

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS

PART III

SPECIFIC TRANSITIONAL PROVISIONS AND SAVINGS (INCLUDING SOME RETAINED FROM PREVIOUS ACTS)

Great Britain

- 17 Any right to disablement benefit claimed in respect of a period before 26th August 1953 shall be determined in accordance with sections 11(4) and 12(1) of the National Insurance (Industrial Injuries) Act 1946 (" the Act of 1946 ") as originally enacted, except that the date when the injury benefit period is to be treated as coming to an end shall be determined in accordance with section 56(4) of the new Act unless the claimant made an earlier claim in respect of the same accident before 26th August 1953 which was not withdrawn before its final determination.
- 18 In determining a woman's right to a pension or allowance in respect of a deceased person under sections 67 or 68 or section 71, 72 or 73 of the new Act for any period after 25th February 1962, or her right on her re-marriage after that date to a gratuity under section 67 of that Act, her cohabitation with a man at any time after the deceased's death but before that date shall be disregarded ; but a right to benefit arising by virtue of this paragraph shall not, under Schedule 9 to the new Act, affect the right of any other persons to benefit awarded before that date.
- 19 A claim in respect of a period before 1st March 1966 for an allowance under a scheme made under the Workmen's Compensation (Supplementation) Act 1951 or the Pneumoconiosis and Byssinosis Benefit Act 1951 or for an allowance under the Workmen's Compensation and Benefit (Supplementation) Act 1956 may be made and, when made, shall be determined, and any award thereon in respect of such a period shall be made, as if the Workmen's Compensation and Benefit (Amendment) Act 1965, the Industrial Injuries and Diseases (Old Cases) Act 1967 and the Industrial Injuries and Diseases (Old Cases) Act 1975 had not been passed ; and if on any such claim an allowance is awarded section 9(2) of the said Act of 1975 shall apply as if the claimant had been receiving payment of that allowance immediately before the commencement of that Act, whether or not he was in fact doing so.
- 20 In section 110(4) of the new Act the reference to a final assessment does not include an assessment made for the purpose of section 12(1)(a) or (b) of the Act of 1946 as originally enacted and having the effect that benefit is not payable.
- 21 The Secretary of State shall continue to have power by regulations to make such transitional or consequential provisions as appear to him to be necessary or expedient having regard to the repeal by section 89 of the Act of 1946 of enactments

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in relation to diseases and to injuries not caused by accident, including provision for modifying or winding up any scheme made under an enactment repealed by that section; and for the avoidance of doubt, the provision which may be made by virtue of this paragraph for modifying such a scheme as is mentioned above includes provision for the union of any fund established under such a scheme with any other fund established for comparable purposes.

- 22 (1) Her Majesty shall continue to have power by Order in Council to make or authorise the making of such provision as appears to Her to be necessary or expedient having regard to the provisions of section 89 of the Act of 1946, for—
- (a) modifying or winding up any contracting-out scheme certified under section 31 of the Workmen's Compensation Act 1925 ;
 - (b) winding up any compensation trust established under the Workmen's Compensation (Coal Mines) Act 1934.
- (2) Provision in relation to deposits made under section 4 of the said Act of 1934 by mutual indemnity associations for any matters consequential on the passing of section 89 of the Act of 1946 may, notwithstanding the repeal of the said Act of 1934, continue to be made by rules under the said section 4,
- 23 The repeal of the Workmen's Compensation Act 1925 shall not affect any rules of court made under the Workmen's Compensation (Transfer of Funds) Act 1927, or the power to make new rules of court thereunder.
- 24 The repeal by this Act of Part II of Schedule 6 to the National Insurance Act 1969 does not affect any past operation of that Part of the Schedule in relation to increases of benefit.
- 25 The repeal by this Act of section 6(2) of the National Insurance Act 1974 (scope of revoking regulations relating to joint arrangements with Northern Ireland) does not affect the validity of anything which was made valid, or whose validity was continued, by regulations made under that subsection ; and—
- (a) the Secretary of State's power by regulations to revoke or vary any provision included by virtue of that subsection or this paragraph in other regulations shall continue, notwithstanding that repeal, and include power to revoke or vary any provision of regulations having effect by virtue of this paragraph ; and
 - (b) subsection (3) of section 6 of the National Insurance Act 1974 (regulation-making powers exercisable by statutory instrument etc.) applies to regulations made by virtue of sub-paragraph (a) above as it does to regulations under subsection (1) of that section.
- 26 The repeal by this Act of section 2(2) of the Social Security Amendment Act 1974 (vires for regulations made under section 40(4) of the 1973 Act) does not affect the validity of any regulations to which that subsection applies.

Social Security Benefits Act 1975 : commencement and transitional provisions

- 27 (1) So much of any order made under paragraph 1 of Schedule 5 to the 1975 amending Act (commencement) as makes any incidental, supplementary or other provision by virtue of sub-paragraph (2)(a) of that paragraph shall continue in force notwithstanding any repeal effected by this Act.
- (2) Insofar as such an order makes provision by reference to, or for the purposes of, an enactment repealed by this Act and replaced by a corresponding provision in

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the consolidations or this Act, that provision of the order shall continue in force by reference to, or for the purposes of, the said corresponding provision.

