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SCHEDULES.

SIXTH SCHEDULE

Section 62.

TRANSITIONAL PROVISIONS.

- 1 The first report of the Board under subsection (4) of section two of this Act shall include a report on the activities of the Board between the end of the period covered by the last report under subsection (4) of section thirty-five of the Unemployment Assistance Act, 1934 and the appointed day.
- 2 (1) Advisory committees under subsection (3) of section thirty-five of the Unemployment Assistance Act, 1934, established immediately before the appointed day shall, unless and until the Board otherwise determine, be deemed to be advisory committees established under section three of this Act.
- (2) A person holding office as chairman or other appointed member of an appeal tribunal under the said Act of 1934 immediately before the appointed day shall, until some other person is appointed in his place, be qualified without further appointment to act as chairman or other appointed member of an appeal tribunal for the purposes of this Act, and the panel of persons nominated to represent work-people under paragraph 3 of the Seventh Schedule to the said Act of 1934 shall, until a new panel is nominated, be deemed to be the panel nominated under paragraph 3 of the Fifth Schedule to this Act.
- (3) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), the coming into operation of this Act shall not, save as hereinafter provided, affect—
- (a) any appeal under subsection (3) of section thirty-six of the Unemployment Assistance Act, 1934, against a decision made before the appointed day as to the applicability of that Act to any person;
- (b) any appeal under section thirty-nine of that Act or that section as applied by any subsequent enactment, against a determination made before the appointed day;
- (c) any reference under section forty-eight of that Act of a question as to the amount of any excess payment made before the appointed day; or
- (d) any reference under the Eighth Schedule to that Act, or that Schedule as applied by any subsequent enactment, of a dispute between the Board and any authority:
- Provided that—
- (i) in relation to any appeal under the said subsection (3) pending at the appointed day the said subsection (3) shall have effect subject to such modifications as may be prescribed by the Minister of National Insurance;
- (ii) any such appeal or reference brought after the appointed day shall be brought and determined in accordance with the provisions of this Act and rules thereunder as to appeals and references brought by virtue of this Act.
- 3 (1) Where immediately before the appointed day a person was in receipt of sums—

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- (a) payable in respect of outdoor relief under the Poor Law Act, 1930, or
 - (b) payable under the Blind Persons Acts, 1920 and 1938, or
 - (c) receivable by him as a person undergoing treatment for pulmonary tuberculosis, or
 - (d) payable by the Assistance Board under any enactment repealed by this Act, the Board may continue payment thereof for any period not exceeding, two months from the appointed day during which the said person is in need thereof, and for the purposes of this Act any payments made" by virtue of this sub-paragraph shall be deemed to be assistance grants.
- (2) Where assistance grants are made in respect of a person who at any time during the month ending with the appointed day was in receipt of any such sums as are mentioned in the last foregoing sub-paragraph, the Board may take into consideration the rate at which any such sums were paid to him at any time during the period of six months ending with the appointed day, and may increase the amount of the grants accordingly notwithstanding anything in Part II of this Act or regulations made thereunder.
- (3) Any authority responsible for the making of payments falling within heads (a) to (c) of sub-paragraph (1) of this paragraph shall on a requisition in that behalf made by the Board not later than six months after the appointed day transfer to the Board any documents specified in the requisition which are under the control of the authority and relate to the payments.
- 4 (1) Where immediately before the appointed day any premises vested in a local authority were being used for the reception or relief of casual poor persons under the provisions of the Poor Law Act, 1930, then if on the appointed day the premises remain so vested the local authority shall maintain therein, until such time as the Board may determine, a centre for the like purposes as a reception centre maintained by the Board.
- (2) For the purposes of sections seventeen and eighteen of this Act, any centre maintained by a local authority under this paragraph shall be deemed to be a reception centre maintained on behalf of the Board.
- 5 (1) Notwithstanding anything in Part III of this Act, a local authority may, for a period of six months from the appointed day or such longer period not exceeding twelve months therefrom as the Minister of Health may allow, exercise otherwise than in accordance with a scheme under the said Part III any functions conferred on them by the said Part III or which could be conferred on them by a scheme thereunder:
- Provided that the local authority shall not exercise any function under the said Part III otherwise than in accordance with a scheme thereunder after a scheme relating to the exercise of that function has come into force.
- (2) The references in subsection (6) of section twenty-nine of this Act to arrangements made by virtue of paragraph (c) or paragraph (d) of subsection (4) of that section, and to arrangements made under that section, shall be construed as including references to arrangements made under the corresponding provisions of the Blind Persons Acts, 1920 and 1938.
- 6 (1) Any land which immediately before the appointed day was held by the council of a county or county borough for the purposes of any enactment repealed by this Act, or which on the appointed day vests in or thereafter is transferred to the council of a county or county borough by virtue of this Schedule, shall save as otherwise provided

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in this Schedule be deemed to have been appropriated for such of the purposes of this Act as the council may determine.

