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SCHEDULES

SCHEDULE 5

Section 40

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

Social Security Contributions and Benefits Act 1992 (c. 4)

- 1 (1) The Contributions and Benefits Act is amended as follows.
- (2) In section 123(4) (income-related benefits), for the words before paragraph (a) substitute “ Each billing authority and in Scotland each local authority ”.
- (3) In section 130(2) (housing benefit: qualifying payments), for paragraph (a) substitute—
 - “(a) payments to a billing authority or to a local authority in Scotland in respect of council tax;”.
- (4) In section 137(1) (interpretation of Part 7), after the definition of “industrial injuries scheme” insert—
 - ““local authority” in relation to Scotland means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

Social Security Administration Act 1992 (c. 5)

- 2 The Administration Act is amended as follows.
- 3 In section 134 (arrangements for housing benefit)—
 - (a) in subsection (8)(a) before “war” in each place insert “ prescribed ”;
 - (b) in that subsection omit “or surviving civil partner's”;
 - (c) after subsection (13) insert—
 - “(14) In this section “war widow's pension” includes any corresponding pension payable to a widower or surviving civil partner.”
- 4 In section 139 (arrangements for council tax benefit)—
 - (a) in subsection (6)(a) before “war” in each place insert “ prescribed ”;
 - (b) in subsection (11) omit the definition of “war disablement pension” and for the definition of “war widow's pension” substitute—
 - ““war widow's pension” includes any corresponding pension payable to a widower or surviving civil partner.”
- 5 In section 139E (information about attainment of standards), in subsection (1)—
 - (a) for “section 139D(3)” substitute “ section 139D(3A) or (3B) ”;
 - (b) after paragraph (a) insert—
 - “(aa) whether the authority has taken the action which it has been directed to take;”;
 - (c) in paragraph (b) after “those standards” insert “ or take that action ”.

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Annotations:

Commencement Information

II Sch. 5 para. 5 in force at 1.4.2008 by S.I. 2008/411, art. 2(3)(c)

- 6 (1) Section 139F (enforcement notices) is amended as follows.
- (2) In subsection (1)—
- (a) for “section 139D(3)” substitute “ section 139D(3A) or (3B) ”;
 - (b) after paragraph (a) insert—
 - “(aa) is not satisfied that the authority has taken the action which it has been directed to take;”;
 - (c) in paragraph (b) after “those standards” insert “ or take that action ”.
- (3) In subsection (2)(a), after “paragraph (a)” insert “ , (aa) ”.
- (4) In subsection (4), at the beginning insert “ If the notice identifies directions under section 139D(3A), ”.
- (5) After subsection (4) insert—
- “(4A) If the notice identifies directions under section 139D(3B), the authority’s response shall either—
 - (a) state that the authority has taken the action, or is likely to take it within the time specified in the directions, and justify that statement; or
 - (b) state that the authority has not taken the action, or is not likely to take it within that time, and (if the authority wishes) give reasons why a determination under section 139G below should not be made or should not include any particular provision.”

Annotations:

Commencement Information

I2 Sch. 5 para. 6 in force at 1.4.2008 by S.I. 2008/411, art. 2(3)(c)

- 7 (1) Section 139G (enforcement determinations) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) after “the standards” insert “ or taken the action ”;
 - (b) in paragraph (b) after “those standards” insert “ or take that action ”.
- (3) In subsections (3) and (5)(c), after “the standards” insert “ or the taking of the action ”.

Annotations:

Commencement Information

I3 Sch. 5 para. 7 in force at 1.4.2008 by S.I. 2008/411, art. 2(3)(c)

- 8 (1) In section 140A(2)(c) (subsidies to certain authorities), for “or levying authority” substitute “ and to each local authority in Scotland ”.

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(2) Sub-paragraph (1) must be taken to have had effect from 1 April 1997 (the date of the coming into force of section 140A of that Act).

9 In section 140B(5A) (calculation of amount of subsidy), for “section 139D(3)” substitute “ section 139D(3A) or (3B) ”.

Annotations:

Commencement Information

I4 Sch. 5 para. 9 in force at 1.4.2008 by S.I. 2008/411, art. 2(3)(c)

10 In section 191 (interpretation), in the definition of “prescribe” at the end insert “ and “prescribed” must be construed accordingly ”.

Local Government etc. (Scotland) Act 1994 (c. 39)

11 In Schedule 13 to the Local Government etc. (Scotland) Act 1994 (minor and consequential amendments)—

- (a) paragraph 174(4) is omitted;
- (b) paragraph 175(3) extends also to England and Wales and, accordingly, the amendments made by that sub-paragraph extend also to England and Wales.

Housing Act 1996 (c. 52)

12 In section 122(5) of the Housing Act 1996 for “regulations or order as are mentioned in subsection (3) or (4)” substitute “ order as is mentioned in subsection (4) ”.

Annotations:

Commencement Information

I5 Sch. 5 para. 12 in force at 7.4.2008 by S.I. 2007/2872, art. 2(1)(d) (with art. 3(1)(a))

PROSPECTIVE

Child Support, Pensions and Social Security Act 2000 (c. 19)

13 In Schedule 7 to the Child Support, Pensions and Social Security Act 2000 (housing benefit and council tax benefit: revisions and appeals), in paragraph 1(2), after paragraph (b) insert—

- “(c) a decision of a relevant authority under or by virtue of section 75 or 76 of the Administration Act that an amount of housing benefit or council tax benefit is recoverable;”.

