

SCHEDULES

Section 70.

PART I

(i) bereavement payment;

Status: Point in time view as at 06/04/2003. This version of this schedule contains provisions that are prospective.

Changes to legislation: Welfare Reform and Pensions Act 1999, SCHEDULE 8 is up to date with all changes known to be in force on or before 24 June 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)

(ii) widowed parent's allowance (with increase for child dependants);

(iii) bereavement allowance;”.

(3) In subsection (2), in the definition of “long-term benefit”, after paragraph (b) insert—

“(ba) a widowed parent's allowance;

(bb) a bereavement allowance;”.

Commencement Information

I3 Sch. 8 para. 3 wholly in force at 9.4.2001; Sch. 8 para. 3 not in force at Royal Assent see s. 89(1); Sch. 8 para. 3 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

4 (1) Section 21 (contribution conditions) is amended as follows.

(2) In subsection (2)—

(a) for “Widow's payment” substitute “ Bereavement payment ”; and

(b) after the entry relating to widowed mother's allowance insert—

“Widowed parent's allowance	Class 1, 2 or 3
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Bereavement allowance	Class 1, 2 or 3”
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(3) In subsection (4), for “widow's payment” substitute “ bereavement payment ”.

Commencement Information

I4 Sch. 8 para. 4 wholly in force at 9.4.2001; Sch. 8 para. 4 not in force at Royal Assent see s. 89(1); Sch. 8 para. 4 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

5 In section 46(2) (modifications of s. 45 for calculating additional pension in certain benefits)—

(a) after “section 39(1)” insert “ or 39C(1) ”; ^{F2} . . .

(b)

Textual Amendments

F2 Sch. 8 para. 5(b) and the word “and” immediately preceding it omitted (8.1.2001 for specified purposes and otherwise 9.4.2001) by virtue of 2000 c. 19, s. 32(3) (with s. 83(6)); S.I. 2000/2950, art. 6 and repealed (8.4.2001) by 2000 c. 19, s. 85, Sch. 9 Pt. II (with s. 83(6)); S.I. 2001/153, art. 2(e)

Commencement Information

I5 Sch. 8 para. 5 wholly in force at 9.4.2001; Sch. 8 para. 5 not in force at Royal Assent see s. 89(1); Sch. 8 para. 5 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

6 In section 48B (Category B retirement pension for widows and widowers), at the end add—

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“(8) Nothing in subsections (4) to (7) above applies in a case where the spouse dies on or after the appointed day (as defined by section 36A(3)).”

Commencement Information

I6 Sch. 8 para. 6 wholly in force at 9.4.2001; Sch. 8 para. 6 not in force at Royal Assent see s. 89(1); Sch. 8 para. 6 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

7 In section 48C(4) (category B retirement pension: general), for “or 48B(2)” substitute “, 48B(2) or 48BB(5) ”.

Commencement Information

I7 Sch. 8 para. 7 wholly in force at 9.4.2001; Sch. 8 para. 7 not in force at Royal Assent see s. 89(1); Sch. 8 para. 7 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

8 (1) Section 60 (complete or partial failure to satisfy contribution conditions) is amended as follows.

(2) In subsection (1), after paragraph (a) insert—

- “(aa) a widowed parent’s allowance,
- (ab) a bereavement allowance”.

(3) In subsection (3)—

- (a) for paragraph (a) substitute—
 - “(a) a bereavement payment;”; and
- (b) after paragraph (b) insert—
 - “(ba) a widowed parent’s allowance;
 - (bb) a bereavement allowance;”; and
- (c) in paragraph (d), after “48B” insert “ or 48BB ”.

Commencement Information

I8 Sch. 8 para. 8 wholly in force at 9.4.2001; Sch. 8 para. 8 not in force at Royal Assent see s. 89(1); Sch. 8 para. 8 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

9 In section 61(1) (exclusion of increase of benefit for failure to satisfy contribution condition), after “widowed mother’s allowance” insert “ or widowed parent’s allowance ”.

