

SCHEDULE 3

Regulation 50(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 2013—

- (a) regulation 18 (special provisions where it is certified that a woman is expected to be confined or where she has been confined);
- (b) regulation 25 (interchange with claims for other benefits);
- (c) regulation 37 (evidence and information in connection with a claim);
- (d) regulation 46 (direct credit transfer);
- (e) regulation 47 (payment of universal credit);
- (f) regulation 48 (payment of personal independence payment);
- (g) regulation 49 (days for payment of personal independence payment);
- (h) regulation 50(1) (payment of personal independence payment at a daily rate between periods in hospital or other accommodation);
- (i) regulation 51 (payment of an employment and support allowance);
- (j) regulation 52 (payment of a jobseeker's allowance);
- (k) regulation 55, except a decision under paragraph (4) (extinguishment of right to payment if payment is not obtained within the prescribed period);
- (l) regulation 56 (payments on death);
- (m) regulation 57 (persons unable to act);
- (n) regulation 58 (payment to another person on the claimant's behalf);
- (o) regulation 59 (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) (jobseeker's allowance determinations on incomplete evidence) of these Regulations.

Other Decisions relating to Universal Credit

3. A decision in default of a nomination under regulation 21(4) (assessment periods) of the Universal Credit Regulations.

4. A decision in default of an election under regulation 29 (award to include the carer element) of the Universal Credit Regulations.

5. A decision as to the amount of universal credit to which a person is entitled, where it appears to the Secretary of State 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 160C(2) (implementation of increases in universal credit due to attainment of a particular age) of the Administration Act(1).

(1) Section 160C was inserted by section 31 of, and paragraphs 3 and 24 of Schedule 2 to, the 2012 Act.

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6. So much of a decision as adopts a decision of a rent officer under an order made by virtue of section 122 of the Housing Act 1996⁽²⁾ (decisions of rent officers for the purposes of universal credit).

Suspension

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

Decisions Depending on Other Cases

8. A decision of the Secretary of State in accordance with section 25 or 26 of the 1998 Act (decisions and appeals depending on other cases).

Expenses

9. A decision of the Secretary of State whether to pay travelling expenses under section 180 of the Administration Act⁽³⁾.

Deductions

10. A decision of the Secretary of State under the Fines (Deductions from Income Support) Regulations 1992⁽⁴⁾, other than a decision whether benefit is sufficient for a deduction to be made.

11. Any decision of the Secretary of State under the Community Charges (Deductions from Income Support) (No. 2) Regulations 1990⁽⁵⁾, the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989⁽⁶⁾ or the Council Tax (Deductions from Income Support) Regulations 1993⁽⁷⁾, except a decision—

- (a) whether there is an outstanding sum due of the amount sought to be deducted;
- (b) whether benefit is sufficient for the deduction to be made; or
- (c) on the priority of the deductions.

Loss of Benefit

12.—(1) In the circumstances referred to in sub-paragraph (2), a decision of the Secretary of State that a sanctionable benefit as defined in section 6A(1) of the Fraud Act⁽⁸⁾ is not payable (or is to be reduced) pursuant to section 6B, 7 or 9 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;

(2) 1996 c. 52. Section 122 was amended by section 217 of, and paragraph 60 of Schedule 7 to, the Local Government Act 2003 (c. 26), by sections 40 and 67 of, and paragraph 12 of Schedule 5 and Schedule 8 to, the 2007 Act and by sections 3, 31, 34 and 147 of, and paragraph 36 of Schedule 2, paragraph 13 of Schedule 4 and Schedule 14 to, the 2012 Act.

(3) Relevant amendments were made to section 180 by section 41 of, and paragraphs 71 of Schedule 2 to, the Jobseekers Act 1995 (c. 18) (“the 1995 Act”), by section 33 of, and paragraph 9 of Schedule 3 to, the Social Security (Recovery of Benefits) Act 1997 (c. 27), by section 86 of, and paragraph 108 of Schedule 7 to, the 1998 Act, by section 28 of, and paragraph 10 of Schedule 3 to, the 2007 Act, and by sections 31 and 91 of, and paragraphs 3, 7 and 28 of Schedule 2 and paragraphs 7 and 28 of Schedule 9 to, the 2012 Act.

