

SCHEDULES

SCHEDULE 4

Section 6.

TRANSITORY MODIFICATIONS

PART I

PROVISIONS NOT YET IN FORCE

Introductory

- 1 (1) If—
- (a) no date has been appointed as the date on which a provision mentioned in column 1 of the following Table is to come into force before 1st July 1992; or
 - (b) a date has been appointed which is later than 1st July 1992,
- then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect until the appointed day.

TABLE

Paragraph 7(1)(b) of Schedule 8 to the Social Security Act 1986 (c. 50).	Paragraph 3.
The repeal in Schedule 11 to the Social Security Act 1986 of section 135(6) of the Social Security Act 1975 (c. 14).	Paragraph 19.
The repeal in Schedule 11 to the Social Security Act 1986 of paragraph 18 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975 (c. 18).	Paragraph 20.
The repeal in Schedule 11 to the Social Security Act 1986 of the words “Subject to subsection (5A) below,” in section 6(5) of the Social Security Pensions Act 1975 (c. 60).	Paragraph 2.
Section 5 of the Social Security Act 1988 (c. 7).	Paragraph 16.
Section 27 of the Social Security Act 1989 (c. 24).	Paragraph 13.
Paragraph 8(8) of Schedule 1 to the Social Security Act 1989.	Paragraphs 10 and 11.

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The repeal in Schedule 9 to the Social Security Act 1989 of section 14(7) of the Social Security Act 1980 (c. 30).	Paragraph 12.
Paragraph 15 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19).	Paragraph 5.
Section 9 of the Social Security Act 1990 (c. 27).	Paragraph 4.
Section 17(3) of the Social Security Act 1990.	Paragraph 17.
Section 17(4) of the Social Security Act 1990.	Paragraph 18.
Section 17(5) of the Social Security Act 1990.	Paragraph 6.
Section 17(6) of the Social Security Act 1990.	Paragraph 7.
Section 17(8) of the Social Security Act 1990.	Paragraph 8.
Section 17(9) of the Social Security Act 1990.	Paragraph 9.
Section 9(1) of the Maintenance Enforcement Act 1991 (c. 17).	Paragraph 14.
Section 9(2) of the Maintenance Enforcement Act 1991.	Paragraph 15.

(2) If—

- (a) a date has been appointed as the date on which a provision mentioned in column 1 of the Table in sub-paragraph (1) is to come into force for some purposes of that provision but not for others; and
- (b) that date is on or before 1st July 1992,

then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect for those other purposes of that provision (in so far as it is capable of doing so) until the relevant appointed day.

(3) In this paragraph “the appointed day” means—

- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by the Secretary of State by order made by statutory instrument; and
- (b) in the case mentioned in paragraph (b) of that sub-paragraph, the day appointed as the day on which the provision mentioned in column 1 of the Table is to come into force.

(4) An order under sub-paragraph (3) above may appoint different days for different provisions or different purposes of the same provision.

(5) An order under sub-paragraph (3) above relating to paragraph 5 of this Schedule may—

- (a) appoint different days for different purposes and for different areas or descriptions of area; and

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- (b) contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Secretary of State necessary or expedient in connection with the order.

The Contributions and Benefits Act

2 At the beginning of subsection (6) of section 44 of the Contributions and Benefits Act there shall be inserted the words “Subject to subsection (7A) below”.

3 The following subsection shall be inserted after subsection (7) of that section—

“(7A) The Secretary of State may prescribe circumstances in which pensioners' earnings factors for any relevant year may be calculated in such manner as may be prescribed.”.

4 In section 135 of that Act subsections (3) and (4) shall be omitted.

5 In section 143(3)(c) of that Act the following sub-paragraphs shall be substituted for sub-paragraphs (i) to (iii)—

- “(i) paragraph 2 of Schedule 8 to the National Health Service Act 1977;
- (ii) the Children Act 1989; or
- (iii) section 37 of the National Health Service (Scotland) Act 1978.”.

6 In paragraph 6 of Schedule 1 to that Act sub-paragraphs (2) to (4) shall be omitted.

7 The following sub-paragraph shall be substituted for paragraph 6(8) of that Schedule—

“(8) The Inland Revenue shall, at such times, and in such manner as the Treasury may direct, account to the Secretary of State for, and pay to him, the sums estimated by the Inland Revenue, in such manner as may be so directed, to have been received by them as contributions in accordance with regulations made by virtue of this paragraph.”.

