

Status: Point in time view as at 01/01/2024.

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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”.

Commencement Information

11 Sch. 3 para. 1 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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.

Commencement Information

12 Sch. 3 para. 2 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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);

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- (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”.

Commencement Information

I3 Sch. 3 para. 3 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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).

Commencement Information

I4 Sch. 3 para. 4 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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.

Commencement Information

I5 Sch. 3 para. 5 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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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).

Commencement Information

I6 Sch. 3 para. 6 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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.

Commencement Information

I7 Sch. 3 para. 7 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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).

Commencement Information

I8 Sch. 3 para. 8 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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”.

Commencement Information

I9 Sch. 3 para. 9 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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”.

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Commencement Information

I10 Sch. 3 para. 10 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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).

Commencement Information

I11 Sch. 3 para. 11 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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).

Commencement Information

I12 Sch. 3 para. 12 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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.”

Commencement Information

I13 Sch. 3 para. 13 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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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”.

Commencement Information

- I14** Sch. 3 para. 14 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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