Annex E

Decisions and determinations that are not appealable

1. A decision treating a claim for MA as a claim to ESA
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(a); UC, PIP, JSA & ESA (C&P) Regs, reg 18

2. Interchange with claims for other benefits
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(b); UC, PIP, JSA & ESA (C&P) Regs, reg 25

3. A decision as to the evidence or information required in connection with a claim
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(c); UC, PIP, JSA & ESA (C&P) Regs, reg 37

Note: This does not apply to JSA.

4. Making payments by direct credit transfer into a bank or other account
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(d); UC, PIP, JSA & ESA (C&P) Regs, reg 46

5. Payment of UC
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(e); UC, PIP, JSA & ESA (C&P) Regs, reg 47

6. Payment of PIP, including the payday and payment at a daily rate between periods in hospital or similar accommodation
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(f) – 1(h); UC, PIP, JSA & ESA (C&P) Regs, regs 48 – 49 & reg 50(1)

7. Payment of ESA and JSA
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(i) & 1(j); UC, PIP, JSA & ESA (C&P) Regs, reg 51 & 52

8. Extinguishment of the right to payment of benefit except a decision to extend the 12 month period where there is good cause
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(k); UC, PIP, JSA & ESA (C&P) Regs, reg 55

9. Payments upon death
   1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(l); UC, PIP, JSA & ESA (C&P) Regs, reg 56

10. Decisions about appointees
    1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(m); UC, PIP, JSA & ESA (C&P) Regs, reg 57

11. Payments of UC and PIP to third parties in the claimant’s interests
    1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(n); UC, PIP, JSA & ESA (C&P) Regs, reg 58

12. For UC, payments of mortgage interest direct to lenders
    1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(o); UC, PIP, JSA & ESA (C&P) Regs, reg 59

13. Payment of the mobility component of PIP in certain circumstances
    1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(p); UC, PIP, JSA & ESA (C&P) Regs, Part 6

14. For JSA, a decision made on incomplete evidence
    1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 2; UC, PIP, JSA & ESA (D&A) Regs, reg 39(2)

15. For UC a decision,
1. in default of a nomination of the assessment period when 2 separate claimants become a couple\(^2\)
2. in default of an election to award the carer element\(^3\)
3. to award a particular amount of UC dependent upon age\(^4\)
4. which adopts a rent officer’s decision\(^5\)
5. alterations to UC under prescribed legislation\(^6\)

\(1\) UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 3-6; 2 UC Regs, reg 21(4); 3 reg 29; 4 SS Admin Act s 160C(2); 5 Housing Act s 122; 6 WR Act 12, s 159D(1)(b)

16. Suspension of payment of benefit\(^1\).

\(1\) UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 7; UC, PIP, JSA & ESA (D&A) Regs, Part 5

17. Staying making a decision\(^1\).

\(1\) UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 8; SS Act 98, s 25 & 26

18. Whether to pay travelling expenses\(^1\).

\(1\) UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 9; SSA Act, s 180

19. Deductions of fines except a decision on whether there is sufficient benefit to make a deduction\(^1\).

\(1\) UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 10; Fines (Deductions from IS) Regs

20. Deductions of CC or CT except a decision\(^1\)

1. whether there is an outstanding sum due of the amount to be deducted
2. whether there is sufficient benefit to make a deduction
3. on the priority to be given to a deduction

\(1\) UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 11; Community Charges (Deductions from IS) (No 2) Regs, Community Charges (Deductions from IS) (Scotland)Regs & Council Tax (Deductions from IS) Regs

21. A decision that a sanctionable benefit is not payable or is to be reduced under prescribed legislation\(^1\) where the only ground of appeal is that any of the conviction was erroneous or the offender did not commit the benefit offence\(^2\).

\(1\) Fraud Act, s 6A(1), s 6B, 7 & 9; 2 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 12

22. For PIP, any decision on payments on account, overpayments and recovery except a decision as to\(^1\)

1. offset of a prior payment against a subsequent award\(^2\)
2. whether excess payment has been credited to a bank account\(^3\)
3. deductions in calculating recoverable amounts\(^4\).

\(1\) UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 13; 2 SS (POR) Regs, reg 5; 3 reg 11(1); 4 reg 13

23. A decision on payments on account except a decision on bringing a payment on account of benefit into account\(^1\).

\(1\) UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 14; SS (Payments on Account of Benefit) Regs 13, reg 10

24. A decision on recovery of benefits\(^1\) except
1. a decision as to the person from whom an overpayment of housing payment is recoverable
2. the treatment of capital to be reduced
3. the sums to be deducted in calculating recoverable amounts
4. sums to be deducted where there is a change of dwelling

1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 15; 2 SS (Overpayments and Recovery) Regs 13, reg 4(3); 3 reg 7; 4 reg 8; 5 reg 9

25. Reciprocal agreements with countries outside the UK.

1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 16; SS A Act 92, s 179

26. Authorisation on the application of SS schemes to employed and self employed earners and their families moving within the EC.

1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 17; Council Reg (EEC) 1408/71, Art 22(1) & 55(1)

27. Uprating of benefit.

1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 18; SS A Act part 10

28. A decision to apply the benefit cap.

1 SS Act 98, Sch 2 para 8A; WR Act 12, s 96