- (2) Any right of a council of a county or county borough subsisting immediately before the appointed day to use land for the purposes of any enactment repealed by this Act shall on and after the appointed day continue to subsist as a right to use the land for such of the purposes of this Act as the council may determine, subject however to the cesser of the right in any event (other than the repeal of the said enactment) in which it would have ceased apart from this sub-paragraph.
 - (3) Nothing in this paragraph shall affect the provisions of the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947, as to the transfer and vesting of hospitals.
 - (4) In this paragraph the expression " land " includes any interest in land and any easement, servitude or right in, to or over land.
- 7
- (1) Where immediately before the appointed day any premises being part of a workhouse were being used for hospital purposes, but the workhouse as a whole was mainly being used for other purposes, subsection (2) of section six of the Act of 1946 (which provides for the transfer to the Minister of Health of hospitals and property and liabilities connected therewith) shall not apply in relation to the premises, but—
 - (a) the local authority by which the workhouse was provided shall to the satisfaction of the Minister of Health enter into arrangements with the Regional Hospital Board whereby, until the said Minister otherwise determines, the like accommodation shall be available for the provision of hospital and specialist services under the Act of 1946 as was available for hospital purposes immediately before the appointed day, and such facilities in relation to the accommodation made available shall be afforded by the local authority as may be necessary for the purposes of the Act of 1946;
 - (b) the Regional Hospital Board shall make to the local authority such payments in respect of accommodation and facilities as may be agreed between the authority and the Board, or in default of agreement as may be determined by the Minister of Health.
 - (2) Where immediately before the appointed day any person was by virtue of a lunacy order or a mental deficiency order detained in any such premises as are mentioned in the last foregoing sub-paragraph,—
 - (a) the premises shall be deemed, until the time determined under head (a) of that sub-paragraph, to be a mental hospital or institution for defectives, as the case may be; and
 - (b) the lunacy order shall have effect as if it were an order made on the appointed day under section sixteen of the Lunacy Act, 1890, for the detention of the said person in the premises.
 - (3) Subsection (4) of section fifty of the Act of 1946 shall not have effect.
 - (4) Regulations as to the transfer of officers made under section sixty-eight of the Act of 1946 shall provide for the transfer of officers and servants of local authorities who immediately before the appointed day were employed solely or mainly at or for purposes of such premises as are mentioned in sub-paragraph (1) of this paragraph to the Regional Hospital Board for the area in which the premises are situated.
 - (5) Any expenditure of a Regional Hospital Board under head (6) of sub-paragraph (1) of this paragraph shall be deemed for the purposes of section fifty-four of the Act of

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1946 to be expenditure of the Regional Hospital Board incurred under that Act and approved as mentioned in that section.

- 8 (1) Where any premises being part of a workhouse were immediately before the appointed day being used otherwise than for hospital purposes, but the workhouse as a whole was mainly being used for hospital purposes, the entirety of the workhouse shall be treated as a hospital for the purposes of the Act of 1946, and shall be transferred to and vest in the Minister of Health under that Act accordingly, and no apportionment of interests shall be made under paragraph (a) of subsection (5) of section six of that Act:

Provided that nothing in this sub-paragraph shall extend the operation of the provisions of section sixty-eight of that Act or regulations made thereunder as to the transfer of officers.

- (2) Where a workhouse is transferred to and vests in the Minister under the Act of 1946, and immediately before it so vested accommodation was being used therein for the relief under the Poor Law Act, 1930, of persons not in need of reception into hospital,
- (a) the Regional Hospital Board shall to the satisfaction of the Minister of Health enter into arrangements with the local authority by which the workhouse was provided whereby, until the Minister otherwise determines, the like accommodation shall be available for the purposes of section twenty-one of this Act as was immediately before the appointed day available for the relief of persons not in need of reception into hospital, and such facilities in relation to the accommodation shall be afforded as may be requisite for those purposes, and
- (b) the local authority shall make to the Regional Hospital Board such payments in respect of the accommodation and facilities as may be agreed between the authority and the Board or, in default of agreement, as may be determined by the Minister of Health.
- (3) Where any part of the accommodation first referred to in the last foregoing sub-paragraph was being used immediately before the appointed day for the reception or relief of casual poor persons, then, if the Minister of Health after consultation with the National Assistance Board so directs, that sub-paragraph shall apply separately in relation to that part of the accommodation, and shall so apply with the substitution for the reference to section twenty-one of this Act of a reference to section seventeen thereof; and where the Minister gives a direction under this sub-paragraph—
- (a) he shall not determine the arrangements made in pursuance of the direction except after consultation with the National Assistance Board;
- (b) so long as those arrangements continue in force the local authority shall maintain in the accommodation provided in pursuance of the arrangements a centre for the like purposes as a reception centre maintained by the National Assistance Board, and the centre shall be deemed to be provided by the local authority in pursuance of a requirement under subsection (2) of section seventeen of this Act;
- (c) expenditure incurred by the local authority in making payments in accordance with head (6) of sub-paragraph (2) of this paragraph shall be deemed for the purposes of subsection (3) of the said section seventeen to have been incurred with the approval of the National Assistance Board.

