

SCHEDULES

SCHEDULE 1

Section 121

RETIREMENT DATE FOR HOLDERS OF JUDICIAL OFFICES ETC

PART 1

AMENDMENTS OF LEGISLATION

Pensions Appeal Tribunals Act 1943 (c. 39)

- 1 In paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943 (constitution, jurisdiction and procedure of Pensions Appeal Tribunals in Scotland and Northern Ireland), in sub-paragraph (4)—
- (a) omit the words from “and to” to “75”;
 - (b) for “seventy years” substitute “75”.

Agriculture Act 1947 (c. 48)

- 2 (1) Schedule 9 to the Agriculture Act 1947 (Agricultural Land Tribunal) is amended as follows.
- (2) In paragraph 13 (chairman), in sub-paragraph (2A), for the words from “seventy years” to the end substitute “75”.
 - (3) In paragraph 14 (deputy-chairmen), in sub-paragraph (2), for the words from “seventy years” to the end substitute “75”.
 - (4) In paragraph 15 (panel members), in sub-paragraph (1A), for the words from “seventy years” to the end substitute “75”.

Lands Tribunal Act 1949 (c. 42)

- 3 In section 2 of the Lands Tribunal Act 1949 (members, officers and expenses of Lands Tribunal for Scotland), in subsection (5A), for the words from “seventy” to the end substitute “75”.

Foreign Compensation Act 1950 (c. 12)

- 4 In section 1 of the Foreign Compensation Act 1950 (Foreign Compensation Commission), in subsection (3A), for the words from “seventy years” to the end substitute “75”.

Status: This is the original version (as it was originally enacted).

Courts-Martial (Appeals) Act 1951 (c. 46)

- 5 In section 32 of the Courts-Martial (Appeals) Act 1951 (tenure of office of Judge Advocate General and assistants), in subsection (2)—
- (a) omit the words from “, subject” to “75),”;
 - (b) for “seventy years”, in both places it occurs, substitute “75”.

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

- 6 (1) The County Courts Act (Northern Ireland) 1959 is amended as follows.
- (2) In section 105 (tenure and oaths of office and retirement of judges), in subsection (4), for the words from “seventy” to the end substitute “75”.
 - (3) In section 107 (deputy judges), in subsection (4), for the words from “seventy” to the end substitute “75”.

Judicial Pensions Act 1959 (c. 9)

- 7 In section 2 of the Judicial Pensions Act 1959 (retiring age), for “seventy years” substitute “75”.

Resident Magistrates’ Pensions Act (Northern Ireland) 1960 (c.2 (N.I.))

- 8 In section 1 of the Resident Magistrates’ Pensions Act (Northern Ireland) 1960 (retiring age of resident magistrates), for the words from “seventy” to the end substitute “75”.

Betting, Gaming and Lotteries Act 1963 (c. 2)

- 9 In section 29 of the Betting, Gaming and Lotteries Act 1963 (levy appeal tribunals), in subsection (2A), for the words from “seventy years” to the end substitute “75”.

Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))

- 10 In section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (terms of appointment and remuneration etc of members), in subsection (1)(b) for the words from “seventy years” to “75)” substitute “75”.

Courts Act 1971 (c. 23)

- 11 (1) The Courts Act 1971 is amended as follows.
- (2) In section 17 (retirement, removal and disqualifications of Circuit judge), in subsection (1)—
 - (a) omit the words from “and to” to “75),”;
 - (b) for “70” substitute “75”.
 - (3) In section 21 (appointment of Recorders), in subsection (5), for the words from “seventy” to the end substitute “75”.

Misuse of Drugs Act 1971 (c. 38)

- 12 (1) Schedule 3 to the Misuse of Drugs Act 1971 (Tribunals, Advisory Bodies and Professional Panels) is amended as follows.
- (2) In paragraph 1 (membership: tribunals), in sub-paragraph (2A), for the words from “seventy years” to the end substitute “75”.
- (3) In paragraph 13 (membership: advisory bodies), in sub-paragraph (1A), for the words from “seventy years” to the end substitute “75”.

