

Status: Point in time view as at 10/03/2008.

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SCHEDULES

VALID FROM 01/07/2008

SCHEDULE 1 Section 1.

EMPLOYMENT AND SUPPORT
ALLOWANCE: ADDITIONAL CONDITIONS

.....

VALID FROM 01/07/2008

SCHEDULE 2 Section 22.

EMPLOYMENT AND SUPPORT ALLOWANCE:
SUPPLEMENTARY PROVISIONS

.....

VALID FROM 01/07/2008

SCHEDULE 3 Section 28.

CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

.....

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SCHEDULE 4

Section 29.

TRANSITION RELATING TO PART 1

.....

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.

VALID FROM 01/04/2008

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 ”.

VALID FROM 01/04/2008

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) ”.

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

VALID FROM 01/04/2008

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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SCHEDULE 6

Section 52(5).

SCHEDULE TO BE INSERTED IN THE PNEUMOCONIOSIS, ETC., (WORKERS' COMPENSATION) (NORTHERN IRELAND) ORDER 1979

Commencement Information

I29 [Sch. 6](#) wholly in operation at 10.8.2007; [Sch. 6](#) not in operation at Royal Assent see [s. 60\(1\)](#); [Sch. 6](#) in operation for specified purposes at 19.7.2007 and in operation at 10.8.2007 for all other purposes by [S.R. 2007/335](#), [art. 2](#)

“THE SCHEDULE

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 Order 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 Order 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 Order 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 Order 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 per cent. 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 Order applies if the disabled person's qualifying period of employment with him—

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- (a) did not exceed 7 years, and
- (b) represents not more than 20 per cent. 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 Order 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 Department 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 Order applies, means an occupation prescribed in relation to the disease by the Department by order.

(2) An order under sub-paragraph (1) shall be subject to negative resolution.

Power to amend Schedule

9 Regulations made by the Department 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 Order applies;
- (b) amend or repeal any provision of this Schedule relating to such cases.”

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SCHEDULE 7

Section 56.

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 4

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

1.—(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 136 (social fund payments: principles of determination), for subsection (3) substitute—

“(3) Without prejudice to the generality of subsection (2) above, the Department may issue directions under that subsection for the purpose of securing that allocations under section 147 of the Administration Act are not exceeded.”.

Commencement Information

I30 Sch. 7 para. 1 wholly in operation at 8.10.2007; Sch. 7 para. 1(1)(3) in operation at Royal Assent see s. 60(1)(2)(c); Sch. 7 para. 1(2) in operation at 8.10.2007 by S.R. 2007/429, art. 2(1)(d)

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

2.—(1) The Administration Act is amended as follows.

(2) In section 117 (unauthorised disclosure of information relating to particular persons), in subsection (6A), for “medical practitioner” substitute “ health care professional ”.

(3) In section 147 (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 ”.

(4) In subsection (6) of that section (definition of “appropriate officer”), for “payments from the social fund such as are mentioned in section 134(1)(b) of the Contributions and Benefits Act” substitute “ section 134(1)(b) payments ”.

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VALID FROM 27/10/2008

The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)

3 In Article 17 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (social security: amendments following certain orders), at the end of paragraph (2) add “ the Welfare Reform Act 2007 ”.

The Social Security (Northern Ireland) Order 1998 (NI 10)

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

SCHEDULE 8

Section 58.

REPEALS

Commencement Information

I31 Sch. 8 partly in operation; Sch. 8 in operation for specified purposes at Royal Assent, see s. 60(1)(2)(d); Sch. 8 in operation for specified purposes at 8.10.2007 by S.R. 2007/429, art. 2(1)(e); Sch. 8 in operation for specified purposes at 7.4.2008 by S.R. 2008/93, art. 2(b); Sch. 8 in operation for specified purposes at 27.10.2008 by S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2; Sch. 8 in operation for specified purposes at 1.9.2008 by S.R. 2008/339, art. 2(2)(c) (with art. 3(1)(2)); Sch. 8 in operation for specified purposes at 7.10.2008 by S.R. 2008/339, art. 2(3)(b)

Short Title

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7).

Extent of repeal

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).

In section 21(1)—

(a) the words from “short-term incapacity benefit” to “subsection (5) of that section,”;

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- (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 123(1), the word “and” at the end of paragraph (f).

Section 129(4).

In section 136(1A), the words following paragraph (b).

Section 146(1)(b).

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	<p>Sections 167A to 167G. Section 167ZP(1) to (3). In section 172(2)(a), the words “section 30DD(5)(b) or (c);”. In Schedule 3, paragraphs 2 and 5(6). 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.</p>
The Social Security Administration (Northern Ireland) Act 1992 (c. 8).	<p>Section 2A(2)(d) and (e). In section 2AA(2), paragraph (c) and the word “and” at the end of paragraph (d). Section 69(5). In section 69ZA(2)— (a) in paragraph (a), the words “paragraph (a) of subsection (5) and”; (b) paragraph (b). In section 71(4), the word “or” at the end of paragraph (a). Section 122(1)(a) and (c). Section 124(1)(b) and (c). In section 147(3)(d), the words from “to the same officer” to the end.</p>
The Pension Schemes (Northern Ireland) Act 1993 (c. 49).	<p>Section 42(3). In Schedule 7, paragraph 33.</p>
The Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (NI 12).	<p>Articles 3 to 5, 7 to 9 and 15. In Schedule 1, paragraphs 2, 3(3), 8 to 10, 13, 17, 24, 28, 33, 38(2) and (3), 43, 44, 48, 49 and 54(4).</p>
The Jobseekers (Northern Ireland) Order 1995 (NI 15).	<p>In Schedule 2, paragraphs 3, 6, 8, 9, 20, 23(2), 36(2) and 52(3), (4) and (5).</p>
The Pensions (Northern Ireland) Order 1995 (NI 22).	<p>In Schedule 2, paragraphs 14(b) and 18(3) and (4).</p>
The Social Security (Northern Ireland) Order 1998 (NI 10).	<p>In Article 4(2), the word “or” at the end of sub-paragraph (h).</p>

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	In Article 28(3), the word “or” at the end of sub-paragraph (e).
	Article 31(1).
	In Article 38(7)(a), head (iii), and the word “and” immediately preceding it.
	Article 73.
	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 6, paragraphs 54(3), 57, 62(2) and 80(1).
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11).	Articles 58 to 61.
	In Article 69(3), the word “or” at the end of sub-paragraph (b).
	In Schedule 8, paragraphs 19 to 24.
The National Insurance Contributions Act 2002 (c. 19).	In Schedule 1, paragraph 33(2).
The Tax Credits Act 2002 (c. 21).	In Schedule 3, paragraphs 37, 38, 40 and 42.
The State Pension Credit Act (Northern Ireland) 2002 (c. 14).	In Schedule 2, paragraphs 22(a) and 25(a).
The Housing Support Services (Northern Ireland) Order 2002 (NI 8).	Articles 6 and 7.
The Civil Partnership Act 2004 (c. 33).	In Schedule 24, paragraphs 68 and 69.

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