

Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration (Text with EEA relevance)

CHAPTER I **U.K.**

**GENERAL PROVISIONS**

*Article 1* **U.K.**

**Subject matter**

For the purposes of safeguarding operational security, preventing the propagation or deterioration of an incident to avoid a widespread disturbance and the blackout state as well to allow for the efficient and rapid restoration of the electricity system from the emergency or blackout states, this Regulation establishes a network code which lays down the requirements on:

- (a) the management by TSOs of the emergency, blackout and restoration states;
- (b) the coordination of system operation across the Union in the emergency, blackout and restoration states;
- (c) the simulations and tests to guarantee a reliable, efficient and fast restoration of the interconnected transmission systems to the normal state from the emergency or blackout states;
- (d) the tools and facilities needed to guarantee a reliable, efficient and fast restoration of the interconnected transmission systems to the normal state from the emergency or blackout states.

*Article 2* **U.K.**

**Scope**

1 This Regulation shall apply to TSOs, DSOs, SGUs, defence service providers, restoration service providers, balance responsible parties, balancing service providers, nominated electricity market operators ('NEMO') and other entities designated to execute market functions pursuant to Commission Regulation (EU) 2015/1222<sup>(1)</sup> and to Commission Regulation (EU) 2016/1719<sup>(2)</sup>.

- 2 In particular, this Regulation shall apply to the following SGUs:
- a existing and new power generating modules classified as type C and D in accordance with the criteria set out in Article 5 of Commission Regulation (EU) 2016/631<sup>(3)</sup>;
  - b existing and new power generating modules classified as type B in accordance with the criteria set out in Article 5 of Regulation (EU) 2016/631, where they are identified as SGUs in accordance with Article 11(4) and Article 23(4);
  - c existing and new transmission-connected demand facilities;
  - d existing and new transmission connected closed distribution systems;

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- e providers of redispatching of power generating modules or demand facilities by means of aggregation and providers of active power reserve in accordance with Title 8 of Regulation (EU) 2017/1485; and
- f existing and new high voltage direct current ('HVDC') systems and direct current-connected power park modules in accordance with the criteria set out in Article 4(1) of Commission Regulation (EU) 2016/1447<sup>(4)</sup>.

3 This Regulation shall apply to existing and new type A power generating modules, in accordance with the criteria set out in Article 5 of Regulation (EU) 2016/631, to existing and new type B power generating modules other than those referred to in paragraph 2(b), as well as to existing and new demand facilities, closed distribution systems and third parties providing demand response where they qualify as defence service providers or restoration service providers pursuant to Article 4(4).

4 Type A and type B power generating modules referred to in paragraph 3, demand facilities and closed distribution systems providing demand response may fulfil the requirements of this Regulation either directly or indirectly through a third party, under the terms and conditions set in accordance with Article 4(4).

5 This Regulation shall apply to energy storage units of a SGU, a defence service provider or a restoration service provider, which can be used to balance the system, provided that they are identified as such in the system defence plans, restoration plans or in the relevant service contract.

6 This Regulation shall apply to all transmission systems, distribution systems and interconnections in the Union except transmission systems and distribution systems or parts of the transmission systems and distribution systems of islands of Member States of which the systems are not operated synchronously with Continental Europe, Great Britain, Nordic, Ireland and Northern Ireland or Baltic synchronous area, provided that this non-synchronous operation does not result from a disturbance.

7 In Member States where more than one transmission system operator exists, this Regulation shall apply to all transmission system operators within that Member State. Where a transmission system operator does not have a function relevant to one or more obligations under this Regulation, Member States may provide that the responsibility for complying with those obligations is assigned to one or more different, specific transmission system operators.

8 The TSOs of Lithuania, Latvia and Estonia are, as long as and to the extent that they are operating in a synchronous mode in a synchronous area where not all countries are bound by Union legislation, exempted from the application of Articles 15, 29 and 33, unless otherwise provided for in a cooperation agreement with third country TSOs constituting the basis for their cooperation concerning secure system operation in accordance with Article 10.

