



Social Security (Consequential Provisions) Act 1975

1975 CHAPTER 18

1 Repeals; amendments of statute book

- (1) In consequence of, and in connection with, the following consolidation Acts, namely—
 - the Social Security Act 1975,
 - the Industrial Injuries and Diseases (Old Cases) Act 1975,
 - the Social Security (Northern Ireland) Act 1975, and
 - the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975,(which Acts are together referred to in this Act as "the consolidations ") the following provisions of this section shall have effect.
- (2) The enactments specified in Schedule 1 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified.
- (4) Where this Act amends an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly, or an Order made under, or having the same effect as, an enactment of that Parliament or that Assembly, the enactment or Order as amended shall be subject to the Interpretation Act (Northern Ireland) 1954 in the same way as an enactment of that Parliament or that Assembly is so subject.

2 Transitional provisions and savings

- (1) The provisions of Part I of Schedule 3 to this Act (which essentially reproduce those of Schedule 26 to the Social Security Act 1973) shall have effect with respect to the transition from the operation of the National Insurance Acts 1965 to 1974 and the corresponding Northern Ireland legislation, and the other enactments repealed by the 1973 Act, to the operation of—
 - (a) Parts II and III of the 1973 Act; and

- (b) so much of the new Act as replaces by consolidation provisions of the 1973 Act and the legislation amending it.
- (2) In connection with the consolidations, and with the repeals made by this Act, the further transitional provisions and savings contained in Parts II and III of Schedule 3 to this Act shall have effect; but no specific provision in Part III is to be regarded as prejudicing any general provision elsewhere in this Act.
- (3) Where any provision of Schedule 3 to this Act confers power to make an Order in Council or regulations, then—
 - (a) in so far as the power is exercisable in relation to Great Britain, or to the United Kingdom as a whole, sections 166 and 167(3) of the Social Security Act 1975 apply to the power, and to any instrument by means of which the power is exercised, as if the provision were contained in that Act; and
 - (b) in so far as the power is exercisable in relation to Northern Ireland only, sections 155 and 156(4) to (6) of the Social Security (Northern Ireland) Act 1975 apply to the power, and to any instrument by means of which the power is exercised, as if the provision were contained in that Act.
- (4) Section 38 of the Interpretation Act 1889 (effect of repeals)—
 - (a) has effect in relation to any enactment repealed by this Act and re-enacted in any of the consolidations as if the repeal were made by the consolidation and not by this Act;
 - (b) has the same operation in relation to any repeal by this Act of an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly (or of any provision of an Order made under, or having the same effect as, such an enactment) as it has in relation to the repeal of an Act of the Parliament of the United Kingdom (references in section 38 of the 1889 Act to Acts and enactments being construed accordingly);

but nothing in this subsection or in Schedule 3 to this Act affects the general operation of section 38 of the 1889 Act with regard to the effect of repeals.

3 Entry into force of consolidations and this Act

- (1) Provisions of—
 - the 1973 Act,
 - the National Insurance Act 1974,
 - the National Insurance Measure (Northern Ireland) 1974,
 - the Social Security Amendment Act 1974, and
 - the Social Security Benefits Act 1975,
 which are made (whether by the Act or Measure itself or by an instrument made under an enactment) to come into force on 6th April 1975 do so in that order, except that paragraph 39 of Schedule 4 to the National Insurance Act 1974 and section 8(7) of the Social Security Benefits Act 1975 (both of which make minor amendments of the repeals Schedule to the 1973 Act) come into force before that Act.
- (2) Subject to the following subsections, the consolidations and this Act come into force as soon as all the provisions mentioned in subsection (1) above have done so.
- (3) Nothing in the consolidations or this Act affects so much of any order under section 101 of the 1973 Act (commencement) or regulations under Schedule 26 to that Act (transition from old system of national insurance to new system of social security)

as provides for an enactment repealed by that Act or this Act to continue wholly or partly in force on and after 6th April 1975 or has the effect of it so doing.

- (4) Where any provision of the 1973 Act is re-enacted in the consolidations with amendments made by the Social Security Benefits Act 1975, having come into force subject to any modification contained in an order under Part I of Schedule 5 to the said Act of 1975 (commencement etc.), the provision as re-enacted has effect subject to the same modification.
- (5) To the extent that any provision contained in the consolidations was, immediately before 6th April 1975, not yet in force and dependent for its entry into force—
- (a) on an order under—
- the 1973 Act, section 101 ;
 - the National Insurance Act 1974, Schedule 5, paragraph 1;
 - the National Insurance Measure (Northern Ireland) 1974, Schedule 5, paragraph 1 ;
 - the Social Security Amendment Act 1974, section 6(4); or
 - the Social Security Benefits Act 1975, Schedule 5, paragraph 1 ; or
- (b) on any regulation made under the 1973 Act, Schedule 26,
- (not being an order or regulation of which the effect is to bring that provision into force on 6th April 1975), that provision shall continue so dependent notwithstanding that it is repealed and re-enacted (in the consolidations or this Act) and the order or regulation does not any longer apply to it in terms.

4 Interpretation

- (1) In this Act—
- " enactment " includes an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly and an Order made under, or having the same effect as, such an enactment;
 - " the new Act " means the Social Security Act 1975 or, as this Act applies to Northern Ireland, the Social Security (Northern Ireland) Act 1975 ; and
 - " the Old Cases Act " means the Industrial Injuries and Diseases (Old Cases) Act 1975 or, as this Act applies to Northern Ireland, the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 ; and (except where otherwise stated) expressions defined in the new Act have the same meaning in this Act as in that Act.
- (2) In Schedule 3 to this Act, " the appointed day "—
- (a) for the purposes of any provision of that Schedule which replaces one from Schedule 26 to the 1973 Act, has the same meaning as it there had by virtue of section 101 (2)(b) of that Act;
 - (b) in relation to any provision of the consolidations entering into force on any later day than 6th April 1975, means that later day; and
 - (c) otherwise means 6th April 1975 ; and
- " the 1975 amending Act " means the Social Security Benefits Act 1975.
- (3) References in this Act to any enactment, except so far as the context otherwise requires, are to that enactment as amended or extended by or under any other enactment including an enactment contained in any of the consolidations or in this Act.

5 Extent

- (1) Section 1 of, and Schedules 1 and 2 to, this Act extend to Northern Ireland so far as they operate to repeal or amend an enactment in force in Northern Ireland.
- (2) The remainder of this Act extends to Northern Ireland except where it is otherwise stated, and except so far as by its terms or effect it is capable of extending to Great Britain only or to England and Wales or Scotland only, or replaces provisions of earlier Acts not extending to Northern Ireland.

6 Citation

This Act may be cited as the Social Security (Consequential Provisions) Act 1975.