

## SCHEDULE

Regulation 2

### Amendments to, and revocation of, subordinate legislation

## PART 1

### Amendments

#### **Amendment of the Defence and Security Public Contracts Regulations 2011**

- 1.—(1) The Defence and Security Public Contracts Regulations 2011(1) are amended as follows.
- (2) In regulation 6 (application)—
  - (a) in paragraph (1), omit “and specified retained EU law”;
  - (b) in paragraph (3), omit “and specified retained EU law”;
  - (c) omit paragraph (7).
- (3) In regulation 12(4) (technical specifications in the contract documents), in the words following sub-paragraph (b), for “retained EU obligations” substitute “assimilated obligations”.
- (4) In regulation 25 (information as to technical or professional ability), in paragraph (4)(a)(ii) (aa) for “retained EU law” substitute “assimilated law”.
- (5) In regulation 36(1) (conditions for performance of contracts) for “retained EU law” substitute “assimilated law”.
- (6) In regulation 51(1) (duty owed to economic operators)—
  - (a) omit “and” at the end of sub-paragraph (a);
  - (b) omit sub-paragraph (b).

#### **Amendment of the Public Contracts Regulations 2015**

- 2.—(1) The Public Contracts Regulations 2015(2) are amended as follows.
- (2) In regulation 2(1) (definitions) omit the definition of “the Retained Treaties”.
- (3) In regulation 9 (public contracts awarded, and design contests organised, pursuant to international rules), in paragraph (1)(a) omit “, concluded in conformity with the Retained Treaties,”.
- (4) In regulation 11 (service contracts awarded on the basis of an exclusive right), omit from “which is compatible with” to the end.
- (5) In regulation 12 (public contracts between entities in the public sector)—
  - (a) in paragraph (1)(c), omit “, in conformity with the Retained Treaties,”;
  - (b) in the words following paragraph (2)(b), omit “, in conformity with the Retained Treaties,”;
  - (c) in paragraph (4)(c), omit “, in conformity with the Retained Treaties,”.
- (6) In regulation 17 (public contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules), in paragraph (1)(a), omit “, concluded in conformity with the Retained Treaties,”.
- (7) In regulation 42 (technical specifications)—

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(1) [S.I. 2011/1848](#). In regulation 6, paragraphs (1) and (3) were amended, and paragraph (7) was inserted, by [S.I. 2019/697](#). Regulations 12, 25, 36 and 51(1) were amended by [S.I. 2019/697](#).

(2) [S.I. 2015/102](#). The definition of “the Retained Treaties” in regulation 2(1) was inserted, and regulations 9(1)(a), 11, 12, 17(1)(a), 42(9) and (11) were amended, by [S.I. 2020/1319](#). Regulation 89 was amended by [S.I. 2016/275](#) and [2020/1319](#).

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- (a) in paragraph (9), for “retained EU law” substitute “assimilated law”;
  - (b) in paragraph (11), for “retained EU law” substitute “assimilated law”.
- (8) In regulation 89(1) (duty owed to economic operators from the United Kingdom and Gibraltar)

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- (a) omit “and” at the end of sub-paragraph (a);
  - (b) omit sub-paragraph (b).

### **Amendment of the Concession Contracts Regulations 2016**

- 3.—(1) The Concession Contracts Regulations 2016(3) are amended as follows.
- (2) In regulation 2(1) (interpretation)—
    - (a) in the definition of “exclusive right”, omit “which is compatible with the Retained Treaties”;
    - (b) omit the definition of “the Retained Treaties”.
  - (3) In regulation 5 (meaning of “utilities”), in paragraph (4)(b) omit “which is compatible with the Retained Treaties”.
  - (4) In regulation 10(5) (general exclusions: concession contracts awarded pursuant to international rules), in sub-paragraph (a) omit “, concluded in conformity with the Retained Treaties,”.
  - (5) In regulation 17 (concession contracts between entities within the public sector)—
    - (a) in paragraph (1)(c), omit “, in conformity with the Retained Treaties,”;
    - (b) in paragraph (2), omit “, in conformity with the Retained Treaties,”;
    - (c) in paragraph (4)(c), omit “, in conformity with the Retained Treaties,”.
  - (6) In regulation 50(1) (duty owed to economic operators from the United Kingdom and Gibraltar)

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- (a) omit “and” at the end of sub-paragraph (a);
  - (b) omit sub-paragraph (b).

