

Changes to legislation: The Social Security (Northern Ireland) Order 1998, PART I is up to date with all changes known to be in force on or before 13 April 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 3

DECISIONS AGAINST WHICH AN APPEAL LIES

PART I

BENEFIT DECISIONS

Entitlement to benefit without a claim

1. In such cases or circumstances as may be prescribed, a decision whether a person is entitled to a relevant benefit for which no claim is required.
2. If so, a decision as to the amount to which he is entitled.

Payability of benefit

3. A decision whether a relevant benefit (or a component of a relevant benefit) to which a person is entitled is not payable by reason of—
 - (a) any provision of the Contributions and Benefits Act by which the person is disqualified for receiving benefit;
 - (b) regulations made under section 72(8) of that Act (disability living allowance);
 - (c) regulations made under section 113(2) of that Act (suspension of payment); or
 - ^{F1}(ca)
 - ^{F2}(d)
 - (e) ^{F3}
 - ^{F4}(f) section [^{F5}5B,] 6, 7 or 8 of the Social Security Fraud Act (Northern Ireland) 2001.][^{F6},^{F7} ...
 - (g) section 18 of the Welfare Reform Act (Northern Ireland) 2007.]
 - ^{F8}(h) regulations made under Article 90(1) or 91(1) of the Welfare Reform (Northern Ireland) Order 2015;
 - (i) Article 92 of that Order.]

F1 Sch. 3 para. 3(ca) repealed (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), 52(3); S.R. 2016/234, art. 2(2)(a)(i); S.R. 2017/190, art. 3(1)(2)(c)

F2 Sch. 3 para. 3(d) repealed (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), 52(3); S.R. 2016/234, art. 2(2)(a)(i); S.R. 2017/190, art. 3(1)(2)(c)

F3 Sch. 3 para. 3(e) added (prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 57, 68(2) and subsequently repealed (23.9.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 34(1), 36(2), Sch. 4 Pt. 3; S.R. 2010/327, art. 2(2)(c)(d)

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- F4** 2001 c. 17 (NI)
- F5** Words in Sch. 3 para. 3(f) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 19(2)(b), 36(1)(e), **Sch. 3 para. 8**
- F6** Sch. 3 para. 3(g) and preceding words added (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 28(1), 60(1), **Sch. 3 para. 10(9)**; S.R. 2008/276, **art. 2(2)(d)**, Sch. Pt. 2
- F7** Word in Sch. 3 para. 3(f) repealed (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 41(a)**; S.R. 2016/215, art. 3(2)
- F8** Sch. 3 para. 3(h)(i) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 41(b)**; S.R. 2016/215, art. 3(2)

Payments to third parties

4. Except in such cases or circumstances as may be prescribed, a decision whether the whole or part of a benefit to which a person is entitled is, by virtue of regulations, to be paid to a person other than him.

Recovery of benefits

- 5. A decision whether payment is recoverable under section 69 or 69A of the Administration Act.
- 6. If so, a decision as to the amount of payment recoverable.

[^{F9}**6A.** A decision as to whether payment of housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) is recoverable under section 69ZB of the Administration Act.]

- F9** Sch. 3 paras. 6A, 6B inserted (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already in operation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(7)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

[^{F9}**6B.** A decision as to the amount of payment recoverable under section 69ZB, 69ZG or 69ZH of the Administration Act.]

- F9** Sch. 3 paras. 6A, 6B inserted (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already in operation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(7)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

[^{F10}State pension: prisoners and overseas residents

- F10** Sch. 3 paras. 6C, 6D and cross-heading inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 33**

6C A decision that a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 is not payable by reason of section 19 of that Act (prisoners).

6D A decision that a person is not entitled to increases in the rate of a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 by reason of regulations under section 20 of that Act (overseas residents).]

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Industrial injuries benefit

7. A decision whether an accident was an industrial accident for the purposes of industrial injuries benefit.

^{F11} ...

F11 Sch. 3 para. 8 and heading repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), [Sch. 12 Pt. 4](#); S.R. 2017/190, [art. 9\(1\)\(e\)](#) (with arts. 10-25)

^{F12}8.

F12 Sch. 3 para. 8 and heading repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), [Sch. 12 Pt. 4](#); S.R. 2017/190, [art. 9\(1\)\(e\)](#) (with arts. 10-25)

^{F13}State pension credit

F13 2002 c. 14 (NI)

8A. A decision whether to specify a period as an assessed income period under section 6 of the State Pension Credit Act (Northern Ireland) 2002.

8B. If so, a decision as to the period to be so specified.

8C. A decision whether an assessed income period comes to an end by virtue of section 9(4) or (5) of that Act.

8D. If so, a decision as to when the assessed income period so ends.]

Power to prescribe other decisions

9. Such other decisions relating to a relevant benefit as may be prescribed.

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Changes and effects yet to be applied to :

- Sch. 3 para. 8 and heading repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 4](#)
- Sch. 3 para. 8 heading words substituted by [S.I. 2015/2006 \(N.I.\) Sch. 7 para. 11\(a\)](#)
- power to am. (prosp.) by [1998 c. 47 s.87](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1999 c. 10 s.1\(2\)Sch.1 paras.16\(r\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 7A and cross-heading inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 41\(3\)](#)
- Sch. 3 para. 3A inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 42](#)
- art. 38(1A) inserted by [2010 c. 13 \(N.I.\) s. 16\(2\)](#)