

Status: Point in time view as at 03/05/2007.

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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

VALID FROM 03/07/2007

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)

VALID FROM 03/07/2007

- 2 The Administration Act is amended as follows.

VALID FROM 03/07/2007

- 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.”

VALID FROM 03/07/2007

- 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—

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““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 ”.

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 ”.

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	(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) ”.
VALID FROM 03/07/2007	
10	In section 191 (interpretation), in the definition of “prescribe” at the end insert “ and “prescribed” must be construed accordingly ”.
VALID FROM 03/07/2007	
	<i>Local Government etc. (Scotland) Act 1994 (c. 39)</i>
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	
	<i>Housing Act 1996 (c. 52)</i>
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	
	<i>Child Support, Pensions and Social Security Act 2000 (c. 19)</i>
[^{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—

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“(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)

VALID FROM 03/07/2007

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.

VALID FROM 12/07/2007

SCHEDULE 6

Section 58

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

“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.

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- 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—
- (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—

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- (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.”

VALID FROM 03/07/2007

SCHEDULE 7

Section 63

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 4

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VALID FROM 03/07/2007

SCHEDULE 8

Section 67

REPEALS

Commencement Information

I2 [Sch. 8](#) partly in force; [Sch. 8](#) in force at 3.7.2007 for specified purposes see [s. 70](#)

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