

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 3

AMENDMENTS OF OTHER ACTS

Magistrates' Courts Act 1980

- 25 In Part 1 of Schedule 6 to the Magistrates' Courts Act 1980 (c. 43) (fees to be taken by justices' chief executives) in paragraph 1(a) of the Note at the end, after “the Jobseekers Act 1995” insert “, of guarantee state pension credit (under section 1(3) (a) of the State Pension Credit Act 2002)”.

Transport Act 1982

- 26 In section 70(2) of the Transport Act 1982 (c. 49) (payments by Secretary of State in respect of applicants for medical exemption from wearing seat belts) after paragraph (b), insert—
- “(bb) those in receipt of guarantee state pension credit (under section 1(3) (a) of the State Pension Credit Act 2002) and those persons who (within the meaning of that Act) are members of a married or unmarried couple the other member of which is in receipt of guarantee state pension credit;”.

Abolition of Domestic Rates Etc. (Scotland) Act 1987

- 27 Paragraph 7A of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47) (recovery of outstanding community charge by deduction from income support) shall, so far as it continues to have effect by virtue of Article 2 of the Local Government Finance Act 1992 (Recovery of Community Charge) Saving Order 1993 (S.I. 1993/1780), apply as if there were inserted at the end—
- “(4) This paragraph applies to state pension credit as it applies to income support.”

Income and Corporation Taxes Act 1988

- 28 In section 617(2) of the Income and Corporation Taxes Act 1988 (c. 1) (payments not treated as income for any purpose of the Income Tax Acts) after paragraph (af) insert—
- “(ag) payments of state pension credit under the State Pension Credit Act 2002 or under any corresponding enactment having effect with respect to Northern Ireland;”.

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Local Government Finance Act 1988

29 Paragraph 6 of Schedule 4 to the Local Government Finance Act 1988 (c. 41) (recovery of outstanding community charge by deduction from income support) shall, so far as it continues to have effect by virtue of Article 2 of the Local Government Finance Act 1992 (Recovery of Community Charge) Saving Order 1993, apply as if there were inserted at the end—

“(4) This paragraph applies to state pension credit as it applies to income support.”

Children Act 1989

30 In section 29 of the Children Act 1989 (c. 41) (recoupment of cost of providing day care and other services) after subsection (3A) (no charge for certain services if receiving income support or income-based jobseeker’s allowance) insert—

“(3B) No person shall be liable to pay any charge under subsection (1) for a service provided under section 18(2) or (6) at any time when—

- (a) he is in receipt of guarantee state pension credit under section 1(3) (a) of the State Pension Credit Act 2002, or
- (b) he is a member of a married or unmarried couple (within the meaning of that Act) the other member of which is in receipt of guarantee state pension credit.”

Criminal Justice Act 1991

31 In section 24 of the Criminal Justice Act 1991 (c. 53) (recovery of fines by deduction from income support and jobseeker’s allowance)—

- (a) in subsection (1), for “or a jobseeker’s allowance” substitute “, a jobseeker’s allowance or state pension credit”, and
- (b) in subsection (2)(d) for “or a jobseeker’s allowance” substitute “, a jobseeker’s allowance or state pension credit”.

Local Government Finance Act 1992

32 The Local Government Finance Act 1992 (c. 14) is amended as follows.

33 (1) Paragraph 6 of Schedule 4 (deductions from income support and jobseeker’s allowance in respect of unpaid council tax) is amended as follows.

- (2) In sub-paragraph (1) for “or a jobseeker’s allowance” substitute “, a jobseeker’s allowance or state pension credit”.
- (3) In sub-paragraph (2)(b) for “or a jobseeker’s allowance” substitute “, a jobseeker’s allowance or state pension credit”.

34 In paragraph 12(1) of that Schedule (relationship between remedies available)—

- (a) after sub-paragraph (b) insert—
 - “(bb) deductions from state pension credit may be resorted to more than once;”, and
- (b) in sub-paragraph (d), after “deductions from income support” insert “, deductions from state pension credit”.

35 (1) Paragraph 6 of Schedule 8 (enforcement in Scotland) is amended as follows.

