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SCHEDULES

VALID FROM 18/03/2008

SCHEDULE 1

Section 1

EMPLOYMENT AND SUPPORT ALLOWANCE: ADDITIONAL CONDITIONS

.....

VALID FROM 18/03/2008

SCHEDULE 2

Section 22

EMPLOYMENT AND SUPPORT ALLOWANCE: SUPPLEMENTARY PROVISIONS

.....

VALID FROM 18/03/2008

SCHEDULE 3

Section 28

CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

.....

VALID FROM 18/03/2008

SCHEDULE 4

Section 29

TRANSITION RELATING TO PART 1

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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.”

VALID FROM 01/04/2008

- 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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VALID FROM 01/04/2008

- 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.”

VALID FROM 01/04/2008

- 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 ”.

- 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).

VALID FROM 01/04/2008

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

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

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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.

VALID FROM 07/04/2008

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) ”.

PROSPECTIVE

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

- [^{F2}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

- F2** 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.

SCHEDULE 6

Section 58

SCHEDULE TO BE INSERTED IN THE PNEUMOCONIOSIS
 ETC. (WORKERS' COMPENSATION) ACT 1979

Commencement Information

- I1** [Sch. 6](#) in force at 12.7.2007 for specified purposes by [S.I. 2007/1991, art. 2\(1\)](#)

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12 Sch. 6 in force at 10.8.2007 in so far as not already in force by S.I. 2007/1991, art. 2(2)

“THE SCHEDULE

Section 2(3)

DEFINITION OF “RELEVANT EMPLOYER”

Basic definition

- 1 Subject to the following provisions, “relevant employer”, in relation to a person disabled by a disease to which this Act applies, means any person—
- (a) by whom the disabled person was employed in a prescribed occupation at any time during the period during which he was developing the disease, and
 - (b) against whom he might have or might have had a claim for damages in respect of the disablement.

Disregarded employers

- 2 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person has had no period of employment with him which is a qualifying period of employment.
- 3 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him did not exceed 12 months.
- 4 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him—
- (a) did not exceed 5 years, and
 - (b) represents not more than 25% of the time during which the disabled person was employed in a prescribed occupation.
- 5 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him—
- (a) did not exceed 7 years, and
 - (b) represents not more than 20% of the time during which the disabled person was employed in a prescribed occupation.
- 6 In paragraphs 3 to 5, references to the disabled person's qualifying period of employment with his employer, where there has been more than one such period, are to the aggregate of those periods.

“Qualifying period of employment”

- 7 (1) In this Schedule, “qualifying period of employment”, in relation to a person disabled by a disease to which this Act applies, means any period of employment in a prescribed occupation, except for—
- (a) a period of employment which ended more than 20 years before the qualifying date, and
 - (b) in the case of a claim relating to diffuse mesothelioma, a period of employment which began not more than 15 years before the qualifying date.
- (2) In sub-paragraph (1), “qualifying date” means—

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- (a) the date on which the Secretary of State determines a claim for disablement benefit made by or on behalf of the disabled person in respect of the disease, or
- (b) if the disabled person has died without a claim for disablement benefit in respect of the disease having been determined, the date on which he died.

“Prescribed occupation”

- 8 (1) In this Schedule, “prescribed occupation”, in relation to a person disabled by a disease to which this Act applies, means an occupation prescribed in relation to the disease by the Secretary of State by order made by statutory instrument.
- (2) A statutory instrument that—
- (a) contains an order under sub-paragraph (1), and
 - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Power to amend Schedule

- 9 Regulations made by the Secretary of State may—
- (a) amend this Schedule for the purpose of adding to the cases in which a person is not a relevant employer in relation to a person disabled by a disease to which this Act applies;
 - (b) amend or repeal any provision of this Schedule relating to such cases.”

SCHEDULE 7

Section 63

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 4

PROSPECTIVE

Vaccine Damage Payments Act 1979 (c. 17)

- 1 (1) The Vaccine Damage Payments Act 1979 is amended as follows.
- (2) In section 4(2) (power to make regulations about appeals), at the beginning insert “ In relation to appeals under subsection (1) to an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998, ”.
- (3) In section 4(3) (provision which may be made under the preceding subsection), for “The regulations” substitute “ Regulations under subsection (2) ”.
- (4) In section 7A (correction of errors and setting aside of decisions)—
- ^{F3}(a)
 - (b) in subsection (2) (nothing in subsection (1) to affect other powers), after “subsection (1)” insert “ or (1A) ”.
- (5) In section 8 (regulations), in subsection (1) (references in the Act to regulations are to regulations made by the Secretary of State), after “provisions of this Act” insert “ , except sections 4(3A) and (3B) and 7A(1A), ”.

