

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

SUPERSESION OF NATIONAL INSURANCE ACTS

- 1 References in this Schedule to regulations refer to, or are to be construed as including, regulations under the 1973 Act, wherever the context is appropriate for that construction; and " prescribed " (meaning prescribed by regulations) is to be construed accordingly.
- 2 Subject to the following provisions of this Part of this Schedule, on and after the appointed day no person shall be insured under the former principal Act or entitled to benefit under that Act; and in respect of any period beginning on or after that day no contributions shall be payable under any of the enactments specified in section 1(6) of the 1973 Act.
- 3 Regulations may provide that, in relation to—
 - (a) persons who cease by virtue of paragraph 2 above to be insured under the former principal Act,
 - (b) persons to or in respect of whom benefit under that Act was, or but for a disqualification or forfeiture would have been, payable immediately before the appointed day, and
 - (c) persons who had a prospective right to, or expectation of, any benefit under that Act immediately before that day, the provisions of the 1973 Act and the new Act (so far as it replaces by consolidation provisions of the 1973 Act) shall have effect subject to such modifications as may be prescribed with a view to securing continuity between the new Act and the former principal Act.
- 4 Without prejudice to the generality of the powers conferred by paragraph 3 above, regulations under that paragraph may in particular provide for the taking into account, for such purposes and in such manner and subject to such conditions as may be prescribed, of contributions paid or credited or deemed to be, or treated as, paid or credited under the former principal Act or the National Insurance Act 1946 or any enactment repealed by the last-mentioned Act.
- 5 Regulations may provide that the 1973 Act, the new Act (so far as it replaces by consolidation provisions of the 1973 Act) and this Part of this Schedule (except this paragraph) shall have effect subject to prescribed modifications in relation to persons who attained the age of 16 before the appointed day and who, immediately before that day, were not insured under the former principal Act.
- 6 (1) Regulations may make such provision as the Secretary of State thinks appropriate for enabling unpaid contributions under the former legislation to be recovered and disposed of under sections 151 and 152 of the new Act (applying those sections by

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analogy and with the necessary modifications) in the case of a person being convicted of such an offence as is mentioned in section 150(1) or (2)(a) of that Act committed in the period of 2 years beginning with the appointed day.

- (2) For this purpose—
- (a) " the former legislation" means the former principal Act, section 1 of the National Health Service Contributions Act 1965, section 2(1)(c) of the National Insurance (Industrial Injuries) Act 1965 and section 27 of the Redundancy Payments Act 1965 ;
 - (b) " contributions " includes payments in lieu of contributions for the purposes of Part III of the former principal Act.
- 7 Notwithstanding any repeal effected by the 1973 Act, provision may be made by regulations for continuing in force, with or without prescribed modifications, such provisions of the former principal Act or any other enactment specified in the third column of Schedule 28 to the 1973 Act (repeals) as the Secretary of State considers appropriate for the purpose of preserving rights to benefit under that Act or those enactments in those cases (if any) in which in his opinion adequate alternative rights to benefit under the new Act are not conferred in pursuance of paragraph 3 above, or for temporarily retaining the effect of those provisions for transitional purposes.
- 8 In the foregoing provisions of this Schedule, any reference to benefit under the former principal Act includes a reference to such other benefit, pension or allowance as is mentioned in paragraph 17(2)(b) of Schedule 11 to the former principal Act (pre-1948 beneficiaries).
- 9 (1) Without prejudice to the powers conferred by any provision of the 1973 Act, the new Act or this Part of this Schedule, regulations may make such provision as the Secretary of State thinks expedient—
- (a) for facilitating the introduction of (respectively)—
 - (i) the scheme of social security contributions and benefits established by the new Act, and
 - (ii) the reserve pension scheme established by Part III of the 1973 Act and the provisions of Part II of that Act relating to the recognition of employments,
 - (b) for modifying the system of insurance contained in the former principal Act (so far as it continues in force after the passing of the 1973 Act) so as to bring it into conformity with those schemes and provisions; and
 - (c) for facilitating the winding up of that system of insurance or the disposal of matters connected with that system or with any enactment repealed or modified by the 1973 Act or the new Act so far as it replaces by consolidation the provisions of that Act.
- (2) Regulations made by virtue of this paragraph may—
- (a) include provisions modifying any enactment specified in the third column of Schedule 28 to the 1973 Act or any instrument in force by virtue of such an enactment as respects any period during which the enactment continues in force after the passing of the 1973 Act;
 - (b) provide for the repeal or modification of any enactment by the 1973 Act (or by the new Act so far as it replaces by consolidation provisions of the 1973 Act) to have effect subject to prescribed savings ;
 - (c) include provisions for making such modifications of any enactment as the Secretary of State considers appropriate having regard to any modifications

