

*Status: Point in time view as at 22/08/1996.*

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## SCHEDULES

### SCHEDULE 2

Section 44.

#### TRANSITIONAL PROVISIONS, SAVINGS AND TRANSITORY PROVISIONS

#### PART I

##### TRANSITIONAL PROVISIONS AND SAVINGS

- 1 The substitution of this Act for the provisions repealed or revoked by this Act does not affect the continuity of the law.
- 2 Anything done, or having effect as done, (including the making of subordinate legislation) under or for the purposes of any provision repealed or revoked by this Act has effect as if done under or for the purposes of any corresponding provision of this Act.
- 3 Any reference (express or implied) in this Act or any other enactment, or in any instrument or document, to a provision of this Act is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes before the commencement of this Act a reference to the corresponding provision repealed or revoked by this Act.
- 4 (1) Any reference (express or implied) in any enactment, or in any instrument or document, to a provision repealed or revoked by this Act is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes after the commencement of this Act a reference to the corresponding provision of this Act.  
(2) In particular, where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.
- 5 Paragraphs 1 to 4 have effect in place of section 17(2) of the <sup>M1</sup>Interpretation Act 1978 (but are without prejudice to any other provision of that Act).

#### Marginal Citations

M1 1978 c. 30.

- 6 The repeal by this Act of section 130 of, and Schedule 10 to, the <sup>M2</sup>Employment Protection (Consolidation) Act 1978 (jurisdiction of referees under specified provisions to be exercised by industrial tribunals) does not affect—
  - (a) the operation of those provisions in relation to any question which may arise after the commencement of this Act, or

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- (b) the continued operation of those provisions after the commencement of this Act in relation to any question which has arisen before that commencement.

**Marginal Citations**

M2 1978 c. 44.

**PART II**

TRANSITORY PROVISIONS

*Disability discrimination*

- 7 (1) If section 62 of the <sup>M3</sup>Disability Discrimination Act 1995 has not come into force before the commencement of this Act, this Act shall have effect with the omission of section 12 until the relevant commencement date.
- (2) The reference in sub-paragraph (1) to the relevant commencement date is a reference—
- (a) if an order has been made before the commencement of this Act appointing a day after that commencement as the day on which section 62 of the Disability Discrimination Act 1995 is to come into force, to the day so appointed, and
- (b) otherwise, to such day as the Secretary of State may by order appoint.
- (3) If paragraph 1 of Schedule 3 to the Disability Discrimination Act 1995 has not come into force before the commencement of this Act, this Act shall have effect with the omission of section 18(1)(c) until the relevant commencement date.
- (4) The reference in sub-paragraph (3) to the relevant commencement date is a reference—
- (a) if an order has been made before the commencement of this Act appointing a day after that commencement as the day on which paragraph 1 of Schedule 3 to the Disability Discrimination Act 1995 is to come into force, to the day so appointed, and
- (b) otherwise, to such day as the Secretary of State may by order appoint.
- (5) If paragraph 2 of Schedule 6 to the Disability Discrimination Act 1995 has not come into force before the commencement of this Act, this Act shall have effect with the omission of section 21(1)(e) until the relevant commencement date.
- (6) The reference in sub-paragraph (5) to the relevant commencement date is a reference—
- (a) if an order has been made before the commencement of this Act appointing a day after that commencement as the day on which paragraph 2 of Schedule 6 to the Disability Discrimination Act 1995 is to come into force, to the day so appointed, and
- (b) otherwise, to such day as the Secretary of State may by order appoint.
- (7) If section 63 of the Disability Discrimination Act 1995 has not come into force before the commencement of this Act, this Act shall have effect with the omission of section 32 until the relevant commencement date.

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- (8) The reference in sub-paragraph (7) to the relevant commencement date is a reference—
- (a) if an order has been made before the commencement of this Act appointing a day after that commencement as the day on which section 63 of the Disability Discrimination Act 1995 is to come into force, to the day so appointed, and
  - (b) otherwise, to such day as the Secretary of State may by order appoint.

**Subordinate Legislation Made**

**P1** Sch. 2 Pt. II para. 7(1)(2)(7)(8) power partly exercised (17.12.1996): 18.12.1996 appointed as day from which Act has effect with the inclusion of specified provisions

**Marginal Citations**

**M3** 1995 c. 50.

*Jobseeker's allowance*

- 8 (1) If paragraph 2 of Schedule 2 to the <sup>M4</sup> Jobseekers Act 1995 has not come into force before the commencement of this Act, this Act shall have effect until the relevant commencement date as if a reference to unemployment benefit were substituted for—
- (a) each of the references to jobseeker's allowance in subsections (3) and (4) of section 16,
  - (b) the second reference to jobseeker's allowance in subsection (5) of that section,
  - (c) the first reference to jobseeker's allowance in subsection (1) of section 17, and
  - (d) the reference to jobseeker's allowance in subsection (2) of that section.
- (2) The reference in sub-paragraph (1) to the relevant commencement date is a reference—
- (a) if an order has been made before the commencement of this Act appointing a day after that commencement as the day on which paragraph 2 of Schedule 2 to the <sup>M5</sup> Jobseekers Act 1995 is to come into force, to the day so appointed, and
  - (b) otherwise, to such day as the Secretary of State may by order appoint.

**Marginal Citations**

**M4** 1995 c. 18.

**M5** 1995 c. 18.

*Armed forces*

- 9 (1) If section 31 of the <sup>M6</sup> Trade Union Reform and Employment Rights Act 1993 has not come into force before the commencement of this Act, section 38 shall have effect until the relevant commencement date as if for subsection (4) there were substituted—

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“(4) Subsection (1)—

- (a) does not apply to service as a member of the naval, military or air forces of the Crown, but
- (b) does apply to employment by an association established for the purposes of Part XI of the <sup>M7</sup>Reserve Forces Act 1996.”

(2) The reference in sub-paragraph (1) to the relevant commencement date is a reference—

- (a) if an order has been made before the commencement of this Act appointing a day after that commencement as the day on which section 31 of the Trade Union Reform and Employment Rights Act 1993 is to come into force, to the day so appointed, and
- (b) otherwise, to such day as the Secretary of State may by order appoint.

**Marginal Citations**

**M6** 1993 c. 19.

**M7** 1996 c. 14.

10 (1) If Part XI of the Reserve Forces Act 1996 has not come into force before the commencement of this Act, section 38 of this Act shall have effect until the relevant commencement date as if for “Part XI of the Reserve Forces Act 1996” there were substituted “ Part VI of the <sup>M8</sup>Reserve Forces Act 1980 ”.

(2) The reference in sub-paragraph (1) to the relevant commencement date is a reference—

- (a) if an order has been made before the commencement of this Act appointing a day after that commencement as the day on which Part XI of the Reserve Forces Act 1996 is to come into force, to the day so appointed, and
- (b) otherwise, to such day as the Secretary of State may by order appoint.

**Marginal Citations**

**M8** 1980 c. 9.

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