

*Status:* This version of this schedule contains provisions that are prospective.

*Changes to legislation:* Welfare Reform Act 2007, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes

## SCHEDULES

### SCHEDULE 5 **E+W+S**

Section 40

#### MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

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

- [<sup>F1</sup> (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;”.]

#### Textual Amendments

- F1** Sch. 5 para. 1 repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); [S.I. 2013/358, art. 8\(c\), Sch. 4](#) (with [arts. 9,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](#))

##### *Social Security Administration Act 1992 (c. 5)*

- 2 The Administration Act is amended as follows.
- [<sup>F23</sup> 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.”]

#### Textual Amendments

- F2** Sch. 5 paras. 3-9 repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); [S.I. 2013/358, art. 8\(c\), Sch. 4](#) (with [arts. 9,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](#))

- [<sup>F24</sup> In section 139 (arrangements for council tax benefit)—
- (a) in subsection (6)(a) before “war” in each place insert “ prescribed ”;

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- (b) in subsection (11) omit the definition of “war disablement pension” and for the definition of “war widow's pension” substitute—

““war widow's pension” includes any corresponding pension payable to a widower or surviving civil partner.”]

#### Textual Amendments

- F2** Sch. 5 paras. 3-9 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)

- [<sup>F25</sup> 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 ”.]

#### Textual Amendments

- F2** Sch. 5 paras. 3-9 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)

#### Commencement Information

- I1** Sch. 5 para. 5 in force at 1.4.2008 by [S.I. 2008/411, art. 2\(3\)\(c\)](#)

- [<sup>F26</sup> (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.”]

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#### Textual Amendments

- F2** Sch. 5 paras. 3-9 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](#))

#### Commencement Information

- I2** Sch. 5 para. 6 in force at 1.4.2008 by [S.I. 2008/411](#), [art. 2\(3\)\(c\)](#)

- [<sup>F27</sup> (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 ”.
- (3) In subsections (3) and (5)(c), after “the standards” insert “ or the taking of the action ”.]

#### Textual Amendments

- F2** Sch. 5 paras. 3-9 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](#))

#### Commencement Information

- I3** Sch. 5 para. 7 in force at 1.4.2008 by [S.I. 2008/411](#), [art. 2\(3\)\(c\)](#)

- [<sup>F28</sup> (1) In section 140A(2)(c) (subsidies to certain authorities), for “or levying authority” substitute “ and to each local authority in Scotland ”.
- (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).]

#### Textual Amendments

- F2** Sch. 5 paras. 3-9 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](#))

- [<sup>F29</sup> In section 140B(5A) (calculation of amount of subsidy), for “section 139D(3)” substitute “ section 139D(3A) or (3B) ”.]

#### Textual Amendments

- F2** Sch. 5 paras. 3-9 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](#))

#### Commencement Information

- I4** Sch. 5 para. 9 in force at 1.4.2008 by [S.I. 2008/411](#), [art. 2\(3\)\(c\)](#)

- 10 In section 191 (interpretation), in the definition of “prescribe” at the end insert “ and “prescribed” must be construed accordingly ”.

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*Local Government etc. (Scotland) Act 1994 (c. 39)*

- 11 In Schedule 13 to the Local Government etc. (Scotland) Act 1994 (minor and consequential amendments)—
- (a) paragraph 174(4) is omitted;
  - (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.

*Housing Act 1996 (c. 52)*

- [<sup>F3</sup>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) ”.]

**Textual Amendments**

- F3** Sch. 5 para. 12 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](#))

**Commencement Information**

- I5** Sch. 5 para. 12 in force at 7.4.2008 by [S.I. 2007/2872](#), [art. 2\(1\)\(d\)](#) (with [art. 3\(1\)\(a\)](#))

PROSPECTIVE

*Child Support, Pensions and Social Security Act 2000 (c. 19)*

- [<sup>F4</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—
- “(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**

- F4** 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](#))

*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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(za) inserted by [2012 c. 5 s. 62\(2\)](#)
- s. 1(3B) inserted by [2012 c. 5 s. 62\(3\)](#)
- s. 1C inserted by [2012 c. 5 s. 54\(3\)](#)
- s. 1C repealed by [2012 c. 5 Sch. 14 Pt. 5](#) (This amendment not applied to [legislation.gov.uk](#). The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by [2012 c. 5, s. 150\(3\)](#), Sch. 14 Pt. 2)
- s. 2(6) inserted by [2012 c. 5 Sch. 5 para. 6\(3\)](#)
- s. 13(6A) inserted by [2009 c. 24 s. 3\(4\)\(b\)](#)
- s. 14(5) amendment to earlier affecting provision [2009 c. 24, s. 31\(2\)](#) by [2012 c. 5 s. 54\(7\)](#)
- s. 14(5) inserted by [2009 c. 24 s. 31\(2\)](#)
- s. 16(1)(za) inserted by [2012 c. 5 s. 54\(5\)](#)
- s. 20(7A)(7B) inserted by [2023 c. 20 Sch. para. 55\(2\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2009 c. 24 s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2009 c. 24 s. 5\(2\)\(b\)](#)
- Sch. 2 para. 10A inserted by [2009 c. 24 s. 30\(2\)](#)
- Sch. 2 para. 4B and cross-heading inserted by [2012 c. 5 s. 62\(4\)](#)
- Sch. 2 para. 10B and cross-heading inserted by [2012 c. 5 s. 57\(8\)](#)
- Sch. 2 para. 10ZA inserted by [2012 c. 5 s. 57\(7\)\(b\)](#)
- Sch. 2 para. 10A heading word substituted by [2012 c. 5 s. 57\(7\)\(a\)](#)
- Sch. 2 para. 10A(1) words inserted by [2009 c. 24 Sch. 3 para. 8\(5\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by [2012 c. 5, s. 150\(3\)](#), Sch. 14 Pt. 2)
- Sch. 2 para. 10A(1) words repealed by [2012 c. 5 Sch. 14 Pt. 6](#) (This amendment not applied to [legislation.gov.uk](#). The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by [2012 c. 5, s. 150\(3\)](#), Sch. 14 Pt. 2)
- Sch. 2 para. 10A(1) words substituted by [2012 c. 5 s. 57\(7\)\(c\)\(i\)](#)
- Sch. 2 para. 10A(1) words substituted by [2012 c. 5 s. 57\(7\)\(c\)\(ii\)](#)