

Changes to legislation: European Union (Withdrawal) Act 2018, Part 3 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

FURTHER AMENDMENTS OF DEVOLUTION LEGISLATION AND REPORTING REQUIREMENT

PART 3

OTHER AMENDMENTS OF DEVOLUTION LEGISLATION

Scotland Act 1998

6 The Scotland Act 1998 is amended as follows.

Commencement Information

11 Sch. 3 para. 6 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

7 In section 2 (ordinary general elections), in subsection (2A), omit paragraph (b) and the “or” before it.

Commencement Information

12 Sch. 3 para. 7 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

8 In section 12 (power of the Scottish Ministers to make provision about elections), in subsection (4)(a)—

- (a) omit “or the European Parliamentary Elections Act 2002”, and
- (b) omit “, European Parliamentary elections”.

Commencement Information

13 Sch. 3 para. 8 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

9 (1) Section 12A (power of the Secretary of State to make provision about elections) is amended as follows.

(2) In subsection (2)—

- (a) after paragraph (a) insert “ and ”, and
- (b) omit paragraph (c) and the “and” before it.

(3) In subsection (3), omit paragraph (b) and the “and” before it.

(4) In subsection (5)(a)—

- (a) omit “or the European Parliamentary Elections Act 2002”, and
- (b) omit “, European Parliamentary elections”.

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Commencement Information

I4 Sch. 3 para. 9 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 10 In section 32 (submission of Bills for Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

Commencement Information

I5 Sch. 3 para. 10 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

- 11 Omit section 34 (ECJ references).

Commencement Information

I6 Sch. 3 para. 11 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

- 12 (1) Section 36 (stages of Bills) is amended as follows.
 (2) In subsection (4), omit paragraph (b) but not the “or” at the end of it.
 (3) In subsection (5)(a), omit “, (b)”.

Commencement Information

I7 Sch. 3 para. 12 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

- 13 (1) Section 57 (EU law and Convention rights) is amended as follows.
 (2) In the heading—
 (a) omit “EU law and”, and
 ^{F1}(b)
 (3) Omit subsection (1).

Textual Amendments

F1 Sch. 3 para. 13(2)(b) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

Commencement Information

I8 Sch. 3 para. 13 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 14 (1) Section 80D (Scottish taxpayers) is amended as follows.
 (2) In subsection (4)—
 (a) insert “ or ” at the end of paragraph (a), and
 (b) omit paragraph (b) and the “or” at the end of it.
 (3) In subsection (4B), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

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Commencement Information

I9 Sch. 3 para. 14 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 12 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

15 In section 80DA (Scottish taxpayers: Welsh parliamentarians), in subsection (2)(a), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I10 Sch. 3 para. 15 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 12 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with reg. 10)

16 (1) Section 82 (limits on salaries of members of the Parliament) is amended as follows.
(2) In subsection (1)—
(a) insert “ or ” at the end of paragraph (za), and
(b) omit paragraph (b) and the “or” before it.
(3) In subsection (2)(b), for “(1)(za), (a) or (b)” substitute “ (1)(za) or (a) ”.

Commencement Information

I11 Sch. 3 para. 16 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

17 (1) Section 106 (power to adapt functions) is amended as follows.
(2) In subsection (5), for “an obligation under EU law” substitute “ a retained EU obligation ”.
(3) Omit subsection (7).

Commencement Information

I12 Sch. 3 para. 17 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

18 In section 119 (Consolidated Fund etc.), omit subsection (4).

Commencement Information

I13 Sch. 3 para. 18 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

19 (1) Section 126 (interpretation) is amended as follows.
(2) Omit subsection (9).
(3) In subsection (10), omit “EU law or”.

Commencement Information

I14 Sch. 3 para. 19 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

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20 In section 127 (index of defined expressions), omit the entry for EU law.