### **Amendment of the Utilities Contracts Regulations 2016**

- 4.—(1) The Utilities Contracts Regulations 2016(4) are amended as follows.
- (2) In regulation 2(1) (definitions) omit the definition of “the Retained Treaties”.
  - (3) In regulation 20 (contracts awarded and design contests organised pursuant to international rules), in paragraph (1)(a), omit “, concluded in accordance with the Retained Treaties,”.
  - (4) In regulation 22 (service contracts awarded on the basis of an exclusive right), omit from “which is compatible with” to the end.
  - (5) In regulation 27 (contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules), in paragraph (1)(a) omit “, concluded in accordance with the Retained Treaties,”.
  - (6) In regulation 28 (contracts between contracting authorities)—
    - (a) in paragraph (1)(c), omit “, in conformity with the Retained Treaties,”;

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(3) [S.I. 2016/273](#). The definition of “the Retained Treaties” in regulation 2(1) was inserted, and the definition of “exclusive right” in regulation 2(1) and regulations 5, 10, 17 and 50 were amended, by [S.I. 2020/1319](#).

(4) [S.I. 2016/274](#). The definition of “the Retained Treaties” in regulation 2(1) was inserted, and regulations 20, 22, 27, 28, 60 and 104 were amended, by [S.I. 2020/1319](#).

- (b) in paragraph (2), omit “in conformity with the Retained Treaties”;
- (c) in paragraph (4)(c), omit “, in conformity with the Retained Treaties,”.
- (7) In regulation 60 (technical specifications)—
  - (a) in paragraph (8), for “retained EU law” substitute “assimilated law”;
  - (b) in paragraph (10), for “retained EU law” substitute “assimilated law”.
- (8) In regulation 104(1) (duty owed to economic operators from the United Kingdom and Gibraltar)—
  - (a) omit “and” at the end of sub-paragraph (a);
  - (b) omit sub-paragraph (b).

#### **Amendment of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019**

5.—(1) Regulation 8 of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019<sup>(5)</sup> (retained direct EU legislation: laying of documents before Northern Ireland Assembly) is amended as follows.

- (2) In the heading, for “retained direct EU legislation” substitute “Assimilated direct legislation”.
- (3) In paragraph (1)—
  - (a) for “retained direct EU legislation” substitute “assimilated direct legislation”;
  - (b) for “paragraph 7(b)” substitute “paragraph 7(2)(b)”.

#### **Amendment of the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018**

6. In Part 2 of the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018<sup>(6)</sup> (service of documents in civil and commercial matters), omit Chapter 3 (the Agreement: cessation, and saving, of rights etc.).

#### **Amendment of the Competition (Amendment etc.) (EU Exit) Regulations 2019**

7.—(1) The Competition (Amendment etc.) (EU Exit) Regulations 2019<sup>(7)</sup> are amended as follows.

- (2) In Part 6—
  - (a) in the heading, for “retained EU law” substitute “assimilated law”;
  - (b) omit regulation 62 (cessation of Treaty Rights and Obligations);
  - (c) in regulation 63—
    - (i) in the heading, for “retained direct EU legislation” substitute “assimilated direct legislation”;
    - (ii) in paragraph (a), for “retained direct EU legislation” substitute “assimilated direct legislation”;
    - (iii) in paragraph (b), for “retained EU Regulations” substitute “assimilated Regulations”.
- (3) In Schedule 3—

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<sup>(5)</sup> [S.I. 2019/628](#). Regulation 8(1) was amended by [S.I. 2020/463](#).

<sup>(6)</sup> [S.I. 2018/1257](#).

<sup>(7)</sup> [S.I. 2019/93](#).

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- (a) in the heading, for “retained direct EU legislation” substitute “assimilated direct legislation”;
- (b) in Part 1, in the heading for “retained direct EU legislation” substitute “assimilated direct legislation”;
- (c) in Part 2, in the heading for “retained EU Regulations” substitute “assimilated Regulations”.

#### **Amendment of the European Union Budget, and Economic and Monetary Policy (EU Exit) Regulations 2019**

**8.** In the European Union Budget, and Economic and Monetary Policy (EU Exit) Regulations 2019<sup>(8)</sup>, omit—

- (a) regulation 4 (cessation of rights, etc.);
- (b) regulation 5 (cessation of rights, etc. on restatement).

#### **Amendment of the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019**

**9.** In the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019<sup>(9)</sup>, omit Part 4 (Treaty rights and obligations).

#### **Amendment of the Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019**

**10.** In regulation 3 of the Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019<sup>(10)</sup> (exit-related amendments of the Defence and Security Public Contracts Regulations 2011), omit—

- (a) paragraph (3)(a) and (c);
- (b) paragraph (6)(b);
- (c) paragraph (21);
- (d) paragraph (28)(b).

#### **Amendment of the Immigration, Nationality and Asylum (EU Exit) Regulations 2019**

**11.** In the Immigration, Nationality and Asylum (EU Exit) Regulations 2019<sup>(11)</sup>, omit—

- (a) regulation 48 (disapplication of inconsistent retained EU rights etc.);
- (b) Chapter 4 of Part 3 (asylum: international agreements).

#### **Amendment of the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019**

**12.** In the Social Security Coordination (Reciprocal Healthcare) (Amendment etc) (EU Exit) Regulations 2019<sup>(12)</sup>, omit Part 4 (rights etc deriving from the Treaties).

