

Annex E

Decisions and determinations that are not appealable

1. A decision treating a claim for MA as a claim to ESA¹.
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 benefits¹.
1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(b); UC, PIP, JSA & ES (C&P) Regs, reg 25
 3. A decision as to the evidence or information required in connection with a claim¹.
- Note:** This does not apply to JSA.
1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(c); UC, PIP, JSA & ES (C&P) Regs, reg 37
4. Making payments by direct credit transfer into a bank or other account¹.
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 UC¹.
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 accommodation¹.
1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 1(f) – 1(h); UC, PIP, JSA & ES (C&P) Regs, regs 48 – 49 & reg 50(1)
 7. Payment of ESA and JSA¹.
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 cause¹.
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 death¹.
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 appointees¹.
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 interests¹.
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 lenders¹.
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 circumstances¹.
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 evidence¹.
1 UC, PIP, JSA & ESA (D&A) Regs, Sch 3, para 2; UC, PIP, JSA & ESA (D&A) Regs, reg 39(2)
 15. For UC¹ a decision,

1. in default of a nomination of the assessment period when 2 separate claimants become a couple²
2. in default of an election to award the carer element³
3. to award a particular amount of UC dependent upon age⁴
4. which adopts a rent officer's decision⁵
5. alterations to UC under prescribed legislation⁶

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 benefit¹.

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 decision¹.

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

18. Whether to pay travelling expenses¹.

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

19. Deductions of fines except a decision on whether there is sufficient benefit to make a deduction¹.

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 decision¹

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 legislation¹ where the only ground of appeal is that any of the conviction was erroneous or the offender did not commit the benefit offence².

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 to¹

1. offset of a prior payment against a subsequent award²
2. whether excess payment has been credited to a bank account³
3. deductions in calculating recoverable amounts⁴.

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 account¹.

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 benefits¹ except

1. a decision as to the person from whom an overpayment of housing payment is recoverable²
2. the treatment of capital to be reduced³
3. the sums to be deducted in calculating recoverable amounts⁴
4. sums to be deducted where there is a change of dwelling⁵

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 UK¹.

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 EC¹.

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 benefit¹.

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

28. A decision to apply the benefit cap¹.

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