

SCHEDULES

SCHEDULE 26

Section 100(1).

TRANSITIONAL PROVISIONS

Supersession of National Insurance Acts, but with continuity

- 1 Subject to the following provisions of this Schedule, on and after the appointed day no person shall be insured under the former principal Act or entitled to benefit under that Act.
- 2 (1) Regulations may provide that, in relation to—
- (a) persons who cease by virtue of paragraph 1 above to be insured under the former principal Act,
 - (b) persons to or in respect of whom benefit under that Act was, or but for a disqualification or forfeiture would have been, payable immediately before the appointed day ; and
 - (c) persons who had a prospective right to, or expectation of, any benefit under that Act immediately before the appointed day,
- the provisions of this Act (other than this Schedule) shall have effect subject to such modifications as may be prescribed with a view to securing continuity between this Act and the former principal Act.
- (2) Without prejudice to the generality of the powers conferred by sub-paragraph (1) above, regulations under that sub-paragraph may in particular provide for the taking into account, for such purposes and in such manner and subject to such conditions as may be prescribed, of contributions paid or credited or deemed to be, or treated as, paid or credited, under the former principal Act or the National Insurance Act 1946, or any enactment repealed by the last-mentioned Act.
- (3) Regulations may provide that this Act (except this sub-paragraph) shall have effect subject to prescribed modifications in relation to persons who attained the age of 19 before the day appointed for the coming into force of section 2 and who, immediately before that day, were not insured under the former principal Act.
- 3 (1) Regulations may make such provision as the Secretary of State thinks appropriate for enabling unpaid contributions under the former legislation to be recovered and disposed of under paragraphs 9 to 14 of Schedule 23 to this Act (applying those paragraphs by analogy and with the necessary modifications) in the case of a person being convicted of such an offence as is mentioned in paragraph 7 or 8(a) of that Schedule committed in the period of two years beginning with the day appointed for the coming into force of section 2 of this Act.
- (2) For this purpose—
- (a) " the former legislation " means the former principal Act, section 1 of the National Health Service Contributions Act 1965, section 2(1)(a) of the Industrial Injuries Act and section 27 of the Redundancy Payments Act 1965 ; and

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- (b) " contributions " includes payments in lieu of contributions for the purposes of Part III of the former principal Act.

Continuance in force of existing provisions

- 4 Notwithstanding any repeal effected by this Act, provision may be made by regulations for continuing in force, with or without prescribed modifications, such provisions of the former principal Act or any other enactment specified in the third column of Schedule 28 to this Act as the Secretary of State considers appropriate for the purpose of preserving rights to benefit under that Act or those enactments in those cases (if any) in which in his opinion adequate alternative rights to benefit under this Act are not conferred in pursuance of paragraph 2 above, or for temporarily retaining the effect of those provisions for transitional purposes.
- 5 In the foregoing provisions of this Schedule, any reference to benefit under the former principal Act includes a reference to such other benefit, pension or allowance as is mentioned in paragraph 17(2)(b) of Schedule 11 to that Act (which relates to pre-1948 beneficiaries).

General

- 6 (1) Without prejudice to the powers conferred by any other provision of this Act, regulations may make such provision as the Secretary of State considers appropriate for facilitating the introduction of the basic scheme and reserve pension scheme established by Parts I and III of this Act respectively and of the provisions of Part II of this Act relating to the recognition of employments, for modifying the system of insurance contained in the former principal Act (so far as it continues in force after the passing of this Act), so as to bring it into conformity with those schemes and provisions or for facilitating the winding up of that system of insurance or the disposal of matters connected with that system or with any enactment modified or repealed by this Act.
- (2) Regulations under this paragraph may—
- (a) include provisions modifying any enactment specified in the third column of Schedule 28 to this Act or any instrument in force by virtue of such an enactment, as respects any period during which the enactment continues in force after the passing of this Act;
 - (b) provide for the repeal or modification of any enactment by this Act to have effect subject to prescribed savings ;
 - (c) include provisions for making such modifications of any enactment as the Secretary of State considers appropriate having regard to any modifications which, by virtue of paragraph 4 above are made in provisions of the former principal Act continued in force by virtue of that paragraph.
- 7 Her Majesty may by Order in Council provide—
- (a) that any Order in Council under section 105 of the former principal Act (which relates to reciprocity agreements) shall, for the purposes of that section or of that section and section 50 of this Act, have effect with such modifications as may be specified in the Order under this paragraph and shall have effect as if any reference in those sections to an agreement included a reference to a proposed agreement;
 - (b) that any Order in Council under section 84 of the Industrial Injuries Act and any regulations having effect by virtue of section 22(2) of the Family

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Allowances Act (which also relate to reciprocity agreements) shall have effect with such modifications as may be so specified.

- 8 Any instrument (except any regulations, Order in Council and any other order) and any appointment which is in force immediately before the appointed day and was made or has effect as if made under an enactment repealed by this Act shall, in so far as a corresponding instrument or appointment is capable of being made under any provision of this Act, be deemed to be so made except to the extent that regulations otherwise provide, and any reference in any document to an enactment repealed and re-enacted by this Act with or without modifications shall, in so far as the context permits, be construed as a reference to this Act or the corresponding enactment therein.