Industry Act 1975 (c. 68)

- 13 In paragraph 6 of Schedule 3 to the Industry Act 1975 (membership of the tribunal), in sub-paragraph (2), for the words from “70” to the end substitute “75”.

Rent Act 1977 (c. 42)

- 14 In paragraph 2A of Schedule 10 to the Rent Act 1977 (rent assessment committees in Wales), for the words from “seventy years” to the end substitute “75”.

Judicature (Northern Ireland) Act 1978 (c. 23)

- 15 In section 71 of the Judicature (Northern Ireland) Act 1978 (tenure of statutory officers), for subsection (3) substitute—
- “(3) A statutory officer shall vacate office on the day on which the officer attains the age of 75.”

Senior Courts Act 1981 (c. 54)

- 16 (1) The Senior Courts Act 1981 is amended as follows.
- (2) In section 9 (assistance for transaction of judicial business), in subsection (4A), for the words from “70” to the end substitute “75”.
- (3) In section 11 (tenure of office of judges of Senior Courts), in subsection (2), for “seventy years” substitute “75”.
- (4) In section 92 (tenure of office of certain officers of Senior Courts), in subsection (1) —
- (a) for the words from “, to section 91(3)” to “75)” substitute “and to section 91(3)”;
- (b) for “seventy years” substitute “75”.

Public Passenger Vehicles Act 1981 (c. 14)

- 17 In section 4 of the Public Passenger Vehicles Act 1981 (traffic commissioners), in subsection (4)(b), for the words from “sixty five” to “direct” substitute “75”.

Mental Health Act 1983 (c. 20)

- 18 In paragraph 2A of Schedule 2 to the Mental Health Act 1983 (Mental Health Review Tribunal for Wales), for the words from “70” to the end substitute “75”.

Status: This is the original version (as it was originally enacted).

County Courts Act 1984 (c. 28)

- 19 (1) The County Courts Act 1984 is amended as follows.
- (2) In section 8 (deputy district judges), for subsection (1A) substitute—
- “(1A) Any appointment of a person as a deputy district judge must not be such as to, or be extended so as to, extend beyond the day on which the person attains the age of 75.”
- (3) In section 11, in subsection (2) (tenure of office of district judge)—
- (a) omit from the words “and to” to “75”;
- (b) for “70 years” substitute “75”.

Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)

- 20 In paragraph 2 of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (Reinstatement Committees and Umpires), in sub-paragraph (2), for the words from “seventy” to the end substitute “75”.

Transport Act 1985 (c. 67)

- 21 In paragraph 3 of Schedule 4 to the Transport Act 1985 (constitution, powers and proceedings of the Transport Tribunal), in sub-paragraph (1)—
- (a) omit the words from “and to” to “seventy five”;
- (b) for “seventy” substitute “75”.

Copyright, Designs and Patents Act 1988 (c. 48)

- 22 In section 146 of the Copyright, Designs and Patents Act 1988 (membership of the Tribunal), in subsection (3A), for the words from “70” to the end substitute “75”.

Child Support Act 1991 (c. 48)

- 23 (1) Schedule 4 to the Child Support Act 1991 (Child Support Commissioners for Northern Ireland) is amended as follows.
- (2) In paragraph 1 (tenure of office), in sub-paragraph (1), for the words from “70” to the end substitute “75”.
- (3) In paragraph 4 (Deputy Child Support Commissioners), in sub-paragraph (2A), for the words from “70” to the end substitute “75”.

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

- 24 In paragraph 1 of Schedule 2 to the Social Security Administration (Northern Ireland) Act 1992 (Commissioners: tenure of offices), in sub-paragraph (2), for the words from “70” to the end substitute “75”.