### Article 3 **U.K.**

#### Definitions

For the purposes of this Regulation, the definitions provided for in Article 2 of Directive 2009/72/EC of the European Parliament and of the Council<sup>(5)</sup>, Article 2 of Regulation (EC) No 714/2009, Article 2 of Commission Regulation (EU) No 543/2013<sup>(6)</sup>, Article 2 of Regulation (EU) 2015/1222, Article 2 of Regulation (EU) 2016/631, Article 2 of Commission Regulation (EU) 2016/1388<sup>(7)</sup>, Article 2 of Regulation (EU) 2016/1447 Article 2 of Regulation (EU) 2016/1719, and Article 2 of Regulation (EU) 2017/1485 shall apply.

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In addition, the following definitions shall apply:

- (1) ‘defence service provider’ means a legal entity with a legal or contractual obligation to provide a service contributing to one or several measures of the system defence plan;
- (2) ‘restoration service provider’ means a legal entity with a legal or contractual obligation to provide a service contributing to one or several measures of the restoration plan;
- (3) ‘high priority significant grid user’ means the significant grid user for which special conditions apply for disconnection and re-energisation;
- (4) ‘netted demand’ means the netted value of active power seen from a given point of the system, computed as (load — generation), generally expressed in kilowatts (kW) or megawatts (MW), at a given instant or averaged over any designated interval of time;
- (5) ‘restoration plan’ means all technical and organisational measures necessary for the restoration of the system back to normal state;
- (6) ‘re-energisation’ means reconnecting generation and load to energise the parts of the system that have been disconnected;
- (7) ‘top-down re-energisation strategy’ means a strategy that requires the assistance of other TSOs to re-energise parts of the system of a TSO;
- (8) ‘bottom-up re-energisation strategy’ means a strategy where part of the system of a TSO can be re-energised without the assistance from other TSOs;
- (9) ‘resynchronisation’ means synchronising and connecting again two synchronised regions at the resynchronisation point;
- (10) ‘frequency leader’ means the TSO appointed and responsible for managing the system frequency within a synchronised region or a synchronous area in order to restore system frequency back to the nominal frequency;
- (11) ‘synchronised region’ means the fraction of a synchronous area covered by interconnected TSOs with a common system frequency and which is not synchronised with the rest of the synchronous area;
- (12) ‘resynchronisation leader’ means the TSO appointed and responsible for the resynchronisation of two synchronised regions;
- (13) ‘resynchronisation point’ means the device used to connect two synchronised regions, usually a circuit breaker.

#### Article 4 **U.K.**

### **Regulatory aspects**

1 When applying this Regulation, Member States, regulatory authorities, competent entities and system operators shall:

- a apply the principles of proportionality and non-discrimination;
- b ensure transparency;
- c apply the principle of optimisation between the highest overall efficiency and lowest total costs for all parties involved;
- d ensure that TSOs make use of market-based mechanisms as far as is possible to ensure network security and stability;

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- e respect technical, legal, personal safety and security constraints;
- f respect the responsibility assigned to the relevant TSO in order to ensure system security, including as required by national legislation;
- g consult with relevant DSOs and take account of potential impacts on their system; and
- h take into consideration agreed European standards and technical specifications.

2 Each TSO shall submit the following proposals to the relevant regulatory authority in accordance with Article 37 of Directive 2009/72/EC for approval:

- a the terms and conditions to act as defence service providers on a contractual basis in accordance with paragraph 4;
- b the terms and conditions to act as restoration service providers on a contractual basis in accordance with paragraph 4;
- c the list of SGUs responsible for implementing on their installations the measures that result from mandatory requirements set out in Regulations (EU) 2016/631, (EU) 2016/1388 and (EU) 2016/1447 and/or from national legislation and the list of the measures to be implemented by these SGUs, identified by the TSOs under Art. 11(4)(c) and 23(4)(c);
- d the list of high priority significant grid users referred to in Articles 11(4)(d) and 23(4)(d) or the principles applied to define those and the terms and conditions for disconnecting and re-energising the high priority grid users, unless defined by the national legislation of Member States.
- e the rules for suspension and restoration of market activities in accordance with Article 36(1);
- f specific rules for imbalance settlement and settlement of balancing energy in case of suspension of market activities, in accordance with Article 39(1);
- g the test plan in accordance with Article 43(2).