Commencement Information
I15 Sch. 3 para. 20 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 21 (1) Schedule 4 (enactments etc. protected from modification) is amended as follows.
 - (2) In paragraph 1(2)—
 - (a) omit paragraph (c), and
 - (b) after paragraph (f) insert “,
 - (g) the European Union (Withdrawal) Act 2018 (other than paragraphs 31 to 35 of Schedule 8 to that Act and any regulations made under that Act)”.
 - (3) Omit paragraph 13(1)(a).

Commencement Information
I16 Sch. 3 para. 21(2)(b) in force at Royal Assent, see s. 25(1)(b)
I17 Sch. 3 para. 21(1)(2)(a)(3) in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

22 In Part 2 of Schedule 5 (specific reservations), in section C8 (product standards, safety and liability), for the words from “Technical standards and” to “EU law” substitute— “ The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law. ”

Commencement Information
I18 Sch. 3 para. 22 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with reg. 10)

- 23 (1) Paragraph 1 of Schedule 6 (devolution issues) is amended as follows.
 - ^{F2}(2)
 - (3) In paragraph (e), omit “or with EU law”.
 - (4) In the second sentence for the words from “the compatibility” to the end substitute “ a compatibility issue (within the meaning given by section 288ZA(2) of the Criminal Procedure (Scotland) Act 1995) ”.

Textual Amendments
F2 Sch. 3 para. 23(2) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)
Commencement Information
I19 Sch. 3 para. 23 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

^{F3}24

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Textual Amendments

F3 Sch. 3 para. 24 omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(c)**

F4²⁵

Textual Amendments

F4 Sch. 3 para. 25 omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(c)**

26 In Schedule 8 (modifications of enactments), omit paragraph 15 and the heading before it.

Commencement Information

I20 Sch. 3 para. 26 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with regs. 10, 22)

Government of Wales Act 2006

27 The Government of Wales Act 2006 is amended as follows.

Commencement Information

I21 Sch. 3 para. 27 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with reg. 10)

28 In section 3 (ordinary general elections), in subsection (1A), omit paragraph (b) and the “or” before it.

Commencement Information

I22 Sch. 3 para. 28 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with regs. 10, 22)

29 In section 13(5) (power of the Welsh Ministers to make provision about elections etc.)—

- (a) omit paragraph (c) but not the “and” at the end of it, and
- (b) in paragraph (d) omit “, European Parliamentary elections”.

Commencement Information

I23 Sch. 3 para. 29 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with regs. 10, 22)

30 (1) Section 13A (power of the Secretary of State to make provision about the combination of polls) is amended as follows.

- (2) In subsection (2)—
 - (a) insert “ and ” at the end of paragraph (a), and
 - (b) omit paragraph (c) and the “and” before it.

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(3) In subsection (3), omit paragraph (b) and the “and” before it.

Commencement Information

I24 Sch. 3 para. 30 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

31 In section 16(3) (disqualification from being Assembly member) omit “(other than the United Kingdom)”.

Commencement Information

I25 Sch. 3 para. 31 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

32 (1) Section 21 (limit on salaries of Assembly members) is amended as follows.

(2) In subsection (1)—

- (a) insert “ or ” at the end of paragraph (za), and
- (b) omit paragraph (b) and the “or” before it.

(3) In subsection (2)(b), for “(1)(za), (a), or (b)” substitute “ (1)(za) or (a) ”.

Commencement Information

I26 Sch. 3 para. 32 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

33 In section 58A (executive ministerial functions), in subsection (4)(d), for “obligations under EU law” substitute “ retained EU obligations ”.

Commencement Information

I27 Sch. 3 para. 33 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

34 Omit section 58B (implementation of EU law: general).

Commencement Information

I28 Sch. 3 para. 34 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

35 (1) Section 59 (implementation of EU law: designation of Welsh Ministers etc.) is amended as follows.

(2) For the heading substitute “ Fees and charges in relation to international law ”.

(3) Omit subsections (1) to (4).

(4) In subsection (5), for “in pursuance of an EU obligation etc” substitute “ in pursuance of an international obligation ”.