Commencement Information

I9 Sch. 8 para. 9 wholly in force at 9.4.2001; Sch. 8 para. 9 not in force at Royal Assent see s. 89(1); Sch. 8 para. 9 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

10 In section 61A(3) (contributions paid in error)—

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- (a) at the end of paragraph (b) insert “ (payable by virtue of section 48B or 48BB above) ”; and
- (b) after “widow’s pension,” insert—
 - “(ca) widowed parent’s allowance,”.

Commencement Information

- I10** Sch. 8 para. 10 wholly in force at 9.4.2001; Sch. 8 para. 10 not in force at Royal Assent see s. 89(1); Sch. 8 para. 10 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

^{F3}11

Textual Amendments

- F3** Sch. 8 para. 11 repealed (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, Sch. 6; S.I. 2003/962, art. 2(3)(e), Sch. 1

- 12 In section 150 (interpretation of provisions relating to Christmas bonus), in subsection (1)(c), after “allowance” insert “ , widowed parent’s allowance ”.

Commencement Information

- I11** Sch. 8 para. 12 wholly in force at 9.4.2001; Sch. 8 para. 12 not in force at Royal Assent see s. 89(1); Sch. 8 para. 12 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

- 13 (1) Schedule 3 (contribution conditions for entitlement to benefit) is amended as follows.
- (2) In paragraph 4(1) (contribution condition for widow’s payment) and in the cross-heading preceding paragraph 4, for “widow’s payment” and “Widow’s payment” substitute “ bereavement payment ” and “ Bereavement payment ” respectively.
 - (3) In paragraph 5(1) (contribution conditions for widowed mother’s allowance, widow’s pension etc.), after “allowance,” insert “ a widowed parent’s allowance, a bereavement allowance, ”; and in the cross-heading preceding paragraph 5, after “allowance” insert “ , widowed parent’s allowance, bereavement allowance ”.
 - (4) In paragraph 7(1) and (3) (satisfaction of conditions in early years of contribution), for “widow’s payment” substitute “ bereavement payment ”.
 - (5) In paragraph 9 (satisfaction of condition where condition for short-term benefit satisfied)—
 - (a) for “a woman claims a widow’s payment” substitute “ a claim is made for a bereavement payment ”; and
 - (b) for “widow’s payment” (in the second place where it occurs) substitute “ bereavement payment ”.

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Commencement Information
I12 Sch. 8 para. 13 wholly in force at 9.4.2001; Sch. 8 para. 13 not in force at Royal Assent see s. 89(1); Sch. 8 para. 13 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

^{F4}14

Textual Amendments
F4 Sch. 8 para. 14 repealed (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, Sch. 6; S.I. 2003/962, art. 2(3)(e), Sch. 1

Social Security Administration Act 1992 (c.5)

15 The Administration Act is amended as follows.

Commencement Information
I13 Sch. 8 para. 15 wholly in force at 9.4.2001; Sch. 8 para. 15 not in force at Royal Assent see s. 89(1); Sch. 8 para. 15 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

16 In section 1(2)(a) (entitlement to benefit dependent on claim), for “widow’s payment, she” substitute “ bereavement payment, the person ”.

Commencement Information
I14 Sch. 8 para. 16 wholly in force at 9.4.2001; Sch. 8 para. 16 not in force at Royal Assent see s. 89(1); Sch. 8 para. 16 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

17 For section 3 (and the cross-heading preceding it) substitute—

“ Bereavement benefits

3 Late claims for bereavement benefit where death is difficult to establish.

- (1) This section applies where a person’s spouse has died or may be presumed to have died on or after the appointed day and the circumstances are such that—
- (a) more than 12 months have elapsed since the date of death; and
 - (b) either—
 - (i) the spouse’s body has not been discovered or identified or, if it has been discovered and identified, the surviving spouse does not know that fact; or
 - (ii) less than 12 months have elapsed since the surviving spouse first knew of the discovery and identification of the body.