3 Where a Member State has so provided, the proposals referred to in points (a) to (d) and (g) of paragraph 2 may be submitted for approval to an entity other than the regulatory authority. Regulatory authorities and entities designated by the Member States pursuant to this paragraph shall decide on the proposals referred to in paragraph 2 within six months from the date of submission by the TSO.

4 The terms and conditions to act as defence service provider and as restoration service provider shall be established either in the national legal framework or on a contractual basis. If established on a contractual basis, each TSO shall develop by 18 December 2018 a proposal for the relevant terms and conditions, which shall define at least:

- a the characteristics of the service to be provided;
- b the possibility of and conditions for aggregation; and
- c for restoration service providers, the target geographical distribution of power sources with black start and island operation capabilities.

5 By 18 December 2018, each TSO shall notify the regulatory authority or the entity designated by the Member State the system defence plan designed pursuant to Article 11 and the restoration plan designed pursuant to Article 23, or at least the following elements of those plans:

- a the objectives of the system defence plan and the restoration plan, including the phenomena to be managed or the situations to be solved;
- b the conditions triggering the activation of the measures of the system defence plan and the restoration plan;

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- c the rationale of each measure, explaining how it contributes to the objectives of the system defence plan and the restoration plan, and the party responsible for implementing those measures; and
- d the deadlines set out pursuant to Articles 11 and 23 for the implementation of the measures.

6 Where a TSO is required or permitted under this Regulation to specify, establish or agree on requirements, terms and conditions or methodologies that are not subject to approval in accordance with paragraph 2, Member States may require prior approval by the regulatory authority, the entity designated by the Member State or other competent authorities of the Member States of these requirements, terms and conditions or methodologies.

7 If a TSO deems an amendment to the documents, approved in accordance with paragraph 3, to be necessary, the requirements provided for in paragraphs 2 to 5 shall apply to the proposed amendment. TSOs proposing an amendment shall take into account the legitimate expectations, where necessary, of power generating facility owners, demand facility owners and other stakeholders based on the initially specified or agreed requirements or methodologies.

8 Any party can complain against a relevant system operator or TSO in relation to that relevant system operator's or TSO's obligations or decisions under this Regulation and may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint. That period may be extended by a further two months where additional information is sought by the regulatory authority. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall be binding unless and until overruled on appeal.

## Article 5 **U.K.**

### Consultation and coordination

1 Where this Regulation provides that a TSO shall consult concerned parties for actions it defines before real-time or in real-time, the following procedure shall apply:

- a the TSO shall liaise with at least the parties identified in the Articles of this Regulation requiring consultation;
- b the TSO shall explain the rationale and objective of the consultation and of the decision that it has to take;
- c the TSO shall collect from the parties referred to in point (a) any relevant information and their assessment;
- d the TSO shall duly take into account the views, situations and constraints of the parties consulted;
- e before taking a decision, the TSO shall provide an explanation to the parties consulted of the reasons for following or not their views.

2 Where this Regulation provides that a TSO shall coordinate the execution of a set of actions in real-time with several parties, the following procedure shall apply:

- a the TSO shall liaise at least with the parties identified in the Articles of this Regulation requiring real time coordination;
- b the TSO shall explain the rationale and objective of the coordination and of the actions to be taken;
- c the TSO shall make an initial proposal on actions to be taken by each party;
- d the TSO shall collect from the parties referred to in point (a) any relevant information and their assessment;

