

SCHEDULE 2

Regulation 7(2)

Amendments to other legislation

PART 1

Amendments to primary legislation

Banking Act 2009

- 1.—(1) The Banking Act 2009(1) is amended as follows.
- (2) In section 3(1)(2), for the definition of “extraordinary public financial support” substitute—
““extraordinary public financial support” means financial assistance that is provided by the Treasury or the Bank of England in order to preserve or restore the viability, liquidity or solvency of a bank, a banking group company or a group which includes a bank, other than—
 - (a) ordinary market assistance offered by the Bank of England on its usual terms, or
 - (b) a liquidity facility which is provided—
 - (i) to a bank that is facing temporary liquidity problems but is solvent, and
 - (ii) by the Bank of England on its own initiative and on its own terms,and for the purposes of this definition “group” (other than in “banking group company”) has the meaning given in subsection (2)(b);”.
- (3) Omit section 145A(3).
- (4) Omit section 256A(4) (and the italic heading before it).

Financial Services Act 2012

2. Omit section 103 of the Financial Services Act 2012(5).

Financial Services (Banking Reform) Act 2013

3. Omit paragraph 11 of Schedule 2 to the Financial Services (Banking Reform) Act 2013(6).

PART 2

Amendments to subordinate legislation

Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003

- 4.—(1) The Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003(7) is amended as follows.
- (2) In the Schedule, for the definition of “aid” in paragraph 1, substitute—

-
- (1) 2009 c. 1.
 - (2) Section 3 was amended by [S.I. 2014/3329](#), [S.I. 2016/1239](#), [S.I. 2018/1394](#) and [S.I. 2019/1212](#).
 - (3) Section 145A was inserted by section 103 of the Financial Services Act 2012 (c. 21) and amended by [S.I. 2014/3329](#).
 - (4) Section 256A was inserted by paragraph 11 of Schedule 2 to the Financial Services (Banking Reform) Act 2013 (c. 33) and amended by [S.I. 2014/3329](#).
 - (5) [2012 \(c. 21\)](#).
 - (6) [2013 \(c. 33\)](#).
 - (7) [S.I. 2003/1370](#), amended by [S.I. 2012/1809](#); there are other amending instruments but none is relevant.

“aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services;”.

Electronic Communications (Networks and Services) (Penalties) (Rules for Calculation of Turnover) Order 2003

5.—(1) The Electronic Communications (Networks and Services) (Penalties) (Rules for Calculation of Turnover) Order 2003(8) is amended as follows.

(2) In the Schedule, in paragraph 4—

- (a) the existing text is renumbered as sub-paragraph (1);
- (b) in sub-paragraph (1), omit “(within the meaning of Article 87 of the EC Treaty)”;
- (c) at the end, insert—

“(2) In this paragraph “aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

Water Mergers (Determination of Turnover) Regulations 2004

6.—(1) The Water Mergers (Determination of Turnover) Regulations 2004(9) are amended as follows.

(2) In the Schedule, for paragraph 1, substitute—

“1. In this Schedule “aid means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005

7.—(1) The Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005(10) are amended as follows.

(2) For regulation 2(2), substitute—

“(2) Paragraph (1) shall not apply in relation to a partially guaranteed scheme where—

- (a) the scheme was in existence immediately prior to IP completion day; and
- (b) the application of paragraph (1) immediately prior to IP completion day would have given rise to State aid that was incompatible with the internal market within the meaning of Article 107 of the Treaty as it had effect in the United Kingdom immediately prior to IP completion day.”.

(8) S.I. 2003/2712.

(9) S.I. 2004/3206, amended by S.I. 2012/1809; there are other amending instruments but none is relevant.

(10) S.I. 2005/277, amended by S.I. 2010/196; there are other amending instruments but none is relevant.

Water Industry (Determination of Turnover for Penalties) Order 2005

8.—(1) The Water Industry (Determination of Turnover for Penalties) Order 2005(**11**) is amended as follows.

(2) In article 2(1), for the definition of “aid” substitute—

““aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

Pension Protection Fund (Entry Rules) Regulations 2005

9.—(1) The Pension Protection Fund (Entry Rules) Regulations 2005(**12**) are amended as follows.

(2) For regulation 2(1A), substitute—

“(1A) Paragraph (1)(d) shall not apply in relation to a scheme where—

- (a) the scheme was in existence immediately prior to IP completion day; and
- (b) the application of paragraph (1)(d) immediately prior to IP completion day would have given rise to State aid that was incompatible with the internal market within the meaning of Article 107 of the Treaty as it had effect in the United Kingdom immediately prior to IP completion day.”.

Mobile Roaming (European Communities) Regulations 2007

10.—(1) The Mobile Roaming (European Communities) Regulations 2007(**13**) are amended as follows.

(2) In regulation 6—

- (a) in paragraph (4), omit “(within the meaning of Article 107 of the Treaty on the Functioning of the European Union)”;
- (b) at the end, insert—

“(5) In this regulation “aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

Community Infrastructure Levy Regulations 2010

11.—(1) The Community Infrastructure Levy Regulations 2010(**14**) are amended as follows.

