

## SCHEDULES

### SCHEDULE 10

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART II

##### INCOME-RELATED BENEFITS

###### *National Assistance Act 1948 (c.29)*

- 32 (1) In subsection (3) of section 22 of the National Assistance Act 1948 (charges to be made for local authority accommodation) for the words "(apart from any supplementation of his resources which he will receive under the Supplementary Benefits Act 1976" there shall be substituted the words "(disregarding income support)".
- (2) At the end of subsection (5) of that section there shall be added the words " except that, until the first such regulations come into force, a local authority shall give effect to Part III of Schedule 1 to the Supplementary Benefits Act 1976, as it had effect immediately before the amendments made by Schedule 2 to the Social Security Act 1980.
- 33 The words ".whether before or after the commencement of the Supplementary Benefits Act 1976," shall be omitted from subsection (6) of section 43 of that Act (recovery of cost of assistance from persons liable for maintenance).

###### *Maintenance Orders Act 1950 (c.37)*

- 34 In subsection (1) of section 3 of the Maintenance Orders Act 1950 (jurisdiction of English courts to make affiliation orders) after " 1976" there shall be inserted the words "or section 25 of the Social Security Act 1986".
- 35 In section 4 of that Act (jurisdiction of English courts to make affiliation orders against persons in Scotland or Northern Ireland)—
- (a) the following paragraph shall be added at the end of subsection (1)—
- “(d) for an order under section 24 of the Social Security Act 1986 (which provides for the recovery of expenditure on income support from such persons);” and
- (b) in subsection (2), after the words " or the said section 18 " there shall be inserted the words " or the said section 24".
- 36 In section 9 of that Act—
- (a) the following paragraph shall be added at the end of subsection (1)—
- “(d) for an order under section 24 of the Social Security Act 1986 (which provides for the recovery of expenditure on income support from such persons);”and

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- (b) in subsection (2), after the words "or the said section 18" there shall be inserted the words " or the said section 24".
- 37 In section 11(1) of that Act (jurisdiction of Northern Ireland courts to make affiliation orders) after "1977" there shall be inserted the words "or any enactment applying in Northern Ireland and corresponding to section 25 of the Social Security Act 1986 ".
- 38 In section 12 of that Act (jurisdiction of Northern Ireland courts to make affiliation orders against persons in England or Scotland)—
- (a) the following paragraph shall be added at the end of subsection (1)—
- “(d) for an order under any enactment applying in Northern Ireland and corresponding to section 24 of the Social Security Act 1986 (which provides for the recovery of expenditure on income support from such persons);”and
- (b) the words " or of any order falling within subsection (1) (d) of this section" shall be added at the end of subsection (2).
- 39 In section 16(2) of that Act (enforcement of maintenance orders)—
- (a) the following sub-paragraph shall be inserted after paragraph (a)(vii)—
- “(viii) section 24 of the Social Security Act 1986 or section 4 of the Affiliation Proceedings Act 1957 on an application made under section 25(1) of the Act of 1986 ;”;
- (b) the following sub-paragraph shall be inserted after paragraph (b)(viii)—
- “(ix) an order made on an application under section 24 of the Social Security Act 1986 ;”; and
- (c) the following sub-paragraph shall be inserted after paragraph (c)(vii)—
- “(viii) any enactment applying in Northern Ireland and corresponding to section 24 of the Social Security Act 1986 ;”.

*Ecclesiastical Jurisdiction Measure 1963 (No. 1)*

- 40 In subsection (7) of section 55 of the Ecclesiastical Jurisdiction Measure 1963, as amended by section 1 of the Ecclesiastical Jurisdiction (Amendment) Measure 1974, (deprivation etc. of priests etc. after certain proceedings) in the definition of "affiliation order" the word "or" shall be omitted and at the end there shall be inserted the words "or section 25 of the Social Security Act 1986 ".

