

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Social Security (Northern Ireland) Order 1998, SCHEDULE 3 is up to date with all changes known to be in force on or before 19 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)

## SCHEDULES

### SCHEDULE 3

Article 13(1).

#### 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),<sup>F1</sup> or
  - (d) Article 21 of the Jobseekers Order (jobseeker's allowance).<sup>F2</sup>

[<sup>F3F4</sup>; or]

[<sup>F3</sup>(f) section 6, 7 or 8 of the Social Security Fraud Act (Northern Ireland) 2001.]

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|-----------|--|
| <b>F1</b> | Word in Sch. 3 para. 3(c) repealed (prosp.) by <a href="#">Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 67, 68(2), Sch. 9 Pt. IV</a>  |
| <b>F2</b> | Sch. 3 para. 3(d): words "; or" added (prosp.) by <a href="#">Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 57, 68(2)</a> and word "or" subsequently repealed (1.5.2002) by <a href="#">Social Security Fraud Act (Northern Ireland) 2001 (c. 17), ss. 16, 17(1), Sch.; S.R. 2002/165, art. 2(d)</a> |
| <b>F3</b> | 2001 c. 17 (NI)  |
| <b>F4</b> | Sch. 3 para. 3(e) added (prosp.) by <a href="#">Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 57, 68(2)</a>  |

##### *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.

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#### *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.

#### *Industrial injuries benefit*

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

#### *Jobseekers' agreements*

8. A decision in relation to a jobseeker's agreement as proposed to be made under Article 11 of the Jobseekers Order, or as proposed to be varied under Article 12 of that Order.

#### *[<sup>F5</sup>State pension credit*

<b>F5</b> 2002 c. 14 (NI)
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- 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.

## PART II

### CONTRIBUTIONS DECISIONS

#### *Categorisation of earners*

*Para. 10 rep. by SI 1999/671*

*Para. 11 rep. by SI 1999/671*

#### *Compulsory contributions*

*Para. 12 rep. by SI 1999/671*

*Para. 13 rep. by SI 1999/671*

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### *Voluntary contributions*

*Para. 14 rep. by SI 1999/671*

*Para. 15 rep. by SI 1999/671*

### *Responsibilities at home*

**16.** A decision whether a person was (within the meaning of regulations) precluded from regular employment by responsibilities at home.

### *Earnings and contributions credits*

**17.** A decision whether a person is entitled to be credited with earnings or contributions in accordance with regulations made under section 22(5) of the Contributions and Benefits Act.

### *Statutory sick pay*

*Para. 18 rep. by SI 1999/671*

*Para. 19 rep. by SI 1999/671*

### *Statutory maternity pay*

*Para. 20 rep by SI 1999/671*

### *Liability of directors, etc. for company's contributions*

*Para. 22 rep. by SI 1999/671*

### *Preserved rights to benefit, etc.*

*Para. 23 rep. by SI 1999/671*

### *Employment of long-term unemployed*

*Para. 24 rep. by SI 1999/671*

### *Interest and penalties*

*Para. 25 rep. by SI 1999/671*

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*Para. 26 rep. by SI 1999/671*

*Para. 27 rep. by SI 1999/671*

*Para. 28 rep. by SI 1999/671*

*Power to prescribe other decisions*

*Para. 29 rep. by SI 1999/671*

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