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(6) In that section, in subsection (3) (provision which may be contained in regulations made by the Secretary of State)—

- (a) after paragraph (b) insert “ and ”;
- (b) paragraph (d) (power to confer functions on appeal tribunals) ceases to have effect.

(7) In that section, at the end insert—

“(4) Any power of the Department for Social Development in Northern Ireland to make regulations under this Act—

- (a) shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 which shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954; and
- (b) includes power to make such incidental or supplementary provision as appears to the Department to be appropriate.”

^{F4}(8)

^{F4}(9)

Textual Amendments

- F3** Sch. 7 para. 1(4)(a) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 228\(o\)](#)
- F4** Sch. 7 para. 1(8)(9) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 228\(o\)](#)

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

- 2 (1) The Contributions and Benefits Act is amended as follows.
- (2) In section 73 (mobility component of disability living allowance), in subsection (9) (a), after “subsection (1)” insert “ (a) to (d) ”.
- (3) In section 140 (social fund payments: principles of determination), for subsection (3) substitute—

“(3) Without prejudice to the generality of subsection (2), the Secretary of State may issue directions under that subsection for the purpose of securing that allocations under section 168 of the Administration Act are not exceeded.”

Commencement Information

- I3** Sch. 7 para. 2 partly in force; [Sch. 7 para. 2\(1\)\(3\)](#) in force at 3.7.2007 see [s. 70](#)
- I4** Sch. 7 para. 2(2) in force at 1.10.2007 by [S.I. 2007/2819](#), [art. 2\(1\)\(d\)](#)

Social Security Administration Act 1992 (c. 5)

- 3 (1) The Administration Act is amended as follows.
- (2) In section 2AA(2) (benefits to which section applies), for paragraph (e) substitute—

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“(e) carer's allowance.”

- (3) In section 123 (unauthorised disclosure of information relating to particular persons), in subsection (6A), for “medical practitioner” substitute “health care professional”.
- (4) In section 168 (allocations from social fund), in subsection (5) (power to give directions with respect to the control and management of social fund allocations to particular officers or groups of officers), for “the amounts allocated to them” substitute “any amounts allocated to them”.
- (5) In subsection (6) of that section (definition of “appropriate officer”), for “payments from the social fund such as are mentioned in section 138(1)(b) of the Contributions and Benefits Act” substitute “section 138(1)(b) payments”.

Social Security Act 1998 (c. 14)

- 4 In section 38(7) of the Social Security Act 1998 (principles applicable on review of social fund determination), at the end of paragraph (a)(i) insert “and”.

SCHEDULE 8

Section 67

REPEALS

Commencement Information

- I5** Sch. 8 partly in force; Sch. 8 in force at 3.7.2007 for specified purposes see s. 70
- I6** Sch. 8 in force at 1.10.2007 for specified purposes by S.I. 2007/2819, art. 2(1)(e)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Vaccine Damage Payments Act 1979 (c. 17)	Section 3A(6). In section 8(3), paragraph (d), and the word “and” immediately preceding it.
Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c. 41)	Section 3(5).
Income and Corporation Taxes Act 1988 (c. 1)	In section 347B(12)(b), the word “or” at the end of sub-paragraph (i).
Criminal Justice Act 1991 (c. 53)	In section 24(4), in the definition of “income support”, the words “incapacity benefit or”.
Social Security Contributions and Benefits Act 1992 (c. 4)	In section 6A(3), the word “and” at the end of paragraph (c). Section 20(1)(b). In section 20(2)— (a) in the definition of “long-term benefit”, paragraph (a); (b) in the definition of “short-term benefit”, paragraph (b).

The repeal of section 69(5) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) has effect only in relation to child benefit and guardian's allowance.

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In section 21(1)—

- (a) the words from “short-term incapacity benefit” to “subsection (5) of that section,”;
- (b) the words “or short-term or long-term incapacity benefit under section 40 or 41 below”.

In section 21(2), in the table—

- (a) the heading “Short-term benefit”;
- (b) the entry relating to short-term incapacity benefit;
- (c) the heading “Other benefits”.

In section 21(4), the words “short-term benefit or”.

In section 21(5A)(c), the words “2(4)(a) and (5)(a),”.

Sections 30A to 30E.

In section 37(2), the words from “one of the conditions” to “person and”.

In section 39A(3), the words from “one of the conditions” to “person and”.

Sections 40 to 42.

In section 44(4), the words from “except that” to the end.

Section 47.