Judicial Pensions and Retirement Act 1993 (c. 8)

- 25 (1) The Judicial Pensions and Retirement Act 1993 is amended as follows.
- (2) In section 26 (retirement date for holders of certain judicial offices etc)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1), for “70” substitute “75”;
 - (b) omit subsections (4) to (6);
 - (c) in subsection (8)—
 - (i) for “70” substitute “75”;
 - (ii) omit paragraph (h);
 - (d) in subsection (12), omit the definition of “the appropriate person”;
 - (e) omit subsections (12A) to (17).
- (3) In section 27 (completion of proceedings after retirement), in subsection (3), after paragraph (g) insert—
- “(h) Chief Coroner;
 - (i) Deputy Chief Coroner;
 - (j) senior coroners, area coroners and assistant coroners;
 - (k) traffic commissioners.”
- (4) In Schedule 5 (retirement provisions: the relevant offices)—
- (a) after the entry for Judge of the High Court of Justice in Northern Ireland insert—

“Temporary judge of the High Court of Justice in Northern Ireland”;
 - (b) for “Resident Magistrate appointed under the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “District judge (magistrates’ courts) in Northern Ireland”;
 - (c) for “Deputy Resident Magistrate appointed under the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Deputy district judge (magistrates’ courts) in Northern Ireland”;
 - (d) after that entry insert—

“Lay magistrate appointed under the Justice Act (Northern Ireland) 2015”;
 - (e) after the entry for Employment Judge insert—

“Member of a panel (other than the panel of Employment Judges) appointed in pursuance of regulations under section 1(1) of the Employment Tribunals Act 1996
Member of a panel appointed under regulation 7(1) of the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020 (S.R. (N.I.) 2020 No.3)”;
 - (f) omit “Chairman of industrial tribunals in Northern Ireland, appointed in pursuance of regulations under Article 3 of the Industrial Tribunals (Northern Ireland) Order 1996”;
 - (g) omit “Chairman of the Fair Employment Tribunal, appointed under Article 82(1)(c) of the Fair Employment and Treatment (Northern Ireland) Order 1998”;
 - (h) after the entry for Judge Advocate General insert—

“Vice-Judge Advocate General
Assistant Judge Advocate General”;
 - (i) at the end insert—

“President of the Education Tribunal for Wales
Member of the legal chair panel, or the lay panel, of the Education Tribunal for Wales

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Chairman or other member of a tribunal constituted under Schedule 3 to the Education Act 2005

President or other member of the Adjudication Panel for Wales

President or other member of the Welsh Language Tribunal

Member of the chairmen’s panel or of the lay panel appointed under Schedule 2 to the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)) (the Care Tribunal)

President or other member of the Charity Tribunal for Northern Ireland

Chairman or other member of the Criminal Injuries Compensation Appeals Panel for Northern Ireland

President or other member of the Northern Ireland Valuation Tribunal Adjudicators appointed under Article 29 of the Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964 (N.I. 14))

Chairman, deputy chairman or other member of a tribunal appointed in pursuance of regulations under paragraph 19 of Schedule 11 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14))

President of the Special Educational Needs and Disability Tribunal for Northern Ireland

Member of a panel mentioned in Article 22(2)(b) or (c) of the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1)) (which serves the Special Educational Needs and Disability Tribunal for Northern Ireland)

Chairman or other member of the panel mentioned in paragraph 3 of Schedule 1 to the Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)) (which serves rent assessment committees)

Chairman or other member of a tribunal established for the purposes of deciding an appeal in accordance with the model rules concerning the conduct of appeals (as set out in the Schedule to the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. (N.I.) 1997 No. 269)

Member of the Review Tribunal for Northern Ireland”.

Merchant Shipping Act 1995 (c. 21)

- 26 In section 297 of the Merchant Shipping Act 1995 (wreck commissioners, etc), in subsection (2), for the words from “seventy” to the end substitute “75”.

Reserve Forces Act 1996 (c. 14)

- 27 (1) The Reserve Forces Act 1996 is amended as follows.
- (2) In section 90 (appointment of panel of chairmen), in subsection (4), for the words from “70” to the end substitute “75”.
- (3) In section 91 (appointment of panel of ordinary members), in subsection (4), for the words from “70” to the end substitute “75”.