8 The following sub-paragraph shall be substituted for paragraph 6(1) of Schedule 2 to that Act—

“(1) Section 88(1), (4) and (5)(a) and (b) of the Taxes Management Act 1970 (interest on tax recovered to make good loss due to taxpayer's fault) shall apply in relation to any amount due in respect of Class 4 contributions as it applies in relation to income tax; but section 86 of that Act (interest on amounts overdue) shall not apply.”.

9 Paragraph 6(2) of that Schedule shall be omitted.

10 The following sub-paragraph shall be inserted after paragraph 11(12) of Schedule 7 to that Act—

“(12A) The reference in sub-paragraph (11) above to a person who has retired from regular employment includes a reference—

- (a) to a person who under subsection (3) of section 27 of the 1975 Act was treated for the purposes of that Act as having retired from regular employment; and
- (b) to a person who under subsection (5) of that section was deemed for those purposes to have retired from it.”.

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- 11 At the end of paragraph 12 of Schedule 7 to that Act there shall be inserted—
- “(7) The reference in sub-paragraph (1) above to a person who has retired from regular employment includes a reference—
- (a) to a person who under subsection (3) of section 27 of the 1975 Act was treated for the purposes of that Act as having retired from regular employment; and
 - (b) to a person who under subsection (5) of that section was deemed for those purposes to have retired from it.”.

The Administration Act

- 12 In section 24 of the Administration Act—
- (a) at the end of subsection (1) there shall be inserted the words “or given in consequence of a reference under section 112(4) of the 1975 Act (which enabled a medical appeal tribunal to refer a question of law to a Commissioner)”; and
 - (b) the following subsection shall be inserted after subsection (5)—
- “(5A) In relation to a decision of a Commissioner which was given in consequence of a reference under section 112(4) of the 1975 Act subsections (3) and (5) of this section shall have effect with such modifications as may be prescribed by regulations.”.

13 Section 104 of that Act shall be omitted.

14 Subsection (5) of section 107 of that Act shall be omitted.

15 Subsections (9) to (11) of that section shall be omitted.

16 Section 153 of that Act shall be omitted.

17 In section 162 of that Act subsection (4) shall be omitted.

18 In section 163 of that Act subsection (5) shall be omitted.

19 The following subsection shall be inserted at the end of section 164 of that Act—

- “(7) Any sums repaid to the Secretary of State in pursuance of section 119(1) of the 1975 Act (which related to the effect of adjudication and was repealed subject to a saving in relation to certain reviews and appeals) shall—
- (a) be paid by him into the Consolidated Fund in so far as they represent benefit which under section 163 above is payable out of money provided by Parliament and not out of the National Insurance Fund; and
 - (b) otherwise, be paid by him into that Fund.”.

This Act

- 20 In Schedule 3 to this Act—
- (a) in the heading before paragraph 18 for the words “provision derived from” there shall be substituted the words “provisions derived from paragraph 18 of Schedule 3 to former Consequential Provisions Act and”; and
 - (b) the following paragraph shall be inserted after that heading—
- “17A In determining a woman’s right—

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- (a) to a pension or allowance in respect of a deceased person under section 67, 68, 71, 72 or 73 of the 1975 Act; or
- (b) to a pension in respect of a deceased person under paragraph 15 or 16 of Schedule 7 to the Contributions and Benefits 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 the 1975 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 that Act or Schedule 7 to the Contributions and Benefits Act, affect the right of any other persons to benefit awarded before that date.”.

PART II

OTHER TRANSITORY MODIFICATIONS

Transition from mobility allowance to disability living allowance

- 21 In the application of subsection (2) of section 129 of the Contributions and Benefits Act to claims made or treated as made before the first day in respect of which disability living allowance is payable paragraph (b) of that subsection shall have effect as if the following sub-paragraph were substituted for sub-paragraph (ii)—
- “(ii) a mobility allowance under section 37A of the 1975 Act;”.

Amendment of Schedule 1 to the Attachment of Earnings Act 1971 (c. 32)

- 22 Until such time as there comes into force an amendment of Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders to which the Act applies) which has the effect of including among the orders specified in that Schedule any order for periodical or other payments made or having effect as if made under Schedule 1 to the Children Act 1989, the definition of “maintenance order” in section 107(15) of the Administration Act shall have effect as if, in paragraph (a), after sub-paragraph (ii) there were inserted—
- “(iii) any order under paragraph 1(2)(a), (b) or (c) of Schedule 1 to the Children Act 1989 (financial provision for children against their parents);”.