

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS

PART III

SPECIFIC TRANSITIONAL PROVISIONS AND SAVINGS (INCLUDING SOME RETAINED FROM PREVIOUS ACTS)

Great Britain

- 17 Any right to disablement benefit claimed in respect of a period before 26th August 1953 shall be determined in accordance with sections 11(4) and 12(1) of the National Insurance (Industrial Injuries) Act 1946 (" the Act of 1946 ") as originally enacted, except that the date when the injury benefit period is to be treated as coming to an end shall be determined in accordance with section 56(4) of the new Act unless the claimant made an earlier claim in respect of the same accident before 26th August 1953 which was not withdrawn before its final determination.
- 18 In determining a woman's right to a pension or allowance in respect of a deceased person under sections 67 or 68 or section 71, 72 or 73 of the new Act for any period after 25th February 1962, or her right on her re-marriage after that date to a gratuity under section 67 of that Act, her cohabitation with a man at any time after the deceased's death but before that date shall be disregarded ; but a right to benefit arising by virtue of this paragraph shall not, under Schedule 9 to the new Act, affect the right of any other persons to benefit awarded before that date.
- 19 A claim in respect of a period before 1st March 1966 for an allowance under a scheme made under the Workmen's Compensation (Supplementation) Act 1951 or the Pneumoconiosis and Byssinosis Benefit Act 1951 or for an allowance under the Workmen's Compensation and Benefit (Supplementation) Act 1956 may be made and, when made, shall be determined, and any award thereon in respect of such a period shall be made, as if the Workmen's Compensation and Benefit (Amendment) Act 1965, the Industrial Injuries and Diseases (Old Cases) Act 1967 and the Industrial Injuries and Diseases (Old Cases) Act 1975 had not been passed ; and if on any such claim an allowance is awarded section 9(2) of the said Act of 1975 shall apply as if the claimant had been receiving payment of that allowance immediately before the commencement of that Act, whether or not he was in fact doing so.
- 20 In section 110(4) of the new Act the reference to a final assessment does not include an assessment made for the purpose of section 12(1)(a) or (b) of the Act of 1946 as originally enacted and having the effect that benefit is not payable.
- 21 The Secretary of State shall continue to have power by regulations to make such transitional or consequential provisions as appear to him to be necessary or expedient having regard to the repeal by section 89 of the Act of 1946 of enactments

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

in relation to diseases and to injuries not caused by accident, including provision for modifying or winding up any scheme made under an enactment repealed by that section; and for the avoidance of doubt, the provision which may be made by virtue of this paragraph for modifying such a scheme as is mentioned above includes provision for the union of any fund established under such a scheme with any other fund established for comparable purposes.

- 22 (1) Her Majesty shall continue to have power by Order in Council to make or authorise the making of such provision as appears to Her to be necessary or expedient having regard to the provisions of section 89 of the Act of 1946, for—
- (a) modifying or winding up any contracting-out scheme certified under section 31 of the Workmen's Compensation Act 1925 ;
 - (b) winding up any compensation trust established under the Workmen's Compensation (Coal Mines) Act 1934.
- (2) Provision in relation to deposits made under section 4 of the said Act of 1934 by mutual indemnity associations for any matters consequential on the passing of section 89 of the Act of 1946 may, notwithstanding the repeal of the said Act of 1934, continue to be made by rules under the said section 4,
- 23 The repeal of the Workmen's Compensation Act 1925 shall not affect any rules of court made under the Workmen's Compensation (Transfer of Funds) Act 1927, or the power to make new rules of court thereunder.
- 24 The repeal by this Act of Part II of Schedule 6 to the National Insurance Act 1969 does not affect any past operation of that Part of the Schedule in relation to increases of benefit.
- 25 The repeal by this Act of section 6(2) of the National Insurance Act 1974 (scope of revoking regulations relating to joint arrangements with Northern Ireland) does not affect the validity of anything which was made valid, or whose validity was continued, by regulations made under that subsection ; and—
- (a) the Secretary of State's power by regulations to revoke or vary any provision included by virtue of that subsection or this paragraph in other regulations shall continue, notwithstanding that repeal, and include power to revoke or vary any provision of regulations having effect by virtue of this paragraph ; and
 - (b) subsection (3) of section 6 of the National Insurance Act 1974 (regulation-making powers exercisable by statutory instrument etc.) applies to regulations made by virtue of sub-paragraph (a) above as it does to regulations under subsection (1) of that section.
- 26 The repeal by this Act of section 2(2) of the Social Security Amendment Act 1974 (vires for regulations made under section 40(4) of the 1973 Act) does not affect the validity of any regulations to which that subsection applies.