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# SCHEDULES

## SCHEDULE 7

Section 1(7), (8).

#### PART I

# **HIGHWAYS**

Relaxation of Ministerial controls over the provision of ferries

- 1 (1) So much of section 53 of the MI National Parks and Access to the Countryside Act 1949 (ferries for purposes of long-distance routes)—
  - (a) as makes the exercise of a highway authority's powers subject to the approval of any Minister; or
  - (b) as confers upon any Minster any power to give a local highway authority directions,

shall cease to have effect.

 $(2^{F1}$ 

## **Textual Amendments**

F1 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), Sch. 25

# **Marginal Citations**

M1 1949 c. 97 (46:1).

Relaxation of Ministerial controls in respect of footpaths and bridleways

- 2 (1)
  - F2(2) In section 30 of that Act (which relates to the making up of new footpaths and bridleways)—
    - (a) subsections (2) and (3) (which relate to the settlement by the Secretary of State of disputes as to works for that purpose) shall cease to have effect; and
    - (b) in subsection (4) (which relates to the carrying out of such works and the recovery of expenses incurred in carrying them out), for the words from the beginning to "thereof", in the first place where it occurs, there shall be substituted the words " It shall be the duty of the highway authority to carry out any works specified in a certificate under subsection (1) of this section".

(3)

F<sup>2</sup>(5 In section 126 of that Act (authorisation of erection of stiles etc. in footpath or bridleway) subsection (2) which gives the Secretary of State power to determine certain disputes about such authorisation) shall cease to have effect.

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(6) In section 29(4) of the M2Countryside Act 1968 (by virtue of which a highway authority are required to consult the Minster of Agriculture, Fisheries and Food before refusing to make an order under that section relating to the making giid of the surface of a footpath or bridleway after it has been ploughed up) the words "and the highway authority shall before refusing to make an order under subsection (2) of this section consult the Minister of Agriculture, Fisheries and Food" shall cease to have effect.

#### **Textual Amendments**

F2 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), Sch. 25

#### Modifications etc. (not altering text)

C1 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## **Marginal Citations**

**M2** 1968 c. 41.

Abolition of Ministerial powers in respect of certain expenses

- 3 (1)
  - F<sup>3</sup>(2) The proviso to section 211(3) of that Act (by virtue of which an order may fic the maximum amount to be charged under a charging order in respect of expenditure on street works) shall cease to have effect.

 $(3^{F3})$ 

#### **Textual Amendments**

F3 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), Sch. 25

# **Modifications etc. (not altering text)**

C2 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

# Abolition of Ministerial powers in relation to toll highways

In section 233 of the Highways Act 1959 (transfer of toll highways to highway authorities)—

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- (a) in subsection (2) (by virtue of which a right to charge highway tolls which is transferred to a county council continues to be exercisable for such number of years only as may be allowed, where the county is in England, by the Minister of Transport, and where it is in Wales, by the Secretary of State) the words from "but" to the end shall cease to have effect; and
- (b) in subsection (5) (by virtue of which agreements in relation to toll highways may only be made between two or more county councils with the approval, where their counties are in England, of the Minister of Transport, and where they are in Wales, of the Secretary of State) the words "subject to the approval of the Minister" shall cease to have effect.

## **Modifications etc. (not altering text)**

C3 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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# **Textual Amendments**

F4 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), Sch. 25

Abolition of certain procedures for settlement of disputes by Minister

- 6 (1) This paragraph shall have effect for the purpose of abolishing certain powers of the Seecretary of State or the Minister of Transport to determine disputes.
  - (2) The following subsection shall be substituted for section 5(3) of the M3Local Government (Miscellaneous Provisions) Act 1953 (provision of omnibus shelters etc. by local authorities):—
    - "(3) Where the consent of the Secretary of State or the Minister of Transport is required under this section, disputes between the Minister whose consent is required and the local authority as to whether the consent of that Minister is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any shelter or other accommodation in accordance with any condition of the consent is reasonable required shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers."
  - (3) In section 108(10) of the M4Highways Act 1959 (which provides that any consent of an authority which is required for the diversion of a highway shall not be unreasonably withheld) the words "and any question arising under this subsection whether the eithholding of a consent is unreasonable shall be determined by the Minister" shall cease to have effect.
  - (4) Section 246(2) of that Act (disputes as to nature of sums paid or recovered under Act) shall cease to have effect.