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(8) [S.I. 2019/484](#).  
(9) [S.I. 2019/479](#).  
(10) [S.I. 2019/697](#).  
(11) [S.I. 2019/745](#).  
(12) [S.I. 2019/776](#).

### **Amendment of the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019**

**13.**—(1) The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019(**13**) are amended as follows.

(2) In Part 4, in the heading for “retained direct EU legislation” substitute “assimilated direct legislation”.

(3) Omit Part 6 (rights etc. deriving from the Treaties).

(4) In Part 1 of Schedule 1 (cross-border cases arising before IP completion day: modifications to primary legislation)—

(a) in paragraph 1 (modifications to the National Health Service Act 2006), in sub-paragraphs (c) and (d) for “retained EU obligations” substitute “assimilated obligations”;

(b) in paragraph 3 (modifications to the Health and Social Care Act 2012), in sub-paragraphs (a) and (b) for “a retained EU obligation” substitute “an assimilated obligation”.

### **Amendment of the Health Services (Cross-Border Health Care and Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019**

**14.** In the Health Services (Cross-Border Health Care and Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(**14**), omit Part 4 (supplementary: EU-derived rights).

### **Amendment of the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020**

**15.** In the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020(**15**), omit Part 4 (cessation of directly effective treaty rights).

### **Amendment of the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020**

**16.**—(1) The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020(**16**) are amended as follows.

(2) The following provisions are omitted—

(a) in regulation 6 (the Public Contracts Regulations 2015: amendments commenced on IP completion day)—

(i) paragraph (2)(i), in so far as it inserted the definition of “the Retained Treaties” into regulation 2(1) of the Public Contracts Regulations 2015,

(ii) paragraph (8)(a) (amendment of regulation 9(1)(a)),

(iii) paragraph (10) (amendment of regulation 11),

(iv) paragraph (11) (amendment of regulation 12),

(v) paragraph (15)(a)(i) (amendment of regulation 17(1)(a)),

(vi) paragraph (30)(b) (amendment of regulation 42(11)), and

(vii) paragraph (57)(b) (amendment of regulation 89(1)(b));

(b) in regulation 8 (the Concession Contracts Regulations 2016: amendments commenced on IP completion day)—

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(13) [S.I. 2019/777](#).

(14) [S.I. 2019/784](#).

(15) [S.I. 2020/1038](#).

(16) [S.I. 2020/1319](#).

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- (i) paragraph (2)(d) (amendment of definition of “exclusive right”),
  - (ii) paragraph (2)(f) (definition of “the Retained Treaties”),
  - (iii) paragraph (3) (amendment of regulation 5),
  - (iv) paragraph (7)(d)(i) (amendment of regulation 10(5)(a)),
  - (v) paragraph (10) (amendment of regulation 17), and
  - (vi) paragraph (27)(b) (amendment of regulation 50(1)(b));
- (c) in regulation 10 (the Utilities Contracts Regulations 2016: amendments commenced on IP completion day)—
- (i) paragraph (2)(h) (definition of “the Retained Treaties”),
  - (ii) paragraph (11)(a) (amendment of regulation 20(1)(a)),
  - (iii) paragraph (13) (amendment of regulation 22),
  - (iv) paragraph (17)(a)(i) (amendment of regulation 27(1)),
  - (v) paragraph (18) (amendment of regulation 28),
  - (vi) paragraph (37)(b) (amendment of regulation 60(10)), and
  - (vii) paragraph (59)(b) (amendment of regulation 104(1)(b));
- (d) regulation 25 (cessation of certain prohibitions on the grounds of nationality);
- (e) regulation 26 (cessation of rights etc. under certain international agreements).
- (3) In Part 4, in the heading for “retained direct EU legislation” substitute “assimilated direct legislation”.

### **Amendment of the Cessation of EU Law Relating to Prohibitions on Grounds of Nationality and Free Movement of Persons Regulations**

**17.**—(1) The Cessation of EU Law Relating to Prohibitions on Grounds of Nationality and Free Movement of Persons Regulations 2022(**17**) are amended as follows.

- (2) In regulation 1 (citation, commencement and interpretation)—
- (a) omit paragraph (3);
  - (b) in paragraph (4), omit sub-paragraphs (a) and (b) (including “or” at the end).
- (3) Omit—
- (a) regulation 2 (cessation of prohibitions on the grounds of nationality);
  - (b) regulation 3 (cessation of free movement of persons).

## **PART 2**

### **Revocations**

**18.** The following instruments are revoked—

- (a) the Special Fissile Materials (Right of Use and Consumption) (EU Exit) Regulations 2018(**18**);
- (b) the Freedom of Establishment and Free Movement of Services (EU Exit) Regulations 2019(**19**);

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(17) S.I. 2022/1240.

(18) S.I. 2018/1094.

(19) S.I. 2019/1401.

(c) the Prohibition on Quantitative Restrictions (EU Exit) Regulations 2020(20).