

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the National Health Service (Consequential Provisions) Act 2006, Part 1. (See end of Document for details)*

## 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legislation made or other thing done, or having effect as if made or done, under or for the purposes of any provision repealed and re-enacted by the consolidating Acts, if in force or effective immediately before the commencement of the corresponding provision of the consolidating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as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by the consolidating Acts had effect, a reference to that corresponding provision or to things done or falling to be done under or for the purposes of that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- (a) to any provision repealed and re-enacted by the consolidating Acts, or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.

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- (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.

*Effect of old transitional provisions and savings*

- 2 The repeals made by this Act do not affect the operation of any transitional provision or saving relating to the coming into force of a provision reproduced in the consolidating Acts in so far as the transitional provision or saving is not specifically reproduced in the consolidating Acts but remains capable of having effect in relation to the corresponding provision of the consolidating Acts or otherwise.
- 3 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving on the previous repeal of an enactment does not affect the saving so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect.

*Use of existing forms etc*

- 4 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued after the commencement of that repeal must be construed, except so far as a contrary intention appears, as a reference or (as the context requires) including a reference to the corresponding provision of the consolidating Acts.

*Pre-commencement offences*

- 5 Nothing in the consolidating Acts affects the provisions repealed by this Act in their operation in relation to offences committed before the commencement of the consolidating Acts.

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### *Interpretation*

- 6 In this Schedule “repeal” includes (so far as the context permits) revoke or revocation.

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