*Social Work (Scotland) Act 1968 (c.49)*

- 41 (1) In section 78(2A) of the Social Work (Scotland) Act 1968 (duty to make contributions in respect of children in care etc.) for words from " of " where second occurring to the end there shall be substituted the words "of income support or family credit. ".
- (2) In section 87(3) of that Act (charges for service and accommodation)—
- (a) after the word " by" where first occurring there shall be inserted the words "the Schedule to the Housing (Homeless Persons) Act 1977, paragraph 2(1) of Schedule 4 to the Social Security Act 1980, ";
- (b) after " 1983 " there shall be inserted "and paragraph 32 of Schedule 10 to the Social Security Act 1986 "; and

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- (c) for the words " to 44 " there shall be substituted the words " (as amended by paragraph 5 of Schedule 1 to the Law Reform (Parent and Child) (Scotland) Act 1986) and 43 ".

*Administration of Justice Act 1970 (c. 31)*

- 42 In Schedule 8 to the Administration of Justice Act 1970 (maintenance orders)—
- (a) in paragraph 5, the word "or" shall be omitted from both places where it occurs and after "1975" there shall be inserted the words "or section 25 of the Social Security Act 1986 "; and
- (b) in paragraph 6, the word "or", where first occurring, shall be omitted and after "1976" there shall be inserted the words "or section 24 of the Social Security Act 1986 ".

*Attachment of Earnings Act 1971 (c. 32)*

- 43 In Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders)—
- (a) in paragraph 6, the word " or " shall be omitted from both places where it occurs and after "1976" there shall be inserted the words "or section 25 of the Social Security Act 1986 "; and
- (b) in paragraph 7, the word "or" where first occurring shall be omitted and after "1976" there shall be inserted the words "or section 24 of the Social Security Act 1986 ".

*Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)*

- 44 (1) In section 24(1)(a) of the Housing (Financial Provisions) (Scotland) Act 1972 (amount to be carried to credit of rent rebate account) for the words " under section 32 of the Social Security and Housing Benefits Act 1982" there shall be substituted the words "under section 30 of the Social Security Act 1986 ".
- (2) In section 25(1)(a) of that Act (amount to be carried to credit of rent allowance account) for the words " under section 32 of the Social Security and Housing Benefits Act 1982 " there shall be substituted the words "under section 30 of the Social Security Act 1986 ".

*Employment and Training Act 1973 (c. 50)*

- 45 In section 12(2)(b) of the Employment and Training Act 1973 (ancillary and transitional provisions) for the words " supplementary benefit within the meaning of the Supplementary Benefits Act 1976 " there shall be substituted the words "income support ".

*Legal Aid Act 1974 (c. 4)*

- 46 In each of the following provisions of the Legal Aid Act 1974, for the words from " supplementary " to " 1970 " there shall be substituted the words "income support or family credit"—
- (a) section 1(1)(b);
- (b) section 4(2);
- (c) section 11(5).

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- 47 In paragraph 3(c) of Part I of Schedule 1 to that Act for the words " 18 of the Supplementary Benefits Act 1976" there shall be substituted the words "24 of the Social Security Act 1986 ".

*Social Security Act 1975 (c. 14)*

- 48 The following provisions of the Social Security Act 1975—
- (a) section 87 (benefits to be inalienable); and
  - (b) section 165A(1) (necessity of claim for entitlement),
- shall have effect in relation to income-related benefits as they have effect in relation to benefits under that Act.

*Local Government (Scotland) Act 1975 (c. 30)*

*Rating (Disabled Persons) Act 1978 (c. 40)*

- 49 The words " the housing benefit scheme (whether or not modified under section 28 of the Social Security Act 1986) " shall be substituted for the words "a scheme made under section 28(1)(a) of the Social Security and Housing Benefits Act 1982 (whether or not modified under section 30(1)(a) of that Act)—
- (a) in section 8(4) of the Local Government (Scotland) Act 1975 (payment of rates by instalments);
  - (b) in section 1(6) of the Rating (Disabled Persons) Act 1978 (rebates for hereditaments with special facilities for disabled persons); and
  - (c) in section 4(9) of that Act (rebates for lands and heritages with special facilities for disabled persons).

