
Status: Point in time view as at 30/09/2021. This version of this schedule contains provisions that are prospective.
Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, SCHEDULE 5 is up to date with all changes known to be in force on or before 14 July 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 37.

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

1 The Administration Act is amended as follows.

2 In section 128E (information about attainment of standards), in subsection (1)

(a) for “section 128D(3)” substitute “ section 128D(3A) or (3B) ”;

(b) after paragraph (a) insert—

“(aa) whether the Housing Executive has taken the action which it has been directed to take;”;

(c) in paragraph (b) after “those standards” insert “ or take that action ”.

3.—(1) Section 128F (enforcement notices) is amended as follows.

(2) In subsection (1)—

(a) for “section 128D(3)” substitute “ section 128D(3A) or (3B) ”;

(b) after paragraph (a) insert—

“(aa) is not satisfied that the Housing Executive 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 128D(3A) above, ”.

(5) After subsection (4) insert—

“(4A) If the notice identifies directions under section 128D(3B) above, the Housing Executive's response shall either—

(a) state that the Housing Executive 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 Housing Executive has not taken the action, or is not likely to take it within that time, and (if the Housing Executive wishes) give reasons why a determination under section 128G

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below should not be made or should not include any particular provision.”.

4.—(1) Section 128G (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 ”.

5 In section 167(1) (interpretation), in the definition of “prescribe” at the end add “ and “prescribed” must be construed accordingly ”.

PROSPECTIVE

*The Child Support, Pensions and Social
Security Act (Northern Ireland) 2000 (c. 4)*

6 In Schedule 7 to the 2000 Act (housing benefit: revisions and appeals), in paragraph 1(2), after head (b) add—

“(c) a decision of a relevant authority under or by virtue of section 73 of the Administration Act that an amount of housing benefit is recoverable;”.

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