Employment Tribunals Act 1996 (c. 17)

- 28 In section 25 of the Employment Tribunals Act 1996 (tenure of appointed members) —
- (a) in subsection (2)(b) for “seventy” substitute “75”;
 - (b) omit subsection (3).

Plant Varieties Act 1997 (c. 66)

- 29 In paragraph 5 of Schedule 3 to the Plant Varieties Act 1997 (membership of the Plant Varieties and Seeds Tribunal)—
- (a) in sub-paragraph (2), for “70” substitute “75”;
 - (b) omit sub-paragraph (6).

Social Security Act 1998 (c. 14)

- 30 (1) The Social Security Act 1998 is amended as follows.
- (2) In paragraph 1 of Schedule 1 (appeals tribunals in Scotland: tenure of office), in sub-paragraph (2), for the words from “70” to the end substitute “75”.
 - (3) In paragraph 4 of Schedule 4 (Social Security Commissioners in Scotland: tenure of office), in sub-paragraph (1) for the words from “70” to the end substitute “75”.

The Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

- 31 In paragraph 1 of Schedule 1 to the Social Security (Northern Ireland) Order 1998 (appeals tribunals: tenure of office), in sub-paragraph (2), for the words from “70” to the end substitute “75”.

The Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))

- 32 In Article 82 of the Fair Employment and Treatment (Northern Ireland) Order 1998 (President, Vice-President and Chairmen), in paragraph (3), for the words from “70” to the end substitute “75”.

Courts Act 2003 (c. 39)

- 33 In section 13 of the Courts Act 2003 (entry of names in the supplemental list)—
- (a) in subsection (1)—
 - (i) for the words “subsections (2) and” substitute “subsection”;
 - (ii) for “70” substitute “75”;
 - (b) omit subsection (2);
 - (c) in subsection (3)(a), for “70” substitute “75”.

Education Act 2005 (c. 18)

- 34 In paragraph 1 of Schedule 3 to the Education Act 2005 (registration of inspectors in Wales: constitution of tribunals)—
- (a) in sub-paragraph (3) for “70” substitute “75”;
 - (b) after sub-paragraph (3A) insert—

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“(3B) A chairman or other member of a tribunal must vacate office on reaching the age of 75.”

Constitutional Reform Act 2005 (c. 4)

35 In Schedule 7 to the Constitutional Reform Act 2005 (protected functions of the Lord Chancellor), in paragraph 4, under the heading “Judicial Pensions and Retirement Act 1993”, for “Section 26(5), (6), (9) and (13)” substitute “Section 26(9)”.

Tribunals, Courts and Enforcement Act 2007 (c. 15)

- 36 (1) The Tribunals Courts and Enforcement Act 2007 is amended as follows.
- (2) In paragraph 4 of Schedule 2 (judges and other members of First-tier Tribunal: terms of appointment), in sub-paragraph (2B)—
- (a) in paragraph (a), for “70, or” substitute “75”;
 - (b) omit paragraph (b).
- (3) In paragraph 4 of Schedule 3 (judges and other members of Upper Tribunal: terms of appointment), in sub-paragraph (2B)—
- (a) in paragraph (a), for “70, or” substitute “75”;
 - (b) omit paragraph (b).
- (4) In paragraph 7 of Schedule 3 (deputy judges of the Upper Tribunal), in sub-paragraph (3B)—
- (a) in paragraph (a), for “70, or” substitute “75”;
 - (b) omit paragraph (b).
- (5) In paragraph 5A of Schedule 4 (Chamber Presidents and Deputies: removal from office and extension of appointment), in sub-paragraph (4)—
- (a) in paragraph (a), for “70, or” substitute “75”;
 - (b) omit paragraph (b).
- (6) In Part 2 of Schedule 9 (judges and other members of First-tier and Upper tribunals: retirement dates)—
- (a) in paragraph (5)—
 - (i) in the heading, for “70” substitute “75”;
 - (ii) in sub-paragraph (1), omit the words from “Subject” to “1995,”;
 - (iii) in sub-paragraph (2), in the opening words, omit the words from “and paragraph” to “(2)”;
 - (b) in paragraph (6)—
 - (i) in the heading, for “70” substitute “75”;
 - (ii) in sub-paragraph (1)(b), for “70” substitute “75”;
 - (iii) in sub-paragraph (3)(a)(ii), for “70” substitute “75”;
 - (c) in paragraph (7)(1)(b), for “69” substitute “74”;
 - (d) omit paragraph (8);
 - (e) in paragraph (9)—
 - (i) in the heading, for “70” substitute “75”;
 - (ii) in sub-paragraph (1)(a), for “70” substitute “75”;
 - (iii) in sub-paragraph (2)(a), for “70” substitute “75”;