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- (4) Accommodation provided under section twenty-one of this Act in pursuance of arrangements under this paragraph shall be deemed to be provided by the local authority in premises managed by them.
- 9 (1) In this and the two last foregoing paragraphs the following expressions have the meanings hereby assigned to them respectively:—
- " hospital purposes ", in relation to any premises, means purposes such that if the premises were a separate institution they would be a hospital as defined by section seventy-nine of the Act of 1946;
 - " lunacy order " and " mental hospital " mean respectively an order under the Lunacy and Mental Treatment Acts, 1890 to 1930, and a mental hospital for the purposes of those Acts;
 - " mental deficiency order " and " institution for defectives " mean respectively an order under the Mental Deficiency Acts, 1913 to 1938, and an institution for defectives for the purposes of those Acts;
 - " the Act of 1946 " means the National Health Service Act, 1946;
 - " workhouse " means a workhouse, as defined in the Poor Law Act, 1930, provided by a local authority.
- (2) The question whether any premises fall within sub-paragraph (i) of paragraph 7 or sub-paragraph (1) of paragraph 8 of this Schedule shall be determined by agreement between the local authority and the Regional Hospital Board, or in default of agreement by the Minister of Health.
- (3) In the application of this and the two last foregoing paragraphs to Scotland—
- (a) for sub-paragraph (2) of paragraph 7 there shall be substituted the following sub-paragraph—
 - “(2) Where immediately before the appointed day any person was, by virtue of a sanction of the General Board of Control for Scotland under section four of the Lunacy (Scotland) Act, 1862, or of a removal or transfer authorised under section sixteen of the said Act, detained in the lunatic ward of a poorhouse within the meaning of the said Act, and the poorhouse as a whole was mainly being used for purposes other than hospital purposes,
 - (i) the ward shall be deemed, until the time determined under head (a) of that sub-paragraph to be a mental hospital for the purposes of the Lunacy (Scotland) Acts, 1857 to 1913; and
 - (ii) the sanction shall have effect as if it were an order granted on the appointed day by the sheriff under section fourteen of the aforesaid Act of 1862 for the reception into and detention in the premises of the said person;”
 - (b) paragraph 9 shall have effect as if at the end of the definition in sub-paragraph (1) of the expression " hospital purposes " there were added the following words " and includes the, purposes for which the lunatic ward of a poorhouse licensed under section three of the Lunacy (Scotland) Act, 1862 is used ";
 - (c) for references to the Act of 1946 and to sections sixty-eight and seventy-nine thereof there shall be respectively substituted references to the National Health Service (Scotland) Act, 1947, and to sections sixty-seven and eighty thereof.

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- 10 (1) Where immediately before the appointed day a person was receiving relief in a workhouse within the meaning of the Poor Law Act, 1930, then, if he is in need of accommodation under Part III of this Act, the authority liable to provide the accommodation shall, so long as the need continues, be the authority by which the relief was given.
- (2) If immediately before the appointed day the cost of the relief referred to in the last foregoing sub-paragraph was recoverable from another authority, the authority giving relief shall have the like right to recover from the other authority the cost of any accommodation provided by virtue only of the last foregoing sub-paragraph.
- (3) In respect of accommodation provided as aforesaid an authority shall be entitled to recover cost from another authority in accordance with the last foregoing sub-paragraph and not otherwise, but nothing in this paragraph shall affect any right of recovery from any other person.
- (4) References in the foregoing provisions of this paragraph to the authority giving relief shall be construed, where the authority to whom application for relief was made and the authority managing the workhouse were not the same, as references to the authority to whom the application was made.
- 11 Where immediately before the appointed day a person was being maintained, in pursuance of an arrangement made by an authority in the exercise of functions under the Poor Law Act, 1930, in premises not managed by a local authority, that arrangement shall for the purposes of section twenty-six of this Act be deemed, so far as it relates to the said person and until he ceases to be maintained in the premises, to be an arrangement under subsection (1) thereof, notwithstanding that the premises are not managed by a voluntary organisation.
- 12 Any property, right or liability which immediately before the appointed day was vested in a joint committee established by an order under section three of the Poor Law Act, 1930 (which provides for the combination by an order of the Minister of Health, for the purposes named in the order, of the areas of councils of counties or county boroughs) shall on the appointed day vest jointly in the councils the areas of which were combined by virtue and for the purposes of the order.
- 13 Section one hundred and fifty-one of the Local Government Act, 1933 (which provides for the adjustment, by agreement or otherwise, of certain matters between public bodies affected by an alteration of areas or authorities made by an order under Part VI of that Act) shall apply to councils of counties or county boroughs affected by the provisions of this Schedule as to the vesting on the appointed day of any property, right or liability as it applies to public bodies affected by such an alteration as aforesaid, with the substitution for the reference to the alteration made by an order under Part VI of that Act of a reference to the said provisions of this Schedule.
- 14 Where immediately before the appointed day the fact that a person was living in any place was to be disregarded in determining, for the purposes of any enactment repealed by this Act, his residence or ordinary residence, that fact shall be disregarded in determining his ordinary residence for the purposes of this Act.
- 15 Where any right of a local authority to recover any sum from another local authority depends upon the determination under the Poor Law Act, 1930, of any question as to settlement, removal or chargeability of any person pending at the appointed day, section one hundred and five of the said Act of 1930 (which provides for the recovery of the cost of relief by one council from another) shall continue to apply,

