

SCHEDULES

SCHEDULE 2

Section 2.

EXISTING ENACTMENTS ETC. CONTINUED IN FORCE

Enactments

- 1 (1) Notwithstanding the repeals made by this Act, on and after the appointed day the existing enactments shall have effect, subject to the following provisions of this Schedule, as if they were contained in regulations made under and in accordance with section 2 of this Act and could be modified accordingly.
- (2) In any enactment contained in Part I of the Parliamentary and other Pensions Act 1972, as that enactment has effect under sub-paragraph (1) above, any reference to section 31 of that Act shall have effect as a reference to the provisions, as from time to time modified by virtue of paragraph 3 of Schedule 3 to this Act, of the Pensions (Increase) Act 1971 and sections 59 and 59A of the Social Security Pensions Act 1975.
- (3) In subsection (1) of section 24 of the said Act of 1972 (payments due to deceased persons), as it has effect under sub-paragraph (1) above, the reference to the amount payments in excess of which cannot (except in so far as they are due by way of interest) be made under that subsection shall have effect as a reference to the amount of the limit for the time being specified by virtue of orders made from time to time under section 6 of the Administration of Estates (Small Payments) Act 1965 in the enactments listed in Part I of Schedule 1 to the said Act of 1965.

Subordinate legislation

- 2 Where any of the existing enactments contains any power to make subordinate legislation, that power shall cease to have effect on the appointed day, but on and after that day any subordinate legislation which was made under that power and is in force immediately before that day shall have effect, with the necessary modifications, as if it were contained in regulations made under and in accordance with section 2 of this Act and could be modified accordingly.

Commencement and transitional provisions

- 3 (1) Where for the purpose of determining the enactments and subordinate legislation which have effect under paragraphs 1 and 2 above it is necessary to take account of any modifications or successive modifications of any enactment or subordinate legislation as originally enacted or made—
 - (a) neither paragraph 1 nor paragraph 2 above shall apply in relation to any commencement or transitional provision or saving made in connection with any such modifications; but
 - (b) notwithstanding the repeals made by this Act, on and after the appointed day any such provision or saving (whether contained in, or in subordinate

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

legislation made under, any existing enactment or not) shall continue to have effect, in so far as it relates to any enactment or subordinate legislation which has effect under paragraph 1 or 2 above, for the purpose of determining the cases, circumstances or persons in relation to which that enactment or subordinate legislation so has effect.

(2) On and after the appointed day so much of any enactment or subordinate legislation as, notwithstanding its modification by any other enactment or subordinate legislation, is continuing immediately before that day to have effect, in relation to particular cases, circumstances or persons—

- (a) by virtue of any commencement or transitional provision or saving made in connection with any such modifications as are mentioned in sub-paragraph (1) above; or
- (b) by virtue of section 36(2) of the Parliamentary and other Pensions Act 1972 (transitional provisions),

shall continue to have effect in accordance with the provision or saving, or with the said section 36(2), as if it too were contained in regulations made under and in accordance with section 2 of this Act and could be modified accordingly.

(3) Sub-paragraph (2) above shall apply to the provisions of section 8 of the Parliamentary Pensions Act 1978 (as they have effect by virtue of sections 3(1) and 5(7) of the Parliamentary Pensions etc. Act 1984) as it applies to the other enactments repealed by virtue of the said section 3(1).

(4) In subsection (2) of section 14 of the Ministerial Salaries and Members Pensions Act 1965 (payments due to deceased persons), as it has effect under sub-paragraph (2) above, the reference to the amount payments in excess of which cannot (except in so far as they are due by way of interest) be made under that subsection shall have effect as a reference to the amount of the limit for the time being specified by virtue of orders made from time to time under section 6 of the Administration of Estates (Small Payments) Act 1965 in the enactments listed in Part I of Schedule 1 to the last-mentioned Act of 1965.

Supplemental

- 4
- (1) Anything done before the appointed day under or for the purposes of any provision which by virtue of this Schedule has effect as if it were contained in regulations made under section 2 of this Act shall have effect on and after that day as if it had been done under or for the purposes of that provision as so contained.
 - (2) Subject to any regulations made under section 2 of this Act, any reference in any enactment or subordinate legislation, or in any deed or other instrument or document, to any provision which by virtue of this Schedule has effect as if it were contained in regulations so made shall have effect, so far as necessary for the purposes of or in connection with the provisions of this Schedule, as a reference to the corresponding provision having effect as if so contained.
 - (3) Where any period of time specified in any enactment or subordinate legislation having effect under this Schedule as if it were contained in regulations made under section 2 of this Act is current on the appointed day, this Schedule shall have effect in relation to that period as if the appointed day had been before the period began to run.

Interpretation

5 In this Schedule —

“the appointed day” means the day on which section 2 of this Act comes into force;

“commencement or transitional provision” includes so much of any provision as provides for, or is to be construed as providing for, any enactment or subordinate legislation to come into force only with effect from a particular time or only in relation to particular cases, circumstances or persons; and

“the existing enactments” means the following enactments as they have effect immediately before the appointed day, namely—

- (a) the enactments contained in Part I of the Parliamentary and other Pensions Act 1972 (including Schedules 1 and 2), other than sections 1(1) to (4) and (7), 5, 23 and 24(4);
- (b) sections 30, 33 and 35 of the said Act of 1972; and
- (c) without prejudice to section 20(2) of the Interpretation Act 1978 (references to enactments) in its application in relation to paragraphs (a) and (b) above, sections 2 to 5, 6(2), 7, 11, 12(8) and 18(2) and (3) of the Parliamentary Pensions Act 1978 and sections 3(4) to (6), 4(3) to (6), 5(1) and (2) and 6 of the Parliamentary Pensions etc. Act 1984.