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- (2) Where this section applies, notwithstanding that any time prescribed for making a claim for a bereavement benefit in respect of the death has elapsed, then—
- (a) in any case falling within paragraph (b)(i) of subsection (1) above where it has been decided under section 8 of the ^{M1}Social Security Act 1998 that the spouse has died or is presumed to have died; or
 - (b) in any case falling within paragraph (b)(ii) of subsection (1) above where the identification was made not more than 12 months before the surviving spouse first knew of the discovery and identification of the body,
- such a claim may be made or treated as made at any time before the expiration of the period of 12 months beginning with the date on which that decision was made or, as the case may be, the date on which the surviving spouse first knew of the discovery and identification.
- (3) If, in a case where a claim for a bereavement benefit is made or treated as made by virtue of this section, the claimant would, apart from subsection (2) of section 1 above, be entitled to—
- (a) a bereavement payment in respect of the spouse's death more than 12 months before the date on which the claim is made or treated as made; or
 - (b) any other bereavement benefit in respect of his or her death for a period more than 12 months before that date,
- then, notwithstanding anything in that section, the surviving spouse shall be entitled to that payment or, as the case may be, to that other benefit (together with any increase under section 80(5) of the Contributions and Benefits Act).
- (4) In subsection (1) above “the appointed day” means the day appointed for the coming into force of sections 54 to 56 of the Welfare Reform and Pensions Act 1999.”

Commencement Information

I15 Sch. 8 para. 17 wholly in force at 9.4.2001; Sch. 8 para. 17 not in force at Royal Assent see s. 89(1); Sch. 8 para. 17 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

Marginal Citations

M1 1998 c. 14.

Pension Schemes Act 1993 (c.48)

- 18 (1) Section 46 of the Pension Schemes Act 1993 (effect of entitlement to guaranteed minimum pensions on payment of social security benefit) is amended as follows.
- (2) In subsection (1), after “widowed mother's allowance” insert “, a widowed parent's allowance”.
- (3) In subsection (6)(b)(iii), for “or 48B” substitute “, 48B or 48BB”.

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Commencement Information

- I16** Sch. 8 para. 18 wholly in force at 9.4.2001; Sch. 8 para. 18 not in force at Royal Assent see s. 89(1); Sch. 8 para. 18 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

Pensions Act 1995 (c.26)

- 19 (1) Section 128 of the Pensions Act 1995 (additional pension: calculation of surpluses) is amended as follows.
- (2) In subsection (4), after “subsections (5)” insert “, (5A) ”.
- (3) After subsection (5) insert—
- “(5A) This section has effect in the case of additional pension falling to be calculated under sections 44 and 45 of the Social Security Contributions and Benefits Act 1992 by virtue of section 39C(1) of that Act (widowed parent’s allowance), including Category B retirement pension payable under section 48BB(2), if the pensioner’s spouse—
- (a) dies after 5th April 2000, and
- (b) has not attained pensionable age on or before that date.”
- (4) In subsection (6), for “or 48B(2)” substitute “, 48B(2) or 48BB(5) ”.

Commencement Information

- I17** Sch. 8 para. 19 wholly in force at 9.4.2001; Sch. 8 para. 19 not in force at Royal Assent see s. 89(1); Sch. 8 para. 19 in force for certain purposes at 24.4.2000 and for all other purposes at 9.4.2001 by S.I. 2000/1047, art. 2(2)(a)(i)(ii), Sch. Pt. I

PART II

INCAPACITY

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

- 20 The Contributions and Benefits Act has effect subject to the following amendments.
- 21 In section 21 (contribution conditions)—
- (a) in subsection (1), after “other than” insert “ short-term incapacity benefit under subsection (1)(b) of section 30A below, ” and for “30A below” substitute “ subsection (5) of that section ”; and
- (b) in subsection (2), for “30A” substitute “ 30A(1)(a) ”.

Commencement Information

- I18** Sch. 8 para. 21 wholly in force at 6.4.2001; Sch. 8 para. 21 in force for certain purposes at 3.11.2000 and for all other purposes at 6.4.2001 by S.I. 2000/2958, art. 2(3)(e)(4)(5) (subject to arts. 3, 4) (as amended (13.3.2001) by S.I. 2001/933, art. 3)

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22 In section 30B (incapacity benefit: rate), at the end add—

“(8) This section has effect subject to sections 30DD (reduction for pension payments) and section 30E (reduction for councillor’s allowance) below.”