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- e the TSO shall make a final proposal on actions to be taken by each party, duly taking into account the views, situations and constraints of the concerned parties and setting a deadline for parties to express their opposition to the actions proposed by the TSO;
  - f where the concerned parties do not oppose executing the actions proposed by the TSO, each party, including the TSO, shall execute the actions in line with the proposal;
  - g where one or more of the parties refuse the action proposed by the TSO within the set deadline, the TSO shall refer the action proposed to the relevant authority for decision, together with a justification of the rationale and objectives of the action proposed by the TSO and of the assessment and position of the parties;
  - h if real-time referral to the relevant authority is not possible, the TSO shall initiate an equivalent action that has the least or no impact on the parties that refused to execute the action proposed.
- 3 A party may refuse to execute real time actions proposed by the TSO under the coordination procedure described in paragraph 2 if it justifies that the proposed action would lead to the violation of one or more technical, legal, personal safety or security constraint(s).

#### Article 6 **U.K.**

### **Regional coordination**

- 1 When designing its system defence plan pursuant to Article 11 and its restoration plan pursuant to Article 23 or when reviewing its system defence plan pursuant to Article 50 and its restoration plan pursuant to Article 51, each TSO shall ensure the consistency with the corresponding measures in the plans of TSOs within its synchronous area and in the plans of neighbouring TSOs belonging to another synchronous area of at least the following measures:
- a inter-TSO assistance and coordination in emergency state, pursuant to Article 14;
  - b frequency management procedures, pursuant to Article 18 and Article 28, excluding the establishment of target frequency in case of bottom-up re-energisation strategy before any resynchronisation to the interconnected transmission system;
  - c assistance for active power procedure, pursuant to Article 21;
  - d top-down re-energisation strategy, pursuant to Article 27.
- 2 The consistency assessment of the system defence plan and the restoration plan in accordance with paragraph 1 shall include the following tasks:
- a exchange of information and data related to the measures referred to in paragraph 1 among the TSOs concerned;
  - b identification of incompatibilities of measures referred to in paragraph 1, in the plans of the involved TSOs;
  - c identification of potential threats to operational security in the capacity calculation region. These threats include, inter alia, regional common mode failures with significant impact on the transmission systems of the involved TSOs;
  - d assessment of the effectiveness of measures referred to in paragraph 1 specified in the system defence plans and the restoration plans of the involved TSOs, to manage the potential threats referred to in point (c);
  - e consultation with RSCs to assess the consistency of measures referred to in paragraph 1 within the entire concerned synchronous area;
  - f identification of mitigation actions in case of incompatibilities in the system defence plans and the restoration plans of the involved TSOs or in case that measures are missing in the system defence plans and the restoration plans of the involved TSOs.

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3 By 18 December 2018, each TSO shall transmit the measures referred to in paragraph 1 to the relevant RSC(s) set up pursuant to Article 77 of Regulation (EU) 2017/1485. Within 3 months from the submission of the measures, the RSC(s) shall produce a technical report on the consistency of the measures based on the criteria set out in paragraph 2. Each TSO shall ensure the availability of its own skilled experts to assist the RSC(s) in preparing this report.

4 The RSC(s) shall transmit without delay the technical report referred to in paragraph 3 to all the TSOs involved, which shall in turn transmit it to the relevant regulatory authorities, as well as to ENTSO for Electricity, for the purposes of Article 52.

5 All TSOs of each capacity calculation region shall agree on a threshold above which the impact of actions of one or more TSOs in the emergency, blackout or restoration states is considered significant for other TSOs within the capacity calculation region.

#### Article 7 **U.K.**

### Public consultation

1 The relevant TSOs shall consult stakeholders, including the competent authorities of each Member State, on proposals subject to approval in accordance with points (a), (b), (e), (f) and (g) of Article 4(2). The consultation shall last for a period of not less than one month.

2 The relevant TSOs shall duly take into account the views of the stakeholders resulting from the consultations prior to the submission of the draft proposal. In all cases, a sound justification for including or not including the views of the stakeholders shall be provided and published in a timely manner before, or simultaneously with, the publication of the proposal.

