

## SCHEDULES

### SCHEDULE 8

Section 70.

#### WELFARE BENEFITS: MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

#### BEREAVEMENT BENEFITS

##### *Income and Corporation Taxes Act 1988 (c. 1)*

- 1 (1) Section 617 of the Income and Corporation Taxes Act 1988 (social security benefits and contributions) is amended as follows.
- (2) In subsection (1)(a)—
- (a) after “maternity allowance,” insert “bereavement payments,”; and
  - (b) omit “widow’s payments,”.
- (3) Omit subsection (6).

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

- 2 The Contributions and Benefits Act has effect subject to the following amendments.
- 3 (1) Section 20 (descriptions of contributory benefits) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (e), omit sub-paragraph (i); and
  - (b) after that paragraph insert—
    - “(ea) bereavement benefits, comprising—
    - (i) bereavement payment;
    - (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;”.
- 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—

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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”.
- 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)”; and
- (b) for “or 48B(2)” substitute “, 48B(2) or 48BB(5)”.
- 6 In section 48B (Category B retirement pension for widows and widowers), at the end add—
- “(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)).”
- 7 In section 48C(4) (category B retirement pension: general), for “or 48B(2)” substitute “, 48B(2) or 48BB(5)”.
- 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”.
- 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”.
- 10 In section 61A(3) (contributions paid in error)—
- (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,”.
- 11 In section 80(5) (beneficiary’s dependent children)—
- (a) for “payable by virtue of subsection (1)(a) of section 37” substitute “or a widowed parent’s allowance payable by virtue of section 37(1)(a) or (as the case may be) section 39A(2)(a)”; and
- (b) for “subsection (2)(a), (b) or (c) of that section” substitute “section 37(2) (a), (b) or (c) or (as the case may be) section 39A(3)(a), (b) or (c)”.
- 12 In section 150 (interpretation of provisions relating to Christmas bonus), in subsection (1)(c), after “allowance” insert “, widowed parent’s allowance”.
- 13 (1) Schedule 3 (contribution conditions for entitlement to benefit) is amended as follows.

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- (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”.
- 14 In Part IV of Schedule 4 (increases for dependants), after the entry relating to widowed mother’s allowance insert—
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- |                                 |       |     |
|---------------------------------|-------|-----|
| “4A. Widowed parent’s allowance | 11.35 | —.” |
|---------------------------------|-------|-----|
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*Social Security Administration Act 1992 (c. 5)*

- 15 The Administration Act is amended as follows.
- 16 In section 1(2)(a) (entitlement to benefit dependent on claim), for “widow’s payment, she” substitute “bereavement payment, the person”.
- 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.
- (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—

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- (a) in any case falling within paragraph (b)(i) of subsection (1) above where it has been decided under section 8 of the 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.”

*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”.

*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.”

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- (4) In subsection (6), for “or 48B(2)” substitute “, 48B(2) or 48BB(5)”.

## 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)”.
- 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.”
- 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.”
- 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)—

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

*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”.

**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—
 

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

## 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

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- (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—
- (a) section 110A (appointment of inspectors by authorities administering housing benefit or council tax benefit);
  - (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.