Commencement Information

I29 Sch. 3 para. 35 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

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36 In the heading before section 80 (EU law, human rights and international obligations etc.), before “EU” insert “ Retained ”.

Commencement Information

I30 Sch. 3 para. 36 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 37 (1) Section 80 (EU law) is amended as follows.
- (2) In the heading, before “EU” insert “ Retained ”.
 - (3) In subsection (1), for “An EU obligation” substitute “ A retained EU obligation ”.
 - (4) In subsection (2), for “an EU obligation” substitute “ a retained EU obligation ”.
 - (5) In subsection (3)—
 - (a) for “an EU obligation” substitute “ a retained EU obligation ”, and
 - (b) for “the EU obligation” substitute “ the retained EU obligation ”.
 - (6) In subsection (7)—
 - (a) for “an EU obligation” substitute “ a retained EU obligation ”, and
 - (b) for “the EU obligation” substitute “ the retained EU obligation ”.

^{F5}(7)

Textual Amendments

F5 Sch. 3 para. 37(7) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

Commencement Information

I31 Sch. 3 para. 37 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 38 In section 111 (proceedings on Bills)—
- (a) in subsection (6), omit paragraph (b) but not the “or” at the end of it, and
 - (b) in subsection (7)(a), omit “, (b)”.

Commencement Information

I32 Sch. 3 para. 38 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 14, 22)

39 Omit section 113 (ECJ references).

Commencement Information

I33 Sch. 3 para. 39 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 14, 22)

40 In section 115 (Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

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Commencement Information

I34 Sch. 3 para. 40 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 14, 22)

- 41 (1) Section 116E (Welsh taxpayers) is amended as follows.
- (2) In subsection (4)—
- (a) insert “ or ” at the end of paragraph (a), and
 - (b) omit paragraph (b) and the “or” at the end of it.
- (3) In subsection (6), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I35 Sch. 3 para. 41 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 15 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 42 In section 116F (Welsh taxpayers: Scottish parliamentarians), in subsection (2)(a), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I36 Sch. 3 para. 42 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 15 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with reg. 10)

F⁶43

Textual Amendments

F6 Sch. 3 para. 43 omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

- 44 In section 158(1) (interpretation)—
- (a) omit the definition of “EU law”, and
 - (b) in the definition of “international obligations” omit “EU law or”.

Commencement Information

I37 Sch. 3 para. 44 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 45 In section 159 (index of defined expressions), omit the entry for EU law.

Commencement Information

I38 Sch. 3 para. 45 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 46 In Schedule 3 (transfer etc. of functions: further provisions), omit paragraph 5 and the heading before it (EU obligations).

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Commencement Information

I39 Sch. 3 para. 46 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

47 In Part 2 of Schedule 7A (specific reservations), in section C7 (product standards, safety and liability), for paragraph 77 substitute—

“77 The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law.”

Commencement Information

I40 Sch. 3 para. 47 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

48 In paragraph 5(1) of Schedule 7B (protected enactments), in the table—

- (a) omit the entry for the European Communities Act 1972, and
- (b) after the entry for the Energy Act 2008 insert—

“The European Union (Withdrawal) Act 2018 The whole Act.”

Commencement Information

I41 Sch. 3 para. 48(b) in force at Royal Assent, see s. 25(1)(b)

I42 Sch. 3 para. 48(a) in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

49 In Schedule 11 (transitional provisions), omit paragraph 35A and the heading before it (instrument containing provisions under transferred power and provision under power in section 2(2) of the European Communities Act 1972: Assembly procedure).

Commencement Information

I43 Sch. 3 para. 49 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

Northern Ireland Act 1998

50 The Northern Ireland Act 1998 is amended as follows.

Commencement Information

I44 Sch. 3 para. 50 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

51 (1) Section 7 (entrenched enactments) is amended as follows.

(2) In subsection (1)—

- (a) for “subsection (2)” substitute “ subsection (2A) ”,
- (b) omit paragraph (a),
- (c) omit “and” at the end of paragraph (c), and
- (d) after paragraph (d) insert “; and

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(e) the European Union (Withdrawal) Act 2018”.