Commencement Information

I19 Sch. 8 para. 22 wholly in force at 6.4.2001; Sch. 8 para. 22 in force for certain purposes at 3.11.2000 and for all other purposes at 6.4.2001 by S.I. 2000/2958, art. 2(3)(e)(4)(5) (subject to arts. 3, 4) (as amended (13.3.2001) by S.I. 2001/933, art. 3)

23 (1) Section 171A (test of incapacity for work) is amended as follows.

(2) After subsection (2) insert—

“(2A) In subsection (2)(a) above the reference to such information or evidence as is there mentioned includes information or evidence capable of being used for assisting or encouraging the person in question to obtain work or enhance his prospects of obtaining it.”

(3) In subsection (3) (requirement to have medical examination), for “a question arises as to” substitute “it falls to be determined”.

(4) After subsection (4) add—

“(5) All information supplied in pursuance of this section shall be taken for all purposes to be information relating to social security.”

Commencement Information

I20 Sch. 8 para. 23 partly in force at 2.4.2000; Sch. 8 para. 23 in force for certain purposes at Royal Assent see s. 89(5)(c); Sch. 8 para. 23(1)(2)(4) in force insofar as not already in force at 13.12.1999 by S.I. 1999/3309, art. 2(2)(b)

24 In section 171B(1) (the “own occupation test”), for “the test applicable is the own occupation test” substitute “the own occupation test is applicable in his case.”

25 In section 176 (parliamentary control), in subsection (1)(a) (regulations subject to affirmative resolution procedure), after “section 28(3);” insert—

“section 30DD(5)(b) or (c);”.

PART III

ABOLITION OF SEVERE DISABLEMENT ALLOWANCE

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

26 In section 90 of the Contributions and Benefits Act (beneficiaries under sections 68 and 70)—

- (a) for the words from “rates” to “allowance, and” substitute “rate”; and
- (b) for “the allowance in question” substitute “the allowance”.

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Commencement Information

- I21** Sch. 8 para. 26 wholly in force at 6.4.2001; Sch. 8 para. 26 in force for certain purposes at 3.11.2000 and for all other purposes at 6.4.2001 by S.I. 2000/2958, art. 2(3)(f)(4)(5) (subject to arts. 3, 4) (as amended (13.3.2001) by S.I. 2001/933, art. 3)

Criminal Justice Act 1991 (c.53)

- 27 In section 24(4) of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support), in the definition of “income support”, for “, retirement pension or severe disablement allowance” substitute “ or retirement pension ”.

PROSPECTIVE

PART IV

INCOME SUPPORT

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

- 28 In section 124(1)(f) of the Contributions and Benefits Act (entitlement to income support conditional on claimant and any partner not being entitled to an income-based jobseeker’s allowance), after “the other member of the couple is not” insert “, and the couple are not, ”.

PART V

JOBSEEKER’S ALLOWANCE

Jobseekers Act 1995 (c.18)

- 29 (1) The Jobseekers Act 1995 is amended as follows.
- (2) In section 4 (amount payable by way of a jobseeker’s allowance), in each of subsections (6) and (8) (amount payable where claimant satisfies the contribution-based, and the income-based, conditions)—
- (a) for “satisfies both the contribution-based conditions and the income-based conditions” substitute “ is entitled to both a contribution-based jobseeker’s allowance and an income-based jobseeker’s allowance ”; and
 - (b) after “the amount payable” insert “ by way of a jobseeker’s allowance ”.
- (3) In section 8 (attendance, information and evidence)—
- (a) in subsection (1)(a) (power of Secretary of State to specify place and time for claimant to attend), for “the Secretary of State” substitute “ an employment officer ”; and
 - (b) at the end add—