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- (2) In sub-paragraph (1), for “or a jobseeker’s allowance” substitute “, a jobseeker’s allowance or state pension credit”.
- (3) In sub-paragraph (2)(b), for “or a jobseeker’s allowance” substitute “, a jobseeker’s allowance or state pension credit”.

Jobseekers Act 1995

- 36 The Jobseekers Act 1995 (c. 18) is amended as follows.
- 37 In section 3 (the income-based conditions) in subsection (1)—
 - (a) in paragraph (b) (claimant must not be entitled to income support) after “income support” insert “or state pension credit”; and
 - (b) after paragraph (d) insert—
 - “(dd) is not a member of a married or unmarried couple the other member of which is entitled to state pension credit;”.
- 38 In section 3A (conditions for claims by joint-claim couples) in subsection (1), after paragraph (c) insert—
 - “(cc) that neither member of the couple is entitled to state pension credit;”.

Pensions Act 1995

- 39 In Schedule 4 to the Pensions Act 1995 (c. 26) (equalisation of pension ages for men and women) in paragraph 1 (Acts to which the rules for determining pensionable age apply) for “and the Pension Schemes Act 1993” substitute “, the Pension Schemes Act 1993 (c. 48) and the State Pension Credit Act 2002”.

Social Security Act 1998

- 40 The Social Security Act 1998 (c. 14) is amended as follows.
- 41 In section 34 (determination by local authorities of claims for housing benefit and council tax benefit) in subsection (3) (regulations giving priority to persons who have been entitled to jobseeker’s allowance or income support) after “or to income support” insert “or state pension credit”.

Immigration and Asylum Act 1999

- 42 In section 123 of the Immigration and Asylum Act 1999 (c. 33) (back-dating of benefits where person recorded as refugee) in subsection (9) (meaning of “regulations”) in paragraph (c)—
 - (a) after “a benefit under the Social Security Contributions and Benefits Act 1992” insert “or state pension credit”, and
 - (b) for “or the Social Security Administration Act 1992” substitute “, the Social Security Administration Act 1992 (c. 5) or the State Pension Credit Act 2002”.

Local Government Act 2000

- 43 In section 94 of the Local Government Act 2000 (c. 22) (disclosure of information) in subsection (1) (information relating to income support and income-based jobseeker’s

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allowance) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or state pension credit”.

Social Security Fraud Act 2001

- 44 The Social Security Fraud Act 2001 (c. 11) is amended as follows.
- 45 (1) Section 7 (loss of benefit for commission of benefit offences) is amended as follows.
- (2) After subsection (4) (cases where sanctionable benefit is jobseeker’s allowance) insert—
- “(4A) The Secretary of State may by regulations provide that, where the sanctionable benefit is state pension credit, the benefit shall be payable in the offender’s case for any period comprised in the disqualification period as if the rate of the benefit were reduced in such manner as may be prescribed.”
- (3) In subsection (8) (interpretation) in the definition of “disqualifying benefit”, after paragraph (a) insert—
- “(aa) any benefit under the State Pension Credit Act 2002 or under any provision having effect in Northern Ireland corresponding to that Act;”.
- 46 (1) Section 9 (effect of offence on benefits for members of offender’s family) is amended as follows.
- (2) In subsection (1) (benefits to which section applies) after paragraph (b) insert—
- “(bb) state pension credit;”.
- (3) After subsection (4) (reduction of jobseeker’s allowance) insert—
- “(4A) In relation to cases in which the benefit is state pension credit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender’s family member, the benefit shall be payable for the whole or any part of any period comprised in the relevant period as if the rate of the benefit were reduced in such manner as may be prescribed.”
- 47 In section 10 (power to supplement and mitigate loss of benefit provisions) in subsection (3), after paragraph (b) insert—
- “(bb) any benefit under the State Pension Credit Act 2002 or under any provision having effect in Northern Ireland corresponding to that Act; or”.
- 48 In section 11(3) (loss of benefit regulations: draft regulations requiring approval by resolution of each House of Parliament) in paragraph (c)—
- (a) after “section 7(4)” insert “, (4A)”, and
- (b) after “or 9(4)” insert “, (4A)”.
- 49 In section 13 (interpretation) insert the following definition at the appropriate place—
- ““state pension credit” means state pension credit under the State Pension Credit Act 2002;”.