In section 61—

- (a) in subsection (1), the words “under section 47(1) above or”;
- (b) subsection (2).

In section 61A(3), paragraph (d), and the word “and” immediately preceding it.

Section 72(6).

In section 73(5), the words “Subject to subsection (4) above,”.

Section 84.

Section 86A.

Section 87.

In section 89(1) and (1A), the words “, and in regulations under section 86A above,”.

Section 93.

In section 124(1), the word “and” at the end of paragraph (f).

Section 130(4).

In section 140(1A), the words following paragraph (b).

Section 150(1)(b).

Section 171ZP(1) to (3).

Sections 171A to 171G.

In section 176(1)(a), the words “section 30DD(5)(b) or (c);”.

In Schedule 3, paragraphs 2 and 5(6).

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	In Schedule 4— (a) in Part 1, paragraphs 2 and 2A; (b) in Part 4, paragraphs 1A and 2. In Schedule 11, paragraph 2(d)(i). In Schedule 12, paragraphs 1, 3, 4, 5 and 6. In Schedule 13, paragraphs 1 and 2.
Social Security Administration Act 1992 (c. 5)	Section 2A(2)(e) and (f). In section 2AA(2), paragraph (c) and the word “and” at the end of paragraph (d). Section 5(3). Section 71(5). In section 71ZA(2)— (a) in paragraph (a), the words “paragraph (a) of subsection (5) and”; (b) paragraph (b). In section 73(4), the word “or” at the end of paragraph (a). Section 130(1)(a) and (c). Section 132(1)(b) and (c). In section 134(8)(a), the words “or surviving civil partner's”. In section 150, subsection (1)(aa) and, in subsection (3)(b), “(aa).” In section 168(3)(d), the words from “to the same officer” to the end.
Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 69(5).
Disability (Grants) Act 1993 (c. 14)	In section 1— (a) in subsection (1), paragraphs (a) and (b) and the word “and” immediately preceding paragraph (c); (b) in subsection (4)(a), the words from “the reference in subsection (1)(a)” to first “and”.
Pension Schemes Act 1993 (c. 48)	Section 46(3). In Schedule 8, paragraph 39.
Social Security (Incapacity for Work) Act 1994 (c. 18)	Sections 1, 2(1) to (3), (5) and (6), 3, 5 to 7 and 13. In Schedule 1, paragraphs 2, 3(3), 8 to 10, 13, 24(2) and (4), 28, 33, 38(2) and (3), 44 and 55.
Local Government etc. (Scotland) Act 1994 (c. 39)	In Schedule 13, paragraph 174(4).
Jobseekers Act 1995 (c. 18)	In Schedule 2, paragraphs 19(2), (3) and (5), 25, 26, 40(2) and 53(2).
Pensions Act 1995 (c. 26)	In Schedule 4, paragraphs 18(b) and 21(3) and (4).

The repeal of section 69(5) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) has effect only in relation to child benefit and guardian's allowance.

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Housing Act 1996 (c. 52)	In section 122— (a) subsection (3); (b) in subsection (5)(b), the words “or regulations”. In Schedule 13, paragraph 3(2).
Social Security Act 1998 (c. 14)	In section 2(2), the word “or” at the end of paragraph (h). In section 28(3), the word “or” at the end of paragraph (e). Section 31(1). In section 38(7)(a), sub-paragraph (iii), and the word “and” immediately preceding it. Section 77. In Schedule 2, in paragraph 6(b), the word “or” at the end of paragraph (ii). In Schedule 3, in paragraph 3, the word “or” at the end of paragraph (e). In Schedule 7, paragraphs 73(3), 81(2) and 103(1).
Welfare Reform and Pensions Act 1999 (c. 30)	Sections 61 to 64. In section 72(3), the word “or” at the end of paragraph (b). In Schedule 8, paragraphs 20 to 25.
Local Government Act 2000 (c. 22)	Sections 94 and 95.
State Pension Credit Act 2002 (c. 16)	In Schedule 2, paragraphs 9(5)(b)(ii), 16(3), 18(3), 24(2) and 37(a).
National Insurance Contributions Act 2002 (c. 19)	In Schedule 1, paragraph 14(2).
Tax Credits Act 2002 (c. 21)	In Schedule 3, paragraphs 25, 26, 28 and 30.
Income Tax (Earnings and Pensions) Act 2003 (c. 1)	In section 658(4), the words “incapacity benefit”. In section 660(1), in Table A, the entry relating to incapacity benefit. In section 661(1), the words “incapacity benefit.”. Sections 663 and 664. In Schedule 6, paragraph 187.
Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraphs 14, 15 and 65.

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