- (3) For the purpose of continuing the Secretary of State's power on and after the appointed day to make, vary and revoke orders under paragraph 1 of Schedule 5 to the 1975 amending Act, the references in that paragraph to that Act and provisions of it are to be construed as referring, or as including references, to this Act and the corresponding provisions of the consolidations.
- 28 Sections 139 and 141(2) of the new Act (consultation with N.I.A.C. and I.I.A.C.) shall not apply to regulations made, or to a draft of regulations laid before Parliament, if—
- (a) the instrument containing the regulations or, as the case may be, the draft states that they are made in consequence of any provision of the 1975 amending Act relating to non-contributory invalidity pension or invalid care allowance and the regulations are made, or the draft is laid, before the day appointed for the coming into force of that provision (or, as the case may be, for the coming into force of the corresponding provision in the new Act); or
 - (b) the instrument containing the regulations or, as the case may be, the draft states that they are made in consequence of any other provisions of the 1975 amending Act (or, as the case may be, any other provisions of the new Act which correspond to those of the 1975 amending Act) and the regulations are made, or the draft is laid, before the expiration of the period of 6 months beginning with the passing of the 1975 amending Act.
- 29 (1) The affirmative procedure provisions shall not apply to any regulations, order or scheme if—
- (a) the instrument containing the regulations states that they are made, or the instrument containing the order or scheme states that it is made, in consequence of the 1975 amending Act or provisions of the consolidations replacing those of that Act; and
 - (b) the regulations are made, or the order or scheme is made, before the expiration of 6 months beginning with the passing of the 1975 amending Act.
- (2) Where, apart from sub-paragraph (1) above, any of the affirmative procedure provisions would apply to an instrument, that instrument shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In this paragraph " the affirmative procedure provisions" means section 167(1) of the new Act and section 4(8)(a) of the Old Cases Act.
- 30 (1) The Secretary of State may by regulations provide that paragraph 15(b)(ii) of Part V of Schedule 4 to the new Act shall have effect, in relation to a child in respect of whom no allowance is payable under the Family Allowances Act, as if for "£1.60" there was substituted " £1.80 " in the case of a second qualifying child and " £1.70 " in the case of any additional qualifying child beyond the first two (being the rates that would have applied apart from the provisions of section 2 of the 1975 amending Act).
- (2) The power to make regulations under this paragraph shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Northern Ireland

- 31 Paragraphs 17, 18, 20, 24, 26, 27, 29 and 30 above (but not paragraph 19, paragraphs 21 to 23, paragraph 25 or 28) apply to Northern Ireland with the substitution for any reference or words specified in column 1 of the following Table of the reference or words specified in relation thereto in column 2.

TABLE

A reference to the National Insurance (Industrial Injuries) Act 1946 (" the Act of 1946 ").	A reference to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946.
A reference to 26th August 1953	A reference to 21st October 1953.
A reference to the National Insurance Act 1969.	A reference to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969.
A reference to the Secretary of State.	A reference to the Department of Health and Social Services for Northern Ireland.
A reference to an instrument ...	A reference to a statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958.
The words "order or scheme" where they first occur in paragraph 29.	The words " or order ".
The words " order or scheme " in the second and third places where they occur in paragraph 29.	The word " order ".
The words from " subject to annulment " onwards (in paragraph 29(2)).	The words "laid before the Northern Ireland Assembly after being made ".
The words from " section 167(1) " onwards (in paragraph 29(3)).	The words " section 156(1) of the new Act".

- 32 (1) A claim in respect of a period before 10th May 1966 for an allowance under a scheme made under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1951 or under regulations made under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1956 may be made, and, when made, shall be determined, and any award thereon in respect of such a period shall be made, as if the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966 and the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 had not been passed; and if on any such claim an allowance is awarded, section 5(2) of the said Act of 1975 shall apply as if the claimant had been receiving payment of that allowance. immediately before 10th May 1966, whether or not he was in fact doing so.
- (2) Regulations made by the Department under the said Act of 1975 may include provision for the payment or award in respect of any period beginning on or after the appointed day of an allowance under that Act without any further award or, as the case may be, any further claim, in a case where evidence of the satisfaction of the conditions for that allowance is afforded by the awards before that day or under

sub-paragraph (1) of an allowance under a scheme or regulation mentioned in that sub-paragraph.

- (3) An allowance paid under a scheme or regulation mentioned in sub-paragraph (1) in respect of any period commencing on or after the appointed day shall, except for the purposes of section 5(2) of the said Act of 1975, be treated as paid on account of an allowance under that Act and the amount of any allowance payable under that Act for that period shall be adjusted accordingly.

33 The Department shall continue to have power by regulations to make such transitional or consequential provisions as appear to it to be necessary or expedient having regard to the repeal by section 88 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 of any enactment in relation to diseases and to injuries not caused by accident, including provisions for modifying or winding up any scheme made under any enactment repealed by that section and for the union of any fund established under any such scheme with any other fund established for comparable purposes.

34 The repeal of the Workmen's Compensation Act (Northern Ireland) 1927 shall not affect any rules of court made under section 38 of that Act or the power to make new rules of court under that section.

35 The repeal by this Act of section 5(2) of the National Insurance Measure (Northern Ireland) 1974 (scope of revoking regulations relating to joint arrangements with Great Britain) does not affect the validity of anything which was made valid, or whose validity was continued, by regulations made under that subsection ; and—

- (a) the Department's power by regulations to revoke or vary any provision included by virtue of that subsection or this paragraph in other regulations shall continue notwithstanding that repeal, and include power to revoke or vary any provision of regulations having effect by virtue of this paragraph ; and
- (b) subsection (3) of section 5 of the National Insurance Measure (Northern Ireland) 1974 (regulations to be subject to negative resolution) applies to regulations made by virtue of sub-paragraph (a) above as it does to regulations under subsection (1) of that section.