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which, by virtue of paragraph 7 above, are made in provisions of the former principal Act continued in force by virtue of that paragraph.

- 10 Her Majesty may by Order in Council provide—
- (a) that an Order in Council under section 105 of the former principal Act (reciprocity agreements) shall for the purposes of section 143 of the new Act have effect with such modifications as may be specified in the Order under this paragraph and shall have effect as if any reference in those sections to an agreement included a reference to a proposed agreement ;
 - (b) that an Order in Council under section 84 of the former Industrial Injuries Act or section 143 of the new Act, and any regulations having effect by virtue of section 22(2) of the Family Allowances Act (which also relates to reciprocity agreements), shall have effect with such modifications as may be so specified.
- 11 (1) Any instrument (except regulations, an Order in Council or another order) and any appointment which is in force immediately before the appointed day and was made or has effect as if made under an enactment repealed by the 1973 Act shall, in so far as a corresponding instrument or appointment is capable of being made under any provision of the new Act replacing one in the 1973 Act, be deemed to be so made except to the extent that regulations otherwise provide ; and a reference in any document to an enactment repealed and re-enacted by the 1973 Act with or without modifications shall, in so far as the context permits, be construed as a reference to the new Act or the corresponding enactment therein.
- (2) Sections 139(1), 166(1) to (3) and 167(3) of the new Act (provisions about regulations, including reference to N.I.A.C. and Parliamentary control) apply to regulations under this Part of this Schedule as they apply to regulations under that Act, except that section 139(1) does not apply to such regulations made within a period of 12 months beginning with the appointed day.
- 12 (1) In this Part of this Schedule as it applies to Northern Ireland, for any reference specified in column 1 of the following Table there is to be substituted the reference specified in column 2.

TABLE

Provisions of the new Act for Great Britain:	Corresponding provisions of the new Act for Northern Ireland:
section 143	section 134
section 150	section 141
section 151	section 142
section 152	section 143
section 166(1) to (3)	section 155(1) to (3)
section 167(3)	section 156(4) to (6)
section 168	section 157
The former principal Act.	The National Insurance Act (Northern Ireland) 1966.
In that Act—	In that Act—

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Provisions of the new Act for Great Britain:	Corresponding provisions of the new Act for Northern Ireland:
section 105	section 99
Schedule 11	Schedule 9
The National Health Service Contributions Act 1965.	The Health Service Contributions Act (Northern Ireland) 1966.
The National Insurance Act 1946.	The National Insurance Act (Northern Ireland) 1946.
The former Industrial Injuries Act In that Act—	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966. In that Act—
section 84	section 79
The Redundancy Payments Act 1965, section 27.	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965, section 37.
The Secretary of State.	The Department of Health and Social Services for Northern Ireland (but subject to sub-paragraph (3) below).

- (2) In paragraph 2 of this Schedule as it applies to Northern Ireland, the reference to section 1(6) of the 1973 Act is to that subsection as adapted by paragraphs 2 and 3 of Schedule 13 to that Act.
- (3) In paragraph 9 of this Schedule as it applies to Northern Ireland, the reference to the Secretary of State—
- (a) for purposes of sub-paragraph (1)(a)(ii) of that paragraph stands without the substitution mentioned in the Table above;
 - (b) for purposes of sub-paragraph (2)(c) of that paragraph stands without that substitution, but includes the Department of Health and Social Services for Northern Ireland.
- (4) In paragraph 10(b) of this Schedule as it applies to Northern Ireland, omit " and any regulations having effect by virtue of section 22(2) of the Family Allowances Act ".