Civil Partnership Act 2004 (c. 33)

14 In Schedule 24 to the Civil Partnership Act 2004 (amendments relating to social security, child support and tax credits), omit paragraph 65.

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Changes and effects yet to be applied to :

- Sch. 5 para. 1 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 5 para. 3-9 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 5 para. 12 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 5 para. 13 repealed by 2012 c. 5 Sch. 14 Pt. 1

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2016/1050 reg. 2(2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(aa) inserted by 2012 c. 5 s. 54(2)
- s. 1(3)(za) inserted by 2012 c. 5 s. 62(2)
- s. 1(3A) inserted by 2012 c. 5 s. 53
- s. 1(3A) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1(3B) inserted by 2012 c. 5 s. 62(3)
- s. 1(6A) inserted by 2012 c. 5 s. 50(1)
- s. 1(6A) (7) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1A inserted by 2012 c. 5 s. 51(1)
- s. 1A heading word repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1A(1) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1A(1) words substituted by 2012 c. 5 Sch. 3 para. 26(a)
- s. 1A(3) (4) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1A(3) s. 1A(4) s. 1A(5) (6) words substituted by 2012 c. 5 Sch. 3 para. 26(a)
- s. 1B inserted by 2012 c. 5 s. 52(1)
- s. 1B(1) words substituted by 2012 c. 5 Sch. 3 para. 26(b)
- s. 1B(2) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1C inserted by 2012 c. 5 s. 54(3)
- s. 1C repealed by 2012 c. 5 Sch. 14 Pt. 5
- s. 2(6) inserted by 2012 c. 5 Sch. 5 para. 6(3)
- s. 11-11K and cross-heading substituted for s. 11-16 and cross-heading by 2012 c. 5 s. 57(2)
- s. 13(6A) inserted by 2009 c. 24 s. 3(4)(b)
- s. 13(8) inserted by 2012 c. 5 s. 55
- s. 14(5) amendment to earlier affecting provision 2009 c. 24, s. 31(2) by 2012 c. 5 s. 54(7)
- s. 14(5) inserted by 2009 c. 24 s. 31(2)
- s. 15(1) s. 15(1A) (2) substituted for s. 15(1)(2) by 2009 c. 24 s. 10
- s. 15A inserted by 2009 c. 24 Sch. 3 para. 6
- s. 15A repealed by 2012 c. 5 s. 60(2)
- s. 16(1)(d)-(f) inserted by 2009 c. 24 Sch. 3 para. 8(2)(a)
- s. 16(1)(d)-(f) repealed by 2012 c. 5 Sch. 14 Pt. 6
- s. 16(1)(za) inserted by 2012 c. 5 s. 54(5)
- s. 16A inserted by 2012 c. 5 s. 56
- s. 16A repealed by 2012 c. 5 Sch. 14 Pt. 5
- s. 24(3A) (3B) inserted by 2009 c. 24 s. 3(5)

- s. 24(3A) (3B) repealed by 2012 c. 5 Sch. 14 Pt. 5
- s. 26(1)(d) inserted by 2009 c. 24 Sch. 3 para. 8(4)
- s. 26(1)(d) repealed by 2012 c. 5 Sch. 14 Pt. 6
- s. 26(1)(aa) inserted by 2012 c. 5 s. 57(6)
- s. 26(3) inserted by 2012 c. 5 s. 51(3)
- Sch. 1 para. 6(1)(da) inserted by 2009 c. 24 s. 5(2)(a)
- Sch. 1 para. 6(2A) inserted by 2009 c. 24 s. 5(2)(b)
- Sch. 1 para. 1(5)(za) inserted by 2012 c. 5 Sch. 2 para. 65
- Sch. 1 para. 1(2)-(3A) substituted for Sch. 1 para. 1(2)(3) by 2009 c. 24 s. 13(4)
- Sch. 1A inserted by 2009 c. 24 Sch. 3 para. 7
- Sch. 1A repealed by 2012 c. 5 s. 60(2)
- Sch. 2 para. 10A inserted by 2009 c. 24 s. 30(2)
- Sch. 2 para. 4A and cross-heading inserted by 2012 c. 5 s. 54(6)
- Sch. 2 para. 10ZA inserted by 2012 c. 5 s. 57(7)(b)
- Sch. 2 para. 10B and cross-heading inserted by 2012 c. 5 s. 57(8)
- Sch. 2 para. 4B and cross-heading inserted by 2012 c. 5 s. 62(4)
- Sch. 2 para. 11(b)(c) repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 2 para. 12(ca) repealed in part by 2012 c. 5 Sch. 14 Pt. 6
- Sch. 2 para. 10A heading word substituted by 2012 c. 5 s. 57(7)(a)
- Sch. 2 para. 10A(1) words inserted by 2009 c. 24 Sch. 3 para. 8(5)(a)
- Sch. 2 para. 10A(1) words repealed by 2012 c. 5 Sch. 14 Pt. 6
- Sch. 2 para. 10A(1) words substituted by 2012 c. 5 s. 57(7)(c)(i)
- Sch. 2 para. 10A(1) words substituted by 2012 c. 5 s. 57(7)(c)(ii)
- Sch. 4 para. 7(2)(f) inserted by 2012 c. 5 s. 51(4)

Commencement Orders yet to be applied to the Welfare Reform Act 2007

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2010/293 art. 2 commences (2009 c. 24)
- S.I. 2010/2377 art. 2 commences (2009 c. 24)
- S.I. 2011/2427 art. 2 commences (2009 c. 24)
- S.I. 2011/2857 art. 2 commences (2009 c. 24)