

SCHEDULES

SCHEDULE 2

TRANSITIONAL AND SAVING PROVISION

PART 1

GENERAL PROVISIONS

Continuity of the law

- 1 (1) The repeal and re-enactment of provisions by the consolidating Acts does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if made or done, under or for the purposes of any provision repealed and re-enacted by the consolidating Acts, if in force or effective immediately before the commencement of the corresponding provision of the consolidating Acts, has effect thereafter as if made or done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in the consolidating Acts or any other enactment or in any instrument or document—
- (a) to any provision of the consolidating Acts, or
 - (b) to things done or falling to be done under or for the purposes of any provision of the consolidating Acts,
- must (to the extent that the context allows) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by the consolidating Acts had effect, a reference to that corresponding provision or to things done or falling to be done under or for the purposes of that corresponding provision.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—
- (a) to any provision repealed and re-enacted by the consolidating Acts, or
 - (b) to things done or falling to be done under or for the purposes of any such provision,
- must (to the extent that the context allows) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of the consolidating Acts has effect, a reference to that corresponding provision or to things done or falling to be done under or for the purposes of that corresponding provision.
- (5) Where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of the consolidating Acts which reproduce such enactments.

Status: This is the original version (as it was originally enacted).

- (6) The powers (which relate to the making of supplementary and consequential provision) in—
- (a) section 41(13) of the National Health Service (Primary Care) Act 1997 (c. 46)
 - (b) section 63 of the Health Act 1999 (c. 8) (including the power in that section as particularised by section 13(4) of that Act),
 - (c) section 65 of the Health and Social Care Act 2001 (c. 15),
 - (d) section 39 of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),
 - (e) section 201 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), and
 - (f) section 80 of the Health Act 2006 (c. 28),
- are, so far as they were exercisable in relation to any provision repealed and re-enacted by the consolidating Acts, exercisable in relation to the corresponding provision of the consolidating Acts.
- (7) Sub-paragraphs (5) and (6) do not affect the generality of sub-paragraph (4).
- (8) Sub-paragraphs (1) to (6) have effect instead of section 17(2) of the Interpretation Act 1978 (c. 30) (but that does not affect any other provision of that Act).
- (9) Sub-paragraph (2) does not apply to any subordinate legislation in so far as it is reproduced in this Act.