
Changes to legislation: There are currently no known outstanding effects for the Social Security (Consequential Provisions) Act 1975, Cross Heading: Social Security Benefits Act 1975: commencement and transitional provisions. (See end of Document for details)

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS

PART III

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

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- (2) Insofar as such an order makes provision by reference to, or for the purposes of, an enactment repealed by this Act and replaced by a corresponding provision in the consolidations or this Act, that provision of the order shall continue in force by reference to,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—

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- (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.
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- (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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