

(1B) The regulations may in particular provide that that condition is met only where—

- (a) the decision of the Secretary of State was on an application,
- (b) the Secretary of State considered issues of a specified description, or
- (c) the decision of the Secretary of State satisfied any other condition specified in the regulations.”

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- (3) In subsection (4)(c) after “an appeal under subsection (1)(a)” there is inserted “ (or, where in accordance with regulations under subsection (1A) there is no right of appeal, any purported appeal) ”.

Commencement Information

- I27** Sch. 11 para. 17 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
I28 Sch. 11 para. 17 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

- 18 (1) Section 53 (regulations under Part 4) is amended as follows.

- (2) After subsection (2) there is inserted—

“(2A) The power to make regulations under section 50(1A) may be exercised—

- (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
- (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
- (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
- (iii) provision which is either unconditional or is subject to any specified condition.”

- (3) In subsection (3) after “section 46” there is inserted “ or 50(1A) ”.

Commencement Information

- I29** Sch. 11 para. 18 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
I30 Sch. 11 para. 18 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

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Changes and effects yet to be applied to :

- Sch. 11 para. 12-14 repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/1511 by [S.I. 2017/57 art. 51314Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2657 by [S.I. 2016/596 art. 4-6Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2657 by [S.I. 2017/57 art. 1315Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2846 by [S.I. 2016/596 art. 347Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2018/138 art. 3](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2019/10 reg. 3\(1\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2019/167 art. 5\(2\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983, art. 5A(1), 6(1) by [S.I. 2017/483 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/1583 by [S.I. 2017/664 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/209 by [S.I. 2016/596 art. 348Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/209 by [S.I. 2017/57 art. 1016Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2016/596 art. 59Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2016/963 art. 37813Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2017/584 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2017/664 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2016/596 art. 3-510Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2016/963 art. 46-1214Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/57 art. 3-9111217Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/584 art. 346-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/664 art. 3-57-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2016/596 art. 3411Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2016/963 art. 3-1215Sch.](#)

- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/57 art. 3-7912Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/584 art. 346-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/664 art. 3-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2018/138 art. 6](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/10 reg. 3\(2\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/167 art. 5\(3\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/37 art. 5](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33, art. 6(11) by [S.I. 2017/483 art. 3](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2018/138 art. 6](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/10 reg. 3\(3\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/167 art. 5\(4\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/37 art. 5](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634, art. 7(2) by [S.I. 2017/376 reg. 4](#)
- specified provision(s) amendment to earlier commencing S.I. 2016/596 by [S.I. 2016/963 art. 17](#)
- specified provision(s) amendment to earlier commencing S.I. 2019/37 by [S.I. 2019/935 art. 2](#)
- specified provision(s) modification of earlier commencing S.I. 2014/1583 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2014/2321 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/101 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/1537 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/634 by [S.I. 2018/532 art. 5](#)