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(5)

F5(6) Section 29(3) of the M5Local Government Act 1966 (which gives a lighting authority a right to appeal in case of dispute as to the exercise of their powers for purposes of the lighting of a highway for which they are not the highway authority) shall cease to have effect.

## **Textual Amendments**

F5 Sch. 7 Pt. I para. 6(5) repealed by Litter Act 1983 (c. 35, SIF 100:3), s. 12(3), Sch. 2

#### **Modifications etc. (not altering text)**

C4 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

# **Marginal Citations**

**M3** 1953 c. 26.

M4 1959 c. 25.

**M5** 1966 c. 42.

Abolition of certain Ministerial controls relating to structures on and near highway

- 7 The following provisions, namely—
  - (a) in the M6Highways Act 1959—
    - (i) the proviso to section 73(1) (requirement to notify of proposed building lines for classified roads); and
    - (ii) sections 95 and 96 (regulations about cattlegrids);

and

(b) section 120 of the Transport Act 1968 (orders prescribing minimum heights for parapets of bridges carrying roads over railways);

shall cease to have effect.

# **Modifications etc. (not altering text)**

C5 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## **Marginal Citations**

**M6** 1959 c. 25.

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# Miscellaneous amendments of Highway Acts and associated legislation

- 8 (1) Section 280(2), (3) and (4) of the Highways Act 1959 (which give powers ti prescribe the form of various notices, orders, advertisements, certificates and other documents and provise that if forms are prescribed in exercise of those powers, those forms or forms to the like effect shall be used in all cases to which those forms are applicable) shallcease to have effect.
  - (2) The following enactments, namely—
    - (a) section 288 of the Highways Act 1959;
    - (b) section 16(4) of the Highways (Miscellaneous Provisions) Act 1961; and
    - (c) Section 85 of the Highways Act 1971,

each of which gives a power to repeal or amend local Acts) shall cease to have effect.

- (3) The repeal of the enactments specified in sub-paragraph (2) above shall not affect any application made under any of them before the passing of this Act; and any power conferred by any of them may accordingly be exercised after the passing of this Act in pursuance of any application.
- (4) Any order made under an enactment specified in sub-paragraph (2) above shall continue to have effect notwithstanding the repeal of that enactment.

# **Modifications etc. (not altering text)**

C6 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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#### **Textual Amendments**

F6 Sch. 7 Pt. II paras. 9–13 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 14

## Traffic on bridges etc.

- 14 (1) The following enactments (which relate to the control of traffic on brisges and, amongst other things, give certak=in powers in relation to its control) shall cease to have effect—
  - (a) section 6 of the M7Locomotive Act 1861;
  - (b) section 7 of the M8Locomotives Act 1898;
  - (c) section 11 of the M9Ministry of Transport Act 1919;
  - (d) section 17 of the M10 Road Traffic Regulation Act 1967.
  - (2) Nothing in sub-paragraph (1) abvoe shall effect—
    - (a) any requirement to obtain consent under section 6 of the MII Locomotive Act 1861 which subsists at the passing of this Act by virtue of the placing of a

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- notice on any bridge, or an yliability for failure to obtain consent under that section; or
- (b) any appeal to the Minister of Transport or, as the case may be, to the Secretary of State, under section 7 of the M12Locomotives Act 1898 or section 11 of the M13Ministry of Transport Act 1919 which is pending on the passing of this Act.
- (3) From the passing of this Act any notice placed on a bridge by authority of a person such as is mentioned in section 6 of the M14Locomotive Act 1861 shall be deemed to have been placed there—
  - (a) if the bridge is outside Greater London, in pursuance of an order under section 1 of the Road Traffic Regulation Act [F71984], and
  - (b) if it is in Greater London, in pursuance of an order under section 6 of that Act.
- (4) Nothing in this paragraph affects a bridge which does not carry a road (within the meaning of [F8 section 142] of the Road Traffic Regulation Act [F7 1984]

#### **Textual Amendments**

- F7 Word substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 38(a)
- F8 Words substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 38(b)

## **Modifications etc. (not altering text)**

C7 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## **Marginal Citations**

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M7 1861 c. 70.
M8 1898 c. 29.
M9 1919 c. 50.
M10 1967 c. 76.
M11 1861 c. 70 (107:1).
M12 1898 c. 29 (107:1).
M13 1919 c. 50 (126).
M14 1861 c. 70 (107:1).
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## Miscellaneous

- (1) Section 1(9) of the Road Traffic Regulation Act 1967 (power of appropriate Minister to repeal local Acts extending the powers of section 26 of the M15Road Traffic Act 1960) shall cease to have effect.
  - (2) Any order made under section 1(9) of the Road Traffic Regulation Act 1967 shall continue to have effect notwithstanding the repeal of that subsection.