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but as if for proviso (b) to subsection (1) thereof (which excludes the provisions of that section where a removal order is refused on grounds of irremovability) there were substituted—

“(b) this section shall not apply where the person whose settlement is in question has acquired a status of irremovability in the area of the local authority seeking to recover the cost of his relief.”

- 16 Where on the appointed day a local authority in Scotland hold as trustees any property wholly or mainly for the use or benefit of the poor (within the meaning of section fifty-two of the Poor Law (Scotland) Act, 1845) of the whole or any part of their area, they shall hold and apply the property or the income thereof to such charitable purposes for the use and benefit of the persons for whom it is the duty of the local authority to make provision or arrangements under Part III of this Act as the authority may think fit.
- 17 (1) Where under section three of the Blind Persons Act, 1938, a council has recovered from another council (being a local authority within the meaning of Part III of this Act) expenditure in respect of assistance for any person provided during an appropriate quinquennial period as defined in the said section three, being a period current at the appointed day, subsection (5) of section twenty-nine and subsection (1) of section thirty-two of this Act shall not apply in relation to any expenditure which is specifically attributable to the provision¹, before the expiration of the said quinquennial period, of services provided under the said section twenty-nine for the said person as a blind person, but the local authority by which those services are so provided shall be entitled to recover the amount of any such expenditure from the council from which the expenditure under the said section three was recovered as aforesaid.
- (2) Notwithstanding the repeal of the said Act of 1938 effected by this Act, subsection (2) of the said section three (which relates to the determination of disputes) shall apply in relation to this paragraph as it applies in relation to the said section three.
- 18 Any appeal against a decision of a local pension committee under the Old Age Pensions Act, 1936, given before the appointed day shall be decided, and the decision shall have effect, as if this Act had not been passed.
- 19 (1) Notwithstanding anything in subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which contains savings for vested rights and liabilities on the repeal of enactments), a person shall not by virtue of any enactment repealed by this Act be under any liability (whether under an order of the court or otherwise) as respects any period after the appointed day to maintain any person whom he is not liable to maintain for the purposes of this Act.
- (2) Except as otherwise provided by the last foregoing sub-paragraph, any order of court or agreement made before the appointed day by virtue of which payments are required to be made to a local authority in respect of the relief or maintenance of any person while he remains chargeable to that authority under the existing poor law shall have effect, so long as accommodation is provided for him under Part III of this Act by that authority or he is in receipt of assistance under Part II of this Act, as if he were so chargeable.
- (3) Where a local authority recover payments from any person under any such order or agreement as is mentioned in the last foregoing sub-paragraph, subsection (6) of section forty-three of this Act shall apply to payments recovered in respect of any period after the appointed day as it applies to payments recovered by the local authority under the said section forty-three.

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- 20 (1) For the purposes of any provision of this Schedule the expression " the appointed day " means such day appointed by the order under subsection (2) of section sixty-eight of this Act as may be specified in the order in relation to the provision in question.
- (2) References in this Schedule to a workhouse within the meaning of the Poor Law Act, 1930, include, in relation to London, references to an asylum provided under section one hundred and twenty-three of that Act.
- 21 The following provisions shall have effect for the purpose of the application of this Schedule to Scotland:—
- (a) for references to the Minister of Health there shall be substituted references to the Secretary of State;
 - (b) for references to a county borough there shall be substituted references to a large burgh;
 - (c) for references to the Poor Law Act, 1930, there shall be substituted references to the enactments relating to the relief of the poor in Scotland, and the expression " workhouse " means poorhouse;
 - (d) any reference to the local authority by which a poorhouse was provided shall include a reference to a combination of local authorities;
 - (e) paragraphs 12, 13 and 15 shall not apply.