*Employment Protection (Consolidation) Act 1978 (c.44)*

- 50 In section 132 of the Employment Protection (Consolidation) Act 1978 (recoupment of benefit)—
- (a) in subsection (2)(a) and (c), for the words "supplementary benefit" there shall be substituted the words "income support ";
  - (b) in subsection (3)—
    - (i) in paragraphs (a) and (f), for the words " supplementary benefit" there shall be substituted the words "income support ";
    - (ii) in paragraph (e), for the words from "who" to the end of the paragraph there shall be substituted the words "a right of appeal to a social security appeal tribunal against any decision of an adjudication officer as to the total or partial recoupment of income support in pursuance of the regulations ; ";
  - (c) in subsection (4), for the words from " supplementary benefit ", in the first place where those words occur, to the end there shall be substituted the words "income support, no sum shall be recoverable under the Social Security Act 1986, and no abatement, payment or reduction shall be made by reference to the income support recouped."

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*Child Care Act 1980 (c. 5)*

- 51 The following subsection shall be substituted for subsection (1A) of section 45 of the Child Care Act 1980 (liability for contributions in respect of children in care)—
- “(1A) A person shall not be liable under subsection (1) (i) above to make any contribution during any period when he is in receipt of income support or family credit.”.

*Local Government, Planning and Land Act 1980 (c. 65)*

- 52 (1) In section 54 of the Local Government, Planning and Land Act 1980 (rate support grant) in subsections (1) and (2) for the words "and subsidies under section 32(1)(a) of the Social Security and Housing Benefits Act 1982 " there shall be substituted the words "and rate rebate subsidy under the Social Security Act 1986 ".
- (2) The following paragraph shall be substituted for subsection (5)(d) of that section—
- “(d) subsection (10) or section 30 of the Social Security Act 1986 (power to exclude rate fund contributions under subsection (6) of that section and certain other items) ;”.
- 53 In section 154 of that Act (grant of rent rebates by urban developments corporations) for the words " Part. II of the Social Security and Housing Benefits Act 1982 " there shall be substituted the words "Part II of the Social Security Act 1986 ".

*Magistrates' Courts Act 1980 (c. 43)*

- 54 The following paragraph shall be added after subsection 1(l) of section 65 of the Magistrates' Courts Act 1980 (domestic proceedings)—
- “(m) section 24 or 25 of the Social Security Act 1986 ;”.

*Civil Jurisdiction and Judgments Act 1982 (c. 27)*

- 55 In paragraph 5 of Schedule 5 to the Civil Jurisdiction and Judgments Act 1982 (proceedings excluded from Schedule 4)—
- (a) in sub-paragraph (c), after " 1976," there shall be inserted the words "section 24 of the Social Security Act 1986, or any enactment applying in Northern Ireland and corresponding to it, "; and
- (b) in sub-paragraph (d), after " 1976," there shall be inserted the words "section 25 of the Social Security Act 1986 or any enactment applying in Northern Ireland and corresponding to it, ".

*Legal Aid Act 1982 (c. 44)*

- 56 In section 7(8) of the Legal Aid Act 1982 (legal aid contribution orders) for the words from "supplementary benefit" to the end there shall be substituted the words "income support or family credit under the Social Security Act 1986. ".

*Transport Act 1982 (c. 49)*

- 57 In section 70(2)(b) of the Transport Act 1982 (payments in respect of applicants for exemption from wearing seat belts) for the words from " of" to " and " there shall be substituted the words "of income support or family credit and ".

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*Housing Act 1985 (c.68)*

- 58 In subsection (2)(b) of section 425 of the Housing Act 1985 (the local contribution differential) for the words " section 32 of the Social Security and Housing Benefits Act 1982" there shall be substituted the words "section 30 of the Social Security Act 1986 ".
- 59 In Item 4 in Part I of Schedule 14 to that Act (items to be credited to the Housing Revenue Account) for the words " Social Security and Housing Benefits Act 1982" there shall be substituted the words "Social Security Act 1986 ".
- 60 In paragraph 3 of Part IV of that Schedule (rate fund contributions to the Housing Revenue Account) for the words " section 34(1) of the Social Security and Housing Benefits Act 1982 " there shall be substituted the words "section 30(6) of the Social Security Act 1986 ".

*Legal Aid (Scotland) Act 1986 (c.47)*

- 61 In section 8(b) (availability of legal advice and assistance) and section 11(2) (clients' contributions) of the Legal Aid (Scotland) Act 1986, for the words from " supplementary " to " 1970 " there shall be substituted the words "income support or family credit ".