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# **Modifications etc. (not altering text)**

C8 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

# **Marginal Citations**

M15 1960 c. 16

## **Changes to legislation:**

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# Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Act applied (with modifications) by S.I. 2024/414 art. 5Sch. 1 para. 5

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 98(A1)(B1) inserted by 2016 c. 22 s. 209(2)
- s. 98(8)(d) and word added by 1989 c. 42 Sch. 11 para. 56
- s. 98(8)(d) word substituted by 2007 c. 28 Sch. 14 para. 3(2)(a)(i)
- s. 98(8)(d) words substituted by 2007 c. 28 Sch. 14 para. 3(2)(a)(ii)
- s. 98(8A) added by 1989 c. 42 Sch. 11 para. 56
- s. 98(8A) word substituted by 2007 c. 28 Sch. 14 para. 3(2)(b)
- s. 98(8A)(d) word repealed by 1999 c. 29 Sch. 34 Pt. 8 (This amendment not applied to legislation.gov.uk. The insertion of s. 98(8A) by 1989 c. 42, Sch. 11 para. 56 is still prospective.)
- s. 98(8A)(f) and word inserted by 1999 c. 29 Sch. 29 para. 30 (This amendment not applied to legislation.gov.uk. The insertion of s. 98(8A) by 1989 c. 42, Sch. 11 para. 56 is still prospective.)
- s. 98(8A)(f) substituted by 2017 c. 3 Sch. 2 para. 58 (This amendment not applied to legislation.gov.uk. The insertion of s. 98(8A) by 1989 c. 42, Sch. 11 para. 56 is still prospective.)
- s. 98(8A)(eza)(ezb) inserted by 2009 c. 20 Sch. 6 para. 50 (This amendment not applied to legislation.gov.uk. The insertion of s. 98(8A) by 1989 c. 42, Sch. 11 para. 56 is still prospective.)
- s. 98(8A)(ezc) inserted by 2023 c. 55 Sch. 4 para. 64 (This amendment not applied to legislation.gov.uk. The insertion of s. 98(8A) by 1989 c. 42, Sch. 11 para. 56 is still prospective.)
- s. 98(8A)(aa) inserted by 1994 c. 19 s. 66(6)Sch. 16 para. 57(4)
- s. 98(8A)(ea) inserted by 2007 c. 28 Sch. 13 para. 36(3) (This amendment not applied to legislation.gov.uk. The insertion of s. 98(8A) by 1989 c. 42, Sch. 11 para. 56 is still prospective.)
- s. 98(8A)(ea) omitted by 2015 c. 20 Sch. 13 para. 6(14)(b) (This amendment not applied to legislation.gov.uk. The insertion of s. 98(8A) by 1989 c. 42, Sch. 11 para. 56 is still prospective.)
- s. 98(10) inserted by 2016 c. 22 s. 209(3)
- s. 100(1)(1A) substituted for s. 100(1) by 1989 c. 42 Sch. 11 para. 57
- s. 100(1)(a) amended by 1999 c. 29 Sch. 29 para. 32 (This amendment not applied to legislation.gov.uk. The insertion of s. 100(1)(1A) by 1989 c. 42, Sch. 11 para. 57 is still prospective.)
- s. 100(1)(a) words inserted by 1994 c. 19 s. 66(6)Sch. 16 para. 57(6) (This amendment not applied to legislation.gov.uk. Sch. 16 para. 57(6) repealed (19.11.1998) without ever being in force by 1998 c. 43, s. 1(1), Sch. 1 Pt. X Group 5)
- s. 100(1)(a) words inserted by 2009 c. 20 Sch. 6 para. 52 (This amendment not applied to legislation.gov.uk. The insertion of s. 100(1)(1A) by 1989 c. 42, Sch. 11 para. 57 is still prospective.)
- s. 100(1)(a) words substituted by 2007 c. 28 Sch. 13 para. 36(5) (This amendment not applied to legislation.gov.uk. The insertion of s. 100(1)(1A) by 1989 c. 42, Sch. 11 para. 57 is still prospective.)
- s. 100(1)(a) words substituted by 2007 c. 28 Sch. 14 para. 3(3)(a)