#### Article 8 **U.K.**

### Recovery of costs

1 The costs borne by system operators subject to network tariff regulation and stemming from the obligations laid down in this Regulation shall be assessed by the relevant regulatory authorities in accordance with Article 37 of Directive 2009/72/EC. Costs assessed as reasonable, efficient and proportionate shall be recovered through network tariffs or other appropriate mechanisms.

2 If requested by the relevant regulatory authorities, system operators referred to in paragraph 1 shall, within three months of the request, provide the information necessary to facilitate assessment of the costs incurred.

#### Article 9 **U.K.**

### Confidentiality obligations

1 Any confidential information received, exchanged or transmitted pursuant to this Regulation shall be subject to the conditions of professional secrecy laid down in paragraphs 2, 3 and 4.

2 The obligation of professional secrecy shall apply to any persons subject to the provisions of this Regulation.

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3 Confidential information received by the persons referred to in paragraph 2 in the course of their duties may not be divulged to any other person or authority, without prejudice to cases covered by national legislation, the other provisions of this Regulation or other relevant Union legislation.

4 Without prejudice to cases covered by national or Union legislation, regulatory authorities, bodies or persons who receive confidential information pursuant to this Regulation may use it only for the purpose of carrying out their duties under this Regulation.

*Article 10* **U.K.**

**Agreement with TSOs not bound by this Regulation**

Where a synchronous area encompasses both Union and third country TSOs, by 18 June 2019, all Union TSOs in that synchronous area shall endeavour to conclude with the third country TSOs not bound by this Regulation an agreement setting the basis for their cooperation concerning secure system operation and setting out arrangements for the compliance of the third country TSOs with the obligations set in this Regulation.



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- (1) Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management ([OJ L 197, 25.7.2015, p. 24](#)).
- (2) Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation ([OJ L 259, 27.9.2016, p. 42](#)).
- (3) Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators ([OJ L 112, 27.4.2016, p. 1](#)).
- (4) Commission Regulation (EU) 2016/1447 of 26 August 2016 establishing a network code on requirements for grid connection of high voltage direct current systems and direct current-connected power park modules ([OJ L 241, 8.9.2016, p. 1](#)).
- (5) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC ([OJ L 211, 14.8.2009, p. 55](#)).
- (6) Commission Regulation (EU) No 543/2013 of 14 June 2013 on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 of the European Parliament and of the Council ([OJ L 163, 15.6.2013, p. 1](#)).
- (7) Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a network code on demand connection ([OJ L 223, 18.8.2016, p. 10](#)).

