SCHEDULE 3

Regulation 49(2)

Decisions against which no appeal lies

Claims and payments

1. A decision under any of the following provisions of the Claims and Payments Regulations—
   (a) regulation 17 (special provisions where it is certified that a woman is expected to be confined or where she has been confined);
   (b) regulation 24 (interchange with claims for other benefits);
   (c) regulation 36 (evidence and information in connection with a claim);
   (d) regulation 41 (direct credit transfer);
   (e) regulation 42 (payment of universal credit);
   (f) regulation 43 (payment of personal independence payment);
   (g) regulation 44 (days for payment of personal independence payment);
   (h) regulation 45(1) (payment of personal independence payment at a daily rate between periods in hospital or other accommodation);
   (i) regulation 46 (payment of an employment and support allowance);
   (j) regulation 47 (payment of a jobseeker's allowance);
   (k) regulation 50 (extinguishment of right to payment if payment is not obtained within the prescribed period), except a decision under paragraph (4) of that regulation;
   (l) regulation 51 (payments on death);
   (m) regulation 52 (persons unable to act);
   (n) regulation 53 (payment to another person on the claimant's behalf);
   (o) regulation 54 (direct payment to lender of deductions in respect of interest on secured loans);
   (p) Part 6 (mobility component of personal independence payment).

Other jobseeker's allowance decisions

2. A decision made in accordance with regulation 39(2) of these Regulations (jobseeker's allowance determinations on incomplete evidence).

Other decisions relating to universal credit

3. A decision in default of an election under regulation 30 of the Universal Credit Regulations (award to include the carer element).

4. A decision as to the amount of universal credit to which a person is entitled, where it appears to the Department that the amount is determined by reference to the claimant's entitlement to an increased amount of universal credit in the circumstances referred to in section 140C(2) of the Administration Act(**1**) (implementation of increases in universal credit due to attainment of a particular age).

5. So much of a decision as adopts a determination made under the Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016.

(**1**) Section 140C is inserted by paragraph 20 of Schedule 2 to the Welfare Reform (Northern Ireland) Order 2015.

Suspension

6. A decision of the Department relating to suspending payment of benefit, or to the payment of a benefit which has been suspended, under Part 5 of these Regulations (suspension).

Decisions depending on other cases

7. A decision of the Department in accordance with Article 25 or 26 of the 1998 Order (decisions and appeals dependent on other cases).

Expenses

8. A decision of the Department whether to pay travelling expenses under section 156 of the Administration Act(**2**).

Loss of benefit

9.—(1) In the circumstances referred to in sub-paragraph (2), a decision of the Department that a sanctionable benefit as defined in section 5A(1) of the Fraud Act(**3**) is not payable (or is to be reduced) pursuant to section 5B, 6 or 8 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 as an alternative to prosecution;

(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 5B(1) of the Fraud Act) 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.

Payments on account, overpayments and recovery

10. In the case of personal independence payment, a decision of the Department under the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(**4**), except a decision of the Department under the following provisions of those Regulations—

(**2**) Section 156 was amended by paragraph 49 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995, paragraph 85 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 and paragraph 20 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002.

(**3**) Sections 5A and 5B were inserted by section 19(1) of the Welfare Reform Act (Northern Ireland) 2010. Section 5A(1) is amended by paragraph 46 of Schedule 2 to the Welfare Reform (Northern Ireland) Order 2015. Section 5B is amended by Articles 115(8)(a), 117(2) to (6) and 118(2) of, and paragraph 47 of Schedule 2, paragraph 14 of Schedule 3 and Part 1 of Schedule 12 to, the Welfare Reform (Northern Ireland) Order 2015. Section 6 was amended by paragraph 33 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002, Schedule 6 to the Tax Credits Act 2002, section 45 of, and paragraph 14(2) and (3) of Schedule 3 to, the Welfare Reform Act (Northern Ireland) 2007, paragraph 1 of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2010, Articles 117(7), 118(3) to (11) of, and paragraph 48 of Schedule 2, paragraph 15 of Schedule 3 and Part 1 of Schedule 12 to, the Welfare Reform (Northern Ireland) Order 2015, Section 8 was amended by paragraph 34 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002, paragraph 14(4) and (5) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007, paragraph 3 of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2010 and paragraph 50 of Schedule 2 and Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015.

(**4**) S.R. 1988 No. 142.

(a) regulation 5(**5**) as to the offsetting of a prior payment against a subsequent award;

(b) regulation 11(1) as to whether a payment in excess of entitlement has been credited to a bank or other account;

(c) regulation 13(**6**) as to the sums to be deducted in calculating recoverable amounts.

11. A decision of the Department under the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016(**7**), except a decision under regulation 10 (bringing payments on account of benefit into account) of those Regulations.

12. A decision of the Department under the Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016(**8**), except a decision of the Department under the following provisions of those Regulations—

(a) regulation 4(3), as to the person from whom an overpayment of a housing payment is recoverable;

(b) regulation 7 as to the treatment of capital to be reduced;

(c) regulation 8 as to the sums to be deducted in calculating recoverable amounts;

(d) regulation 9 (sums to be deducted: change of dwelling).

Reciprocal agreements

13. A decision of the Department made in accordance with an order made under section 155 of the Administration Act(**9**) (reciprocal agreements with countries outside the United Kingdom).

European Community regulations

14. An authorisation given by the Department in accordance with Article 22(1) or 55(1) of Council Regulation (EEC) No. 1408/71(**10**) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the European Union.

Up-rating

15. A decision of the Department relating to the up-rating of benefits under Part IX of the Administration Act (alteration of contributions and benefits).

(**5**) Regulation 5 was amended by Article 11(4) of S. R. 1999 No. 472 (C. 36), regulation 5 of S.R. 2000 No. 404, regulation 26(5) of S.R. 2003 No.191, regulation 7 of S.R. 2005 No. 299, regulation 3 of S.R. 2006 No. 113, regulation 15(5) of S.R. 2008 No. 286 and regulation 4 of S.R. 2010 No. 200.

(**6**) Regulation 13 was amended by regulation 26(5) of S.R. 2003 No. 191, regulation 15(8) of S.R. 2008 No. 286, regulation 2(2) of S.R. 2012 No. 108 and is substituted by regulation 31(6) of S.R. 2016 No. 224.

(**7**) S.R. 2016 No. 223.

(**8**) S. R. 2016 No. 224.

(**9**) Section 155 was amended by paragraph 48 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995, paragraph 84 of Schedule 6 to the Social Security (Northern Ireland) Order 1998, paragraph 19 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002, paragraph 4(25) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 and regulation 3 of S.R. 2011 No. 357 and is amended by paragraph 23 of Schedule 2 and paragraph 24 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015.

(**10**) O.J. No. L149/2, 5.7.1971 (O.J./S.E. 1971 (II) p. 416).