

## SCHEDULES

### SCHEDULE 6

Section 35(1).

#### TRANSITIONAL PROVISIONS AND SAVINGS

#### PART I

##### *General Provisions*

- 1 (1) In so far as any order, rule, regulation, appointment, approval or other thing made or done, or deemed to be made or done, under an enactment repealed by this Act could have been made or done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if made or done under that provision.
- (2) Anything begun under an enactment repealed by this Act may be continued under the corresponding provision of this Act as if begun under that provision.
- (3) References in this Act to things done, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between enactments repealed by this Act and the corresponding provisions of this Act, be construed as including references to things done, suffered or occurring before the commencement of this Act
- (4) Where any instrument or document refers expressly or by implication to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.
- 2 (1) Paragraph 1 above applies in particular to any claim for, or award of, supplementary benefit made before the commencement of this Act and to anything done or occurring in, or for the purposes of, adjudication proceedings before that day.
- (2) Any question as to entitlement to, or the amount of, any supplementary benefit, and any other question with respect to supplementary benefit, for any period shall be determined in accordance with the provisions with respect to those matters in force during that period.
- 3 Any order made after the commencement of this Act, and any order so made varying or revoking an earlier order made before or after the commencement of this Act, appointing a day upon which any of the enactments specified in Part II of Schedule 8 to this Act shall come into operation, or specifying a day from which any such enactment shall have effect, may include consequential provision for the amendment or repeal of such of the following provisions of this Act as may be relevant to the purposes of the order—
  - sections 8(3), 9(8), 12(4), 20(5) and 35(3) and in Schedule 1 paragraphs 23(9) and 24(4).

---

*Status: This is the original version (as it was originally enacted).*

---

## PART II

### *Specific Provisions (including some retained from previous Acts)*

- 4       The following enactments as having effect at the commencement of this Act shall, subject to the amendments therein specified in Schedule 7 to this Act, continue to have effect as amended by section 39 of, and Schedule 6 to, the Supplementary Benefit Act 1966, notwithstanding the repeal by this Act of the said Act of 1966:—
- the Polish Resettlement Act 1947
- the National Assistance Act 1948.
- 5       Any enactment or instrument that is to be construed in accordance with section 2(3) of the Supplementary Benefit Act 1966, as having effect in accordance with the Secretary of State for Social Services Order 1968, shall continue to be so construed notwithstanding the repeal by this Act of the said Act of 1966.
- 6       (1) The following provisions of this paragraph shall apply where, at 11th August 1966, a person (in this paragraph referred to as "the former beneficiary") was in receipt of—
- (a) a pension under the Old Age Pensions Act 1936 ; or
- (b) an assistance grant under the National Assistance Act 1948.
- (2) This Act shall apply, subject to the following provisions of this paragraph, as if a claim for a supplementary pension or a supplementary allowance, as the case may be, had been duly made by the former beneficiary or, if the former beneficiary is a woman falling within paragraph 3(1) of Schedule 1 to this Act, by the other person falling within that paragraph.
- (3) If the former beneficiary or the said other person is not entitled to a supplementary pension or supplementary allowance the Commission may nevertheless award him such a pension or allowance at a rate not exceeding that of the pension or grant mentioned in sub-paragraph (1) above ; and if he is entitled to a supplementary pension or supplementary allowance but at a lower rate the Commission may determine that it shall be payable at a rate not exceeding that of the said pension or grant.
- (4) If the former beneficiary is a woman falling within paragraph 3(1) of Schedule 1 to this Act then, unless she otherwise requests, so much of any supplementary pension or supplementary allowance payable (whether by virtue of this paragraph or otherwise) to the other person falling within that paragraph as is equal to the pension or grant mentioned in sub-paragraph (1) above shall be issued to the former beneficiary.
- 7       Any appeal which, by virtue of paragraph 2 of Schedule 7 to the Supplementary Benefit Act 1966, could have been brought against a decision of the National Assistance Board to a tribunal constituted under Schedule 3 to that Act may be so brought to such of the tribunals constituted in accordance with Schedule 4 to this Act as, under that Schedule, has jurisdiction in the case in question, and in any such proceedings the Commission shall be a party instead of the said Board, notwithstanding the repeal by this Act of the said Act of 1966.
- 8       (1) Any proceedings for the recovery of a sum which, if the Supplementary Benefit Act 1966 had not been passed, could have been taken by the National Assistance Board may be taken—
- (a) if they are proceedings under section 43 or 44 of the National Assistance Act 1948, by the Commission;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) in any other case, by the Secretary of State.
- (2) Any payments ordered in proceedings continued or begun by virtue of subparagraph (1) above or of paragraph 7 of Schedule 7 to the Supplementary Benefit Act 1966 which, if that Act had not been passed, would have been ordered to be made to the National Assistance Board shall be ordered to be made to the Secretary of State.
- (3) The Commission instead of the Secretary of State shall be a party to any proceedings for the enforcement, variation or revocation of an order under section 43 or 44 of the National Assistance Act 1948 for the payment of money which, by virtue of subparagraph (2) above or of paragraph 5 above, is payable to the Secretary of State instead of to the National Assistance Board.