- s. 100(1)(a) words substituted by 2015 c. 20 Sch. 13 para. 6(14)(d) (This amendment not applied to legislation.gov.uk. The insertion of s. 100(1)(1A) by 1989 c. 42, Sch. 11 para. 57 is still prospective.)
- s. 100(1)(a) words substituted by 2017 c. 3 Sch. 2 para. 60 (This amendment not applied to legislation.gov.uk. The insertion of s. 100(1)(1A) by 1989 c. 42, Sch. 11 para. 57 is still prospective.)
- s. 100(1)(a) words substituted by 2023 c. 55 Sch. 4 para. 66 (This amendment not applied to legislation.gov.uk. The insertion of s. 100(1)(1A) by 1989 c. 42, Sch. 11 para. 57 is still prospective.)
- s. 100(1A) words substituted by S.I. 2009/1941 Sch. 1 para. 46(3)(b) (This amendment not applied to legislation.gov.uk. The insertion of s. 100(1)(1A) by 1989 c. 42, Sch. 11 para. 57 is still prospective.)
- s. 100(1ZA)(1ZB) inserted by 2007 c. 28 Sch. 14 para. 3(3)(b)
- s. 134(1B) inserted by 2023 c. 55 s. 171(2)
- s. 134(3C) inserted by 2023 c. 55 Sch. 16 para. 2(5)
- s. 134(6)(7) inserted by 2023 c. 55 Sch. 16 para. 2(11)
- s. 134A inserted by 2023 c. 55 s. 171(3)
- s. 135(4A)-(4C) inserted by 2023 c. 55 s. 171(6)
- s. 135(7) inserted by 2023 c. 55 Sch. 16 para. 3(3)
- s. 135A inserted by 2023 c. 55 s. 171(7)
- s. 149(1A) inserted by 2023 c. 55 s. 174(2)(a)
- s. 149(2A) inserted by 2023 c. 55 s. 174(2)(c)
- s. 149(3A) inserted by 2023 c. 55 s. 174(2)(e)
- s. 149(4A) inserted by 2023 c. 55 s. 174(2)(f)
- s. 149A inserted by 2023 c. 55 s. 174(3)
- Sch. 26 para. 1A inserted by 2023 c. 55 s. 178(1)(b)
- Sch. 28 Pt. 3 para. 6 words substituted by 2003 c. 21 Sch. 17 para. 52(2)(c) (This amendment not applied to legislation.gov.uk. The words purported to be substituted do not appear in the text)
- Sch. 28 Pt. 3 para. 6 words substituted by 2003 c. 21 Sch. 17 para. 52(2)(d) (This amendment not applied to legislation.gov.uk. The words purported to be substituted do not appear in the text)
- Sch. 28 Pt. 3 para. 13 words substituted by 2003 c. 21 Sch. 17 para. 52(2)(a) (This amendment not applied to legislation.gov.uk. The words purported to be substituted do not appear in the text)
- Sch. 28 Pt. 3 para. 16 words substituted by 2003 c. 21 Sch. 17 para. 52(2)(a) (This amendment not applied to legislation.gov.uk. The words purported to be substituted do not appear in the text)
- Sch. 29 Pt. 1 para. 1 inserted by 2023 c. 55 s. 174(4)(a)
- Sch. 29 Pt. 1 para. 3 inserted by 2023 c. 55 s. 174(4)(c)
- Sch. 29 Pt. 1 para. 5 inserted by 2023 c. 55 s. 174(4)(e)
- Sch. 29 Pt. 1 para. 2 words in Sch. 29 Pt. 1 renumbered as Sch. 29 Pt. 1 para. 2 by 2023 c. 55 s. 174(4)(b)
- Sch. 29 Pt. 1 para. 4 words in Sch. 29 Pt. 1 renumbered as Sch. 29 Pt. 1 para. 4 by 2023 c. 55 s. 174(4)(d)
- Sch. 31 para. 8(2A) inserted by 2023 c. 55 s. 179(1)(b)