

SCHEDULES

SCHEDULE 3

Section 9

AMENDMENT OF CERTAIN RETAINED EU LAW

PART 1

CHANGE OF PARLIAMENTARY PROCEDURE

Environmental Protection Act 1990 (c. 43)

- 1 In section 160A(2) of the Environmental Protection Act 1990 (regulations and orders subject to affirmative procedure), in the Table—
- (a) in the second column of the entry for section 34CA, in paragraph (e) omit “or retained direct principal EU legislation”;
 - (b) in the second column of the entry for section 141, in paragraph (f) omit “or retained direct principal EU legislation”.

Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778 (N.I. 19))

- 2 In Article 82(1B) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (regulations subject to affirmative procedure)—
- (a) insert “or” at the end of sub-paragraph (d);
 - (b) omit sub-paragraph (f) and the “or” before it.

European Union (Withdrawal) Act 2018 (c. 16)

- 3 (1) Schedule 7 to the European Union (Withdrawal) Act 2018 (regulations) is amended as follows.
- (2) In the following provisions omit paragraph (b) and the “or” before it—
- (a) paragraph 8B(1), (3), (5) and (7) (affirmative procedure for certain sole regulations in connection with Part 4 of the EU withdrawal agreement);
 - (b) paragraph 8C(3), (5), (10) and (12) (affirmative procedure for certain joint regulations in connection with Part 4 of the EU withdrawal agreement);
 - (c) paragraph 8D(1), (3), (5) and (7) (affirmative procedure for certain sole regulations in connection with other separation issues in the EU withdrawal agreement etc.);
 - (d) paragraph 8E(3), (5), (10) and (12) (affirmative procedure for certain joint regulations in connection with other separation issues in the EU withdrawal agreement etc.).
- (3) In paragraph 8F(2)(a) (affirmative procedure for powers in connection with the Northern Ireland Protocol) omit “or retained direct principal EU legislation”.

Status: This is the original version (as it was originally enacted).

European Union (Withdrawal Agreement) Act 2020 (c. 1)

- 4 (1) Schedule 4 to the European Union (Withdrawal Agreement) Act 2020 (regulations under that Act) is amended as follows.
- (2) In paragraph 1(1)(b) (affirmative procedure for certain regulations under sections 7, 8 or 9 of the Act of 2020) omit “or retained direct principal EU legislation”.
- (3) In the following provisions omit paragraph (b) and the “or” before it—
- (a) paragraph 2(2) (affirmative procedure for certain regulations under section 11 of the Act of 2020);
 - (b) paragraph 3(1), (3), (5) and (7) (affirmative procedure for certain sole regulations under section 12, 13 or 14 of the Act of 2020);
 - (c) paragraph 4(3), (5), (10) and (12) (affirmative procedure for certain joint regulations under section 12, 13 or 14 of the Act of 2020).

European Union (Future Relationship) Act 2020 (c. 29)

- 5 (1) Schedule 5 to the European Union (Future Relationship) Act 2020 (regulations under that Act) is amended as follows.
- (2) In paragraph 6(2)(a) (affirmative procedure for certain implementation regulations) omit “or retained direct principal EU legislation”.
- (3) In paragraph 12(2) (affirmative procedure for certain regulations relating to the functioning of agreements) omit paragraph (b) and the “or” before it.

Financial Services Act 2021 (c. 22)

- 6 In section 45(4) of the Financial Services Act 2021 (consequential regulations subject to affirmative procedure) omit paragraph (b).

Environment Act 2021 (c. 30)

- 7 In section 142(7) of the Environment Act 2021 (consequential regulations subject to affirmative procedure)—
- (a) at the end of paragraph (c) insert “or”;
 - (b) omit paragraph (e) and the “or” before it.

Public Service Pensions and Judicial Offices Act 2022 (c. 7)

- 8 (1) The Public Service Pensions and Judicial Offices Act 2022 is amended as follows.
- (2) In section 108(6) (power to make consequential provision) omit paragraph (b).
- (3) In section 128(7) (consequential etc provision) in the definition of “primary legislation” omit paragraph (b).

Professional Qualifications Act 2022 (c. 20)

- 9 In section 18(1) of the Professional Qualifications Act 2022 (regulations subject to affirmative procedure) omit “or retained direct principal EU legislation”.

Subsidy Control Act 2022 (c. 23)

- 10 In section 86(3) of the Subsidy Control Act 2022 (consequential provision: regulations subject to affirmative procedure) omit “or retained direct principal EU legislation”.

Building Safety Act 2022 (c. 30)

- 11 In Schedule 11 to the Building Safety Act 2022 (construction products regulations), in paragraph 23(3) (regulations requiring affirmative procedure) omit paragraph (d).

Nationality and Borders Act 2022 (c. 36)

- 12 In section 84(5) of the Nationality and Borders Act 2022 (consequential provision: regulations subject to affirmative procedure) omit paragraph (b).

PART 2

CONSEQUENTIAL AMENDMENTS

European Union (Withdrawal) Act 2018

- 13 In section 7 of the European Union (Withdrawal) Act 2018 (status of retained EU law) for subsections (2) to (4) substitute—
- “(4A) Retained direct EU legislation, and anything which is retained EU law by virtue of section 4, may only be modified by—
- (a) primary legislation, or
 - (b) subordinate legislation so far as it is made under a power which permits such a modification by virtue of—
 - (i) paragraph 3, 8(3), 11A, 11B or 12(3) of Schedule 8,
 - (ii) any other provision made by or under this Act,
 - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
 - (iv) any provision made on or after the passing of this Act by or under primary legislation.”

Direct Payments to Farmers (Legislative Continuity) Act 2020

- 14 In section 2(3)(b) of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (interpretation and status) for “10” substitute “11A”.