(3) Omit subsection (2).

(4) Before subsection (3) insert—

“(2A) Subsection (1) does not prevent an Act of the Assembly or subordinate legislation modifying—

- (a) paragraph 1(11) or (12) or 2(12) or (13) of Schedule 7 to the European Union (Withdrawal) Act 2018,
- (b) paragraph 21 of Schedule 8 to that Act, or
- (c) any regulations made under that Act.”

Commencement Information

I45 Sch. 3 para. 51(2)(c)(d)(4) in force at Royal Assent, see s. 25(1)(b)

I46 Sch. 3 para. 51(1)(2)(a)(b)(3) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(I\)](#) (with [regs. 10, 22](#))

52 Omit section 12 (reconsideration where reference made to ECJ).

Commencement Information

I47 Sch. 3 para. 52 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(I\)](#) (with [regs. 10, 16, 22](#))

53 In section 13 (stages of Bills), omit subsection (5)(b).

Commencement Information

I48 Sch. 3 para. 53 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(I\)](#) (with [regs. 10, 16, 22](#))

54 In section 14 (submission of Bills by the Secretary of State for Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

Commencement Information

I49 Sch. 3 para. 54 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(I\)](#) (with [regs. 10, 16, 22](#))

55 In the heading of section 24 (EU law, Convention rights etc.)—

(a) omit “EU law,” and

^{F7}(b)

Textual Amendments

F7 Sch. 3 para. 55(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), [regs. 1\(1\), 6\(4\)\(c\)](#)

Commencement Information

I50 Sch. 3 para. 55 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(I\)](#) (with [regs. 10, 22](#))

56 (1) Section 27 (quotas for purposes of international etc. obligations) is amended as follows.

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- (2) In subsection (1)(a), for “an obligation under EU law” substitute “ a retained EU obligation ”.
- (3) In subsection (2), for “obligation under EU law” substitute “ retained EU obligation ”.
- (4) In subsection (4), omit “or an obligation under EU law”.
- (5) After that subsection insert—
 - “(4A) Where an order under subsection (1) is in force in relation to a retained EU obligation, the Minister or Northern Ireland department must (in the exercise of the Minister's or the department's functions) achieve so much of the result to be achieved under the obligation as is specified in the order by the time or times so specified.”

Commencement Information

I51 Sch. 3 para. 56 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(1) (with regs. 10, 22)

F⁸57

Textual Amendments

F8 Sch. 3 para. 57 omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

F⁹58

Textual Amendments

F9 Sch. 3 para. 58 omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

- 59 In section 98(1) (interpretation)—
- (a) omit the definition of “EU law”, and
 - (b) in the definition of “international obligations” omit “EU law or”.

Commencement Information

I52 Sch. 3 para. 59 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(1) (with regs. 10, 22)

- 60 (1) Schedule 2 (excepted matters) is amended as follows.
- (2) In paragraph 3(c), for “, obligations under the Human Rights Convention and obligations under EU law” substitute “ and obligations under the Human Rights Convention ”.
 - (3) In paragraph 12(1), omit “, the European Parliament”.

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Commencement Information

I53 Sch. 3 para. 60 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 61 In Schedule 3 (reserved matters), in paragraph 38, for the words from “Technical” to “not” substitute “ The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law, other than ”.

.....

Commencement Information

I54 Sch. 3 para. 61 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 62 In paragraph 1(c) of Schedule 10 (devolution issues) omit the words from “, any obligation” to “such an obligation”.

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Commencement Information

I55 Sch. 3 para. 62 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

Changes to legislation:

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

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

- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(4\)](#)
- s. 6(6B) inserted by [2023 c. 28 s. 6\(6\)](#)
- s. 6A-6C inserted by [2023 c. 28 s. 6\(8\)](#)
- s. 6A word substituted by [2023 c. 28 Sch. 2 para. 8\(4\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)