

SCHEDULE 2

Regulation 27

Decisions against which no appeal lies

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(1)—
 - (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).
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(2) (provisions relating to contributions and expenses in respect of a child).

Claims and Payments

5. A decision of the Secretary of State under the Claims and Payments Regulations except a decision under—
 - (a) regulation 19 as to the time for claiming benefit;
 - (b) regulation 37AB(3) as to the payment of withheld benefit;
 - (c) regulation 38 as to the extinguishment of the right to payment of sums by way of benefit where payment is not obtained within the prescribed period; and
 - (d) the following provisions of Schedule 9 and regulation 35(1) in so far as it relates to them—
 - (i) paragraph 3 relating to the amount deductible by way of housing costs;
 - (ii) paragraph 4 relating to the amount of miscellaneous housing costs payable direct to a third party;
 - (iii) paragraph 4A(4) relating to the direct payment to a third party of benefit payable to or in respect of persons resident in hostels;
 - (iv) paragraph 5 relating to payments of benefit direct to the claimant's or his partner's landlord;
 - (v) paragraph 6 relating to the payment out of benefit of fuel costs;
 - (vi) paragraph 7 relating to the payment out of benefit of water charges;
 - (vii) paragraph 7A(5) in connection with amounts payable in place of child support maintenance;
 - (viii) paragraph 7B(6) as to whether an amount in respect of arrears of child support maintenance is to be deducted from a person's jobseeker's allowance; and

(1) S.I.1976/963; the relevant amending instrument is S.I. 1976/1758.

(2) S.I. 1976/965; the relevant amending instrument is S.I. 1976/1758.

(3) Regulation 37AB was inserted by S.I. 1994/2319.

(4) Paragraph (4A) was inserted by S.I. 1991/2284 and amended by S.I. 1992/2595.

(5) Paragraph 7A was inserted by S.I. 1993/478, substituted by S.I. 1993/2113 and then amended by S.I. 1996/481.

(6) Paragraph 7B was inserted by S.I. 1996/2344.

(ix) paragraph 9(3) as to the priority between liabilities for items of gas and electricity.

Contracted Out Pension Schemes

6. A decision of the Secretary of State under section 109 of the Pension Schemes Act 1993(7) or any Order made under it (annual increase of guaranteed minimum pensions).

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(8), other than one falling within regulation 4 of those Regulations.

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(9), the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989(10) or the Council Tax (Deductions from Income Support) Regulations 1993(11).

(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.

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(12) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.

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(13) (children whose surviving parents are in prison or legal custody).

(7) 1993 c. 48.

(8) S.I. 1992/2182.

(9) S.I. 1990/545.

(10) S.I. 1989/507.

(11) S.I. 1993/494.

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

(13) S.I. 1975/515.

Income Support

13. A decision of the Secretary of State which embodies a determination made in accordance with paragraph (1) or (2) of regulation 13 (income support and social fund determinations 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(**14**) as to the length of any period of interruption of education which is to be disregarded.

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(**15**).

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.

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(**16**).

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 which embodies a determination made in accordance with regulation 15 (Jobseeker's allowance determinations on incomplete evidence).

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(**17**), except a decision of the Secretary of State under the following provisions of those Regulations—

- (a) regulation 3(1)(a) to offset any interim payment made in anticipation of an award of benefit;

(14) S.I. 1986/1561.

(15) S.I. 1982/1408; the relevant amending instruments are S.I. 1983/186 and S.I. 1986/1561.

(16) S.I. 1991/2890.

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

Status: This is the original version (as it was originally made).

- (b) regulation 4(1) as to the overpayment of an interim payment;
- (c) regulation 5 as to the offsetting of a prior payment against a subsequent award;
- (d) regulation 11(1) as to whether a payment in excess of entitlement has been credited to a bank or other account;
- (e) regulation 13 as to the sums to be deducted in calculating recoverable amounts;
- (f) regulation 14(1) as to the treatment of capital to be reduced;
- (g) regulation 19 determining a claimant's protected earnings; and
- (h) regulation 24 whether a determination as to a claimant's protected earnings is revised or superseded.

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⁽¹⁸⁾ 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.

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.

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.

⁽¹⁸⁾ 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.