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- “(3) In subsection (1) “employment officer” means an officer of the Secretary of State or such other person as may be designated for the purposes of that subsection by an order made by the Secretary of State.”
- (4) In section 17(1) (reduction of allowance payable to young persons), for “payable to” substitute “payable in respect of”.
- (5) In section 20(4) (allowance payable to claimant even though section 19 prevents payment to him), for “payable to” there shall be substituted “payable in respect of”.
- (6) In section 36(1) (orders to be made by statutory instrument unless made under specified provision), after “section” insert “8(3),”.
- (7) In paragraph 10(2) of Schedule 1 (allowance payable to claimant even though payment to him has been suspended), for “payable to” there shall be substituted “payable in respect of”.

PART VI

MATERNITY ALLOWANCE

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

30 The Contributions and Benefits Act has effect subject to the following amendments.

Commencement Information

I22 [Sch. 8 Pt. VI](#) wholly in force at 2.4.2000; [Sch. 8 Pt. VI](#) not in force at Royal Assent see [s. 89\(1\)](#); [Sch. 8 Pt. VI](#) in force for certain purposes at 12.1.2000 and for all other purposes at 2.4.2000 by [S.I. 1999/3309, art. 2\(1\)\(b\)](#)

- 31 (1) Section 21 (contribution conditions) is amended as follows.
- (2) In subsection (1), after “30A below” insert “, maternity allowance under section 35 below”.
- (3) In subsection (2), omit the entry relating to maternity allowance.
- (4) In subsection (4), omit “, other than maternity allowance,”.

Commencement Information

I23 [Sch. 8 Pt. VI](#) wholly in force at 2.4.2000; [Sch. 8 Pt. VI](#) not in force at Royal Assent see [s. 89\(1\)](#); [Sch. 8 Pt. VI](#) in force for certain purposes at 12.1.2000 and for all other purposes at 2.4.2000 by [S.I. 1999/3309, art. 2\(1\)\(b\)](#)

32 In section 176(1)(c) (parliamentary control), after “section 28(2)” insert—
“section 35A(7);”.

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Commencement Information

- I24** Sch. 8 Pt. VI wholly in force at 2.4.2000; Sch. 8 Pt. VI not in force at Royal Assent see s. 89(1); Sch. 8 Pt. VI in force for certain purposes at 12.1.2000 and for all other purposes at 2.4.2000 by S.I. 1999/3309, art. 2(1)(b)

PART VII

RETIREMENT PENSIONS

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

- 33 In section 48A of the Contributions and Benefits Act (category B retirement pension for married person), after subsection (4) insert—
- “(4A) Subsection (4) above shall have effect with the omission of the words from “plus” to the end if the pensioner is not the widow or widower of the person by virtue of whose contributions the pension is payable.”

PART VIII

ADMINISTRATION OF BENEFITS

- 34 (1) In each of the provisions of the Administration Act to which this paragraph applies—
- (a) any reference to a person authorised to exercise any function of a relevant authority relating to housing benefit or council tax benefit shall include a reference to a person providing services to a relevant authority which relate to such a benefit; and
 - (b) any reference to the exercise of any function relating to such a benefit shall include a reference to the provision of any services so relating.
- (2) This paragraph applies to the following provisions of the Administration Act—
- ^{F5}(a)
 - (b) sections 122C, 122D and 122E (supply of information in connection with administration of housing benefit or council tax benefit);
 - (c) section 126A (power to require information from landlords etc. in connection with claims for housing benefit);
 - (d) section 182B (information about redirection of post); and
 - (e) Schedule 4 (persons covered by offence relating to unauthorised disclosures).
- (3) In this paragraph “relevant authority” means an authority administering housing benefit or council tax benefit.

Textual Amendments

- F5** Sch. 8 para. 34(2)(a) repealed (2.4.2001) by 2000 c. 19, s. 85, Sch. 9 Pt. VI (with s. 83(6)); S.I. 2001/1252, art. 2(1)(e)

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Commencement Information

I25 Sch. 8 para. 34 in force at 6.4.2003 by [S.I. 2003/936](#), [art. 2](#)

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Changes to legislation:

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