Status: This is the original version (as it was originally enacted).

(iv) in sub-paragraph (3), for “70” substitute “75”.

Charities Act (Northern Ireland) 2008 (c. 12 (N.I.))

- 37 In Schedule 2 to the Charities Act (Northern Ireland) 2008 (the Charity Tribunal)—
- (a) in paragraph 4(1), for “70” substitute “75”;
 - (b) omit paragraph 4(2).

Coroners and Justice Act 2009 (c. 25)

- 38 (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) In Schedule 3 (appointment of senior coroners, area coroners and assistant coroners: vacation or termination of office)—
- (a) in paragraph (3)(a), for “70” substitute “75”;
 - (b) in paragraph 10, for “70” substitute “75”.
- (3) In Schedule 4 (Coroner for Treasure and Assistant Coroners for Treasure)—
- (a) in paragraph 2(a), for “70” substitute “75”;
 - (b) in paragraph 3, for “70” substitute “75”.
- (4) In Schedule 8 (Chief Coroner and Deputy Chief Coroner)—
- (a) in paragraph 1(2)(b), for “70” substitute “75”;
 - (b) in paragraph 1(4), for “70” substitute “75”;
 - (c) in paragraph 2(2)(b), for “70” substitute “75”;
 - (d) in paragraph 2(5), for “70” substitute “75”.

Welsh Language (Wales) Measure 2011 (2011 nawm 1)

- 39 (1) In the English language text of Schedule 11 to the Welsh Language (Wales) Measure 2011 (the Welsh Language Tribunal)—
- (a) in paragraph 11, after “Tribunal”, the first time it occurs, insert “—
 - (a) on reaching the age of 75, or
 - (b)”;;
 - (b) in paragraph 15, for “70” substitute “75”.
- (2) In the Welsh language text of Schedule 11 to the Welsh Language (Wales) Measure 2011 (the Welsh Language Tribunal)—
- (a) in paragraph 11, after “Tribiwnlys”, the first time it occurs, insert “—
 - (a) ar gyrraedd 75 oed, neu
 - (b)”;;
 - (b) in paragraph 15, for “70” substitute “75”.

Tribunals (Scotland) Act 2014 (asp 10)

- 40 In Schedule 7 to the Tribunals (Scotland) Act 2014, omit paragraph 10.

Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))

- 41 In section 4 of the Justice Act (Northern Ireland) 2015 (lay magistrates), in subsection (11), for “70” substitute “75”.

Status: This is the original version (as it was originally enacted).

Victims' Payment Regulations 2020 (S.I. 2020/103)

- 42 (1) Schedule 1 to the Victims' Payment Regulations 2020 (the Board) is amended as follows.
- (2) In paragraph 5, in sub-paragraph (5), for "70" substitute "75".
- (3) Omit sub-paragraph 6.

PART 2

TRANSITIONAL PROVISION

General

- 43 An amendment made by Part 1 of this Schedule has effect in relation to a person appointed to an office to which the amendment relates whether the person was appointed before or after the coming into force of the amendment.