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by [S.I. 2019/533 Sch. 2 para. 31](#)
- Art. 1(b) words omitted by [S.I. 2019/533 Sch. 2 para. 2](#)
- Art. 2(7A) inserted by [S.I. 2019/533 Sch. 2 para. 3\(5\)](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 3(5) omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 6(4)(a))
- Art. 3(1) inserted by [S.I. 2019/533 Sch. 2 para. 4\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 4(2) omitted (16.9.2020) by virtue of S.I. 2020/1006, reg. 3(3)(a))
- Art. 3(1) words substituted in earlier amending provision S.I. 2019/533, Sch. 2 para. 4(2) by [S.I. 2020/1016 reg. 6\(4\)\(b\)\(i\)](#)
- Art. 3(2) first existing paragraph renumbered as Art. 3(2) by [S.I. 2019/533 Sch. 2 para. 4\(3\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 2 para. 4(3) substituted (16.9.2020) by S.I. 2020/1006, reg. 3(3)(b))
- Art. 3(2) words inserted by [S.I. 2019/533 Sch. 2 para. 4\(3\)\(a\)](#)
- Art. 3(2) words omitted by [S.I. 2019/533 Sch. 2 para. 4\(3\)\(b\)](#)
- Art. 3(2) words omitted by [S.I. 2019/533 Sch. 2 para. 4\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 4(3)(c) substituted (16.9.2020) by S.I. 2020/1006, reg. 3(3)(c))
- Art. 3(2) words omitted by virtue of S.I. 2019/533, Sch. 2 para. 4(3)(c) (as substituted) by [S.I. 2020/1006 reg. 3\(3\)\(c\)](#)
- Art. 3(2) words omitted by virtue of S.I. 2019/533, Sch. 2 para. 4(3)(d) (as substituted) by [S.I. 2020/1006 reg. 3\(3\)\(c\)](#)
- Art. 3(2) words substituted by S.I. 2019/533, Sch. 2 para. 4(3)(ba) (as inserted) by [S.I. 2020/1016 reg. 6\(4\)\(b\)\(ii\)](#)
- Art. 3(3) second existing paragraph renumbered as Art. 3(3) by [S.I. 2019/533 Sch. 2 para. 4\(4\)](#) (This amendment not applied to legislation.gov.uk. Amending words in Sch. 2 para. 4(4) substituted (16.9.2020) by S.I. 2020/1006, reg. 3(3)(d)(i))
- Art. 3(4)(5) inserted by [S.I. 2019/533 Sch. 2 para. 4\(5\)](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 4(2) omitted (16.9.2020) by virtue of S.I. 2020/1006, reg. 3(3)(e))
- Art. 3.3(14)(15) inserted by [S.I. 2019/533 Sch. 2 para. 4\(4\)](#)
- Art. 3.3(14) omitted in earlier amending provision S.I. 2019/533, Sch. 2 para. 4(4) by [S.I. 2020/1006 reg. 3\(3\)\(d\)\(ii\)](#)
- Art. 4(1)(h) word omitted by [S.I. 2019/533 Sch. 2 para. 5\(2\)\(b\)](#)
- Art. 4(2)(d) words omitted by [S.I. 2019/533 Sch. 2 para. 5\(3\)\(b\)](#)
- Art. 35(2)(a) omitted by [S.I. 2019/533 Sch. 2 para. 20\(2\)\(a\)](#)
- Art. 35(2)(e) words omitted by [S.I. 2019/533 Sch. 2 para. 20\(2\)\(b\)](#)
- Art. 35(5)(a) omitted by [S.I. 2019/533 Sch. 2 para. 20\(3\)\(a\)](#)
- Art. 35(5)(c) omitted by [S.I. 2019/533 Sch. 2 para. 20\(3\)\(a\)](#)
- Art. 35(5)(e) omitted by [S.I. 2019/533 Sch. 2 para. 20\(3\)\(b\)](#)
- Art. 36(3)(a) omitted by [S.I. 2019/533 Sch. 2 para. 21\(3\)\(a\)](#)
- Art. 36(3)(e) words omitted by [S.I. 2019/533 Sch. 2 para. 21\(3\)\(b\)](#)
- Art. 36(4)(c)(ii) omitted by [S.I. 2019/533 Sch. 2 para. 21\(4\)\(a\)](#)
- Art. 36(4)(d)(iii) omitted by [S.I. 2019/533 Sch. 2 para. 21\(4\)\(b\)](#)
- Art. 36(4)(e)(i) omitted by [S.I. 2019/533 Sch. 2 para. 21\(4\)\(c\)\(i\)](#)
- Art. 36(4)(v) words omitted by [S.I. 2019/533 Sch. 2 para. 21\(4\)\(c\)\(ii\)](#)
- Art. 38(2)(e) words substituted by [S.I. 2019/533 Sch. 2 para. 23\(2\)](#)
- Art. 38(3)(c) omitted by [S.I. 2019/533 Sch. 2 para. 23\(3\)](#)
- Art. 38(3)(g) omitted by [S.I. 2019/533 Sch. 2 para. 23\(3\)](#)

- Art. 38(3)(h) omitted by S.I. 2019/533 Sch. 2 para. 23(3)
- Art. 40(2)(a) omitted by S.I. 2019/533 Sch. 2 para. 25(2)
- Art. 40(4)(a) omitted by S.I. 2019/533 Sch. 2 para. 25(3)(a)
- Art. 40(4)(b) substituted by S.I. 2019/533 Sch. 2 para. 25(3)(b)
- Art. 51(1)(d) omitted by S.I. 2019/533 Sch. 2 para. 27