

*Status: Point in time view as at 03/05/2007.*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

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- 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 ”.<br><br>(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)—<br>(a) paragraph 174(4) is omitted;<br>(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>   |
| [ <sup>F1</sup> 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)

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#### *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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