Lay justices in England and Wales

- 44 (1) This paragraph applies if on the commencement date—
- (a) a person's name is on the supplemental list, and
 - (b) the person is aged between 70 and 75.
- (2) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, direct that the person's name be removed from the supplemental list for a period specified in the direction ("the temporary period").
- (3) A direction under sub-paragraph (2) may be made only if—
- (a) the person has applied for their name to be removed, and
 - (b) the Lord Chancellor is satisfied that the direction is expedient as a temporary measure in order to facilitate the disposal of business in the magistrates' courts or the family court.
- (4) The temporary period must end no later than the day on which the person attains the age of 75.
- (5) Subject to that, the Lord Chancellor may, with the concurrence of the Lord Chief Justice, amend a direction under sub-paragraph (2) to extend the temporary period, if the Lord Chancellor is satisfied that the extension of the period would be expedient as a temporary measure in order to facilitate the disposal of business in the magistrates' courts or the family court.
- (6) The power in sub-paragraph (2) may be exercised more than once.
- (7) Where the person's name was entered on the supplemental list as a result of section 13(4) or (5) of the Courts Act 2003, section 14(2) of that Act does not apply to the removal of the person's name from the list.
- (8) A person's name that, as a result of sub-paragraph (2), is not in the supplemental list must be entered in the list at the end of the temporary period.

Status: This is the original version (as it was originally enacted).

- (9) The Lord Chief Justice may nominate a judicial office holder as defined in section 109(4) of the Constitutional Reform Act 2005 to exercise functions of the Lord Chief Justice under this paragraph.
- (10) In this paragraph—
- (a) “the commencement date” means the date on which the amendments made by paragraph 33 come into force;
 - (b) “the supplemental list” has the meaning given by section 12 of the Courts Act 2003 (and references to entry in and removal from the supplemental list are to be construed accordingly).

Lay magistrates in Northern Ireland

- 45 (1) If—
- (a) a person ceased to hold office before the commencement date by virtue of section 4(11) of the [Justice Act \(Northern Ireland\) 2015 \(c. 9 \(N.I.\)\)](#), and
 - (b) the person has not attained the age of 75,
- the Northern Ireland Judicial Appointments Commission may appoint the person as a lay magistrate under this paragraph.
- (2) For the purposes of sub-paragraph (1)—
- (a) section 4(5) of that Act (which prohibits the appointment of a lay magistrate unless certain training requirements are met) is to be ignored, and
 - (b) the reference in section 4(7) of that Act to eligibility for appointment as a lay magistrate includes eligibility for appointment under this paragraph.
- (3) In this paragraph “the commencement date” means the date on which the amendment made by paragraph 25(4)(d) takes effect.

PART 3

REPEAL OF SPENT PROVISIONS ETC

- 46 Omit paragraph 3(3) of Schedule 9B to the Rates (Northern Ireland) Order 1977 ([S.I. 1977/2157 \(N.I. 28\)](#)).
- 47 (1) The Judicature (Northern Ireland) Act 1978 is amended as follows.
- (2) In section 12B (tenure of office: Lord Chief Justice), in subsection (1), omit “, and Schedule 7 to,”.
 - (3) In section 12C (tenure of office: Lords Justices of Appeal and certain High Court judges), in subsection (1), omit “, and Schedule 7 to,”.
- 48 (1) The Judicial Pensions and Retirement Act 1993 is amended as follows.
- (2) In Schedule 5 (retirement provisions: the relevant offices), omit the following entries—
 - (a) Chairman of the Foreign Compensation Commission;
 - (b) Commons Commissioner;
 - (c) Chairman of a Registered Homes Tribunal constituted under the Registered Homes Act 1984;
 - (d) Member of the Pensions Regulator Tribunal.

Status: This is the original version (as it was originally enacted).

- (3) In Schedule 6 (retirement dates for certain judicial offices), omit paragraphs 1, 2, 6, 10, 11, 15, 27 to 29, 33, 36, 43, 44, 53, 55, 61 and 62.
 - (4) Omit Schedule 7 except for paragraph 1(2).
- 49 Omit paragraph 42 of Schedule 39 to the Education Act 1996.
- 50 Omit paragraph 3(4) of Schedule 15 to the Immigration and Asylum Act 1999.