
Status: Point in time view as at 07/04/2008. This version of this schedule contains provisions that are prospective.
Changes to legislation: Welfare Reform Act 2007, SCHEDULE 5 is up to date with all changes known to be in force on or before 06 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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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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.”

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 ”.

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 ”.
- (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).

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

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) ”.

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)

- [^{F1}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;”.]

Textual Amendments

F1 Sch. 5 para. 13 repealed (1.4.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 1; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

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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