(4) S.I. 1992/2182.

(5) S.I. 1990/545.

(6) S.I. 1989/507.

(7) S.I. 1993/494.

(8) Section 6A was inserted by section 24 of the 2009 Act. Relevant amendments were made to subsection (1) by sections 91, 117 and 147 of, and paragraphs 45 and 46 of Schedule 9 and Schedule 14 to, the 2012 Act.

- (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 6B(1) of the Fraud Act)(9) 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

13. In the case of personal independence payment, a decision of the Secretary of State under the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(10), except a decision of the Secretary of State under the following provisions of those Regulations—

- (a) regulation 5, as to the offsetting of a prior payment against a subsequent award(11);
- (b) regulation 11(1), as to whether a payment in excess of entitlement has been credited to a bank or other account(12);
- (c) regulation 13, as to the sums to be deducted in calculating recoverable amounts(13).

14. A decision of the Secretary of State under the Social Security (Payments on Account of Benefit) Regulations 2013(14), except a decision under regulation 10 (bringing payments on account of benefit into account) of those Regulations.

15. A decision of the Secretary of State under the Social Security (Overpayments and Recovery) Regulations 2013(15), except a decision of the Secretary of State 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

16. A decision of the Secretary of State made in accordance with an Order made under section 179 (reciprocal agreements with countries outside the United Kingdom) of the Administration Act(16).

(9) Section 6B was inserted by section 24 of the 2009 Act. Section 6B was amended by section 113(8) of the 2012 Act and by the 2009 and 2012 Acts, from a date to be appointed.

(10) [S.I. 1988/664](#).

(11) Relevant amending instruments are [S.Is. 1999/3178](#), [2005/15512006/516](#), [2000/3120](#) and [S.I. 2010/840](#).

(12) Relevant amending instruments are [S.I. 2005/34](#) and [S.I. 2012/757](#).

(13) A relevant amending instrument is [S.I. 2012/645](#).

(14) [S.I. 2013/XXXX](#).

(15) [S.I. 2013/XXXX](#).

(16) Section 179(3) was amended by section 86 of, and paragraph 107 of Schedule 7 to, the 1998 Act, by section 41 of, and paragraph 70 of Schedule 2 to, the 1995 Act, by section 18 of, and paragraph 15 of Schedule 7 to, the Contributions Act 1999, by [S.I. 1999/671](#), by section 14 of, and paragraphs 8 and 21 of Schedule 2 to, the 2002 Act, by section 28 of, and paragraph 10 of Schedule 3 to, the 2007 Act, and by sections 31 and 91 of, and paragraphs 7 and 27 of Schedule 9 and paragraphs 3 and 27 of Schedule 2 to, the 2012 Act. Relevant amendments were made to subsection (4) by section 86 of, and paragraph 107 of Schedule 7 to, the 1998 Act, by section 41 of, and paragraph 70 of Schedule 2 to, the 1995 Act, by section 18 of, and paragraph 15 of Schedule 7 to, the Contributions Act 1999, by section 28 of, and paragraph 10 of Schedule 3 to, the 2007 Act, and by sections 31, 91 and 147 of, and paragraphs 3 and 27 of Schedule 2, paragraphs 7 and 27 of Schedule 9 and Schedule 14 to, the 2012 Act. Relevant amendments to subsection (5) were made by section 41 of, and paragraph 70 of Schedule 2 to, the 1995

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European Community Regulations

17. An authorisation given by the Secretary of State in accordance with Article 22(1) or 55(1) of Council Regulation (EEC) No 1408/71 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

18. A decision of the Secretary of State relating to the up-rating of benefits under Part 10 (review and alteration of benefits) of the Administration Act.