(2) In regulation 2(1), in the definition of “discretionary charitable relief”, omit “or 45”.

(3) In regulation 41—

- (a) in paragraph (1), omit the definition of “State aid”;
- (b) in paragraph (2), omit “or 45”.

(11) S.I. 2005/477, amended by S.I. 2012/1809; there are other amending instruments but none is relevant.

(12) S.I. 2005/590, amended by S.I. 2010/196; there are other amending instruments but none is relevant.

(13) S.I. 2007/1933, amended by S.I. 2012/1809; there are other amending instruments but none is relevant.

(14) S.I. 2010/948, amended by S.I. 2014/385; there are other amending instruments but none is relevant.

- (4) In regulation 42A—
 - (a) in paragraph (1), omit “Subject to paragraphs (5) and (6),”;
 - (b) omit paragraph (5) and (6).
- (5) In regulation 42B(4), omit “, and subject to regulation 42A(5),”.
- (6) In regulation 42C(3), omit sub-paragraph (b) and the “or” before it.
- (7) In regulation 43(2)—
 - (a) after sub-paragraph (a), insert “or”;
 - (b) omit sub-paragraph (c) and the “or” before it.
- (8) In regulation 44, omit paragraph (5).
- (9) Omit regulation 45.
- (10) In regulation 46—
 - (a) in paragraph (1)(a)(i), omit “or 45 (or both)”;
 - (b) in paragraph (2)(a)(i), omit “or 45 (or both)”.
- (11) In regulation 54A—
 - (a) in paragraph (1), omit “Subject to paragraphs (10) and (11),”;
 - (b) omit paragraphs (10) and (11).
- (12) In regulation 54B(4), omit “, and subject to regulation 54A(10),”.
- (13) In regulation 54D(3), omit sub-paragraph (b) and the “or” before it.
- (14) In regulation 55(3)(c), omit paragraph (iii) and the “and” before it.

Climate Change Agreements (Administration) Regulations 2012

12.—(1) The Climate Change Agreements (Administration) Regulations 2012⁽¹⁵⁾ are amended as follows.

- (2) In regulation 17, omit paragraphs (1) and (2).

Electricity Capacity Regulations 2014

13.—(1) The Electricity Capacity Regulations 2014⁽¹⁶⁾ are amended as follows.

- (2) In regulation 26—
 - (a) omit paragraph (3)(a);
 - (b) omit paragraph (5);
 - (c) in paragraph (7), for “Paragraphs (5)(a) and (6) are” substitute “Paragraph (6) is”.
- (3) In regulation 28—
 - (a) in paragraph (1), for “26(5) or (6)” substitute “26(6)”;
 - (b) in paragraph (4), for “26(5)(a) or (6)” substitute “26(6)”.

Payment of Pension Levies for Past Periods Regulations 2014

14.—(1) The Payment of Pension Levies for Past Periods Regulations 2014⁽¹⁷⁾ are amended as follows.

⁽¹⁵⁾ [S.I. 2012/1976](#), to which there are amendments not relevant to these Regulations.

⁽¹⁶⁾ [S.I. 2014/2043](#), amended by [S.I. 2014/3354](#) and [S.I. 2019/862](#).

⁽¹⁷⁾ [S.I. 2014/2939](#).

(2) In regulation 3(7), after “794/2004”, insert “(as it had effect in the United Kingdom immediately prior to IP completion day)”.

Bank Recovery and Resolution (No. 2) Order 2014

15.—(1) The Bank Recovery and Resolution (No. 2) Order 2014(**18**) is amended as follows.

(2) In article 161(3), omit sub-paragraph (b).

(3) In article 168(3), omit sub-paragraph (b).

Open Internet Access (EU Regulation) Regulations 2016

16.—(1) The Open Internet Access (EU Regulation) Regulations 2016(**19**) are amended as follows.

(2) In regulation 24—

(a) in paragraph (4), omit “(within the meaning of Article 107 of the Treaty on the Functioning of the European Union)”;

(b) at the end, insert—

“(5) In this regulation “aid” means a measure which—

(a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and

(b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

Capital Requirements (Amendment) (EU Exit) Regulations 2018

17.—(1) The Capital Requirements (Amendment) (EU Exit) Regulations 2018(**20**) are amended as follows.

(2) In regulation 86, omit paragraphs (a) and (b).

Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019

18.—(1) The Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019(**21**) are amended as follows.

(2) Omit regulation 68.

(3) Omit regulation 113.

Intra-EU Communications (EU Regulation) Regulations 2019

19.—(1) The Intra-EU Communications (EU Regulation) Regulations 2019(**22**) are amended as follows.

(2) In regulation 9—

(a) in paragraph (4), omit “(within the meaning of Article 107 of the Treaty on the Functioning of the European Union)”;

(18) [S.I. 2014/3348](#), amended by [S.I. 2016/1239](#) and [S.I. 2017/80](#).

(19) [S.I. 2016/607](#).

(20) [S.I. 2018/1401](#).

(21) [S.I. 2019/821](#).

(22) [S.I. 2019/980](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020 No. 1470*

(b) at the end, insert—

“(5) In this regulation “aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.