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STATUTORY INSTRUMENTS

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**2023 No. 1424**

**RETAINED EU LAW REFORM**

**The Retained EU Law (Revocation and Reform) Act  
2023 (Consequential Amendment) Regulations 2023**

*Made* - - - - *19th December 2023*

*Coming into force* - - *1st January 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 19(1) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 (“the Act”)(1).

The Secretary of State is a relevant national authority for the purpose of section 19(1) of the Act(2). In accordance with paragraph 5(1) and (2) of Schedule 5 to the Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023.

(2) These Regulations come into force on 1st January 2024.

(3) A provision of these Regulations that amends or repeals an enactment has the same extent as the enactment amended or repealed unless otherwise specified.

**Amendments of primary legislation**

2. The Schedule to these Regulations (which contains amendments of primary legislation in consequence of the Retained EU Law (Revocation and Reform) Act 2023) has effect.

19th December 2023

*Kevin Hollinrake*  
Parliamentary Under Secretary of State  
Department for Business and Trade

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(1) [2023 c. 28](#).

(2) See section 21(1) of the Act for the definition of “relevant national authority”.

## Schedule

Regulation 2

## Amendments of primary legislation

**Statutory Instruments Act 1946**

1. In the heading of section 11B and in section 11B(1) of the Statutory Instruments Act 1946(3) for “retained direct EU” (in each place it appears) substitute “assimilated direct”.

**Laying of Documents before Parliament (Interpretation) Act 1948**

2. In section 1(1) of the Laying of Documents before Parliament (Interpretation) Act 1948(4) for “retained direct EU” (in each place it appears) substitute “assimilated direct”.

**Harbours Act 1964**

- 3.—(1) The Harbours Act 1964(5) is amended as follows.
- (2) In the following paragraphs of Schedule 3 for “retained EU” substitute “assimilated”—
- (a) paragraph 1, in the definition of “environmental assessment”(6);
  - (b) paragraph 1A(b)(ii), in the text of the modification(7).

**Plant Health Act (Northern Ireland) 1967**

- 4.—(1) The Plant Health Act (Northern Ireland) 1967(8) is amended as follows.
- (2) In the following provisions for “retained EU” substitute “assimilated”—
- (a) section 2(1)(9);
  - (b) section 3(1)(10).

**International Organisations Act 1968**

5. In section 4B(3A) of the International Organisations Act 1968(11) for “retained EU” substitute “assimilated”.

**Agriculture Act 1970**

6. In section 74A(1E) and (4) of the Agriculture Act 1970(12) for “retained direct EU” substitute “assimilated direct”.

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- (3) 1946 c. 36; section 11B was inserted by paragraph 1 of Schedule 2 to S.I. 2018/1242.
- (4) 1948 c. 59; section 1(1) was amended by paragraph 2 of Schedule 2 to S.I. 2018/1242.
- (5) 1964 c. 40.
- (6) The definition of “environmental assessment” in paragraph 1 was substituted by regulation 2(4)(a)(ii) of S.I. 2020/460, as it applies in relation to England and Wales. The definition of “environmental assessment” in paragraph 1 was substituted by regulation 2(4)(b)(ii) of S.I. 2020/460, as it applies in relation to Scotland.
- (7) Paragraph 1A was inserted by regulation 2(4)(c) of S.I. 2020/460.
- (8) 1967 c. 28 (N.I.).
- (9) Section 2(1) was amended by paragraph 1(a) of Schedule 2 to S.R. & O. (N. I.) No. 1972 No. 351 and regulation 2(2) of S.R. 2020 No. 327.
- (10) Section 3(1) was amended by paragraph 1(a) and (b) of Schedule 2 to S.R. & O. (N. I.) No. 1972 No. 351 and regulation 2(4) of S.R. 2020 No. 327.
- (11) 1968 c. 48; section 4B was inserted by section 5 of the International Organisations Act 2005 (c. 20) and section 4B(3A) was inserted by section 27(6) of the European Union (Future Relationship) Act 2020 (c. 29).
- (12) 1970 c. 40; section 74A was inserted by paragraph 6 of Schedule 4 to the European Communities Act 1972 (c. 68). Section 74A(1E) was inserted by section 33(4) of the Agriculture Act 2020 (c. 21). Section 74A(4) was amended by regulation 7 of S.I. 2019/601.

### **Road Traffic (Foreign Vehicles) Act 1972**

7. In section 1(1)(a) of the Road Traffic (Foreign Vehicles) Act 1972(13) for “retained direct EU” substitute “assimilated direct”.

### **Drainage (Northern Ireland) Order 1973**

8.—(1) The Drainage (Northern Ireland) Order 1973(14) is amended as follows.

(2) In the following provisions for “retained EU” (in each place it appears) substitute “assimilated”—

- (a) Articles 12A and 12I(15);
- (b) Schedules 2A and 2B(16).

### **Consumer Credit Act 1974**

9.—(1) The Consumer Credit Act 1974(17) is amended as follows.

(2) In the following provisions for “a retained EU” substitute “an assimilated”—

- (a) section 98A(5)(a)(18);
- (b) section 157(2A)(b)(19).

### **Statutory Rules (Northern Ireland) Order 1979**

10.—(1) Article 4 of the Statutory Rules (Northern Ireland) Order 1979(20) is amended as follows.

(2) In paragraph (a)(v)(21) for “retained direct EU” substitute “assimilated direct” and omit “(within the meaning of the European Union (Withdrawal) Act 2018)”.

(3) In paragraph (a)(vii)(22) for “7(b)” substitute “7(2)(b)”.

(4) After paragraph (a)(viii) insert—

“(ix) any regulations made under section 14(2) or (3) of the Retained EU Law (Revocation and Reform) Act 2023, if the power is expressed to be exercisable by statutory rule for the purposes of this Order.”.

### **Highways Act 1980**

11. In section 105ZA of the Highways Act 1980(23) for “retained EU” (in each place it appears, including in the text of the modification made by subsection (1A)(b)(ii)) substitute “assimilated”.

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(13) 1972 c. 27; section 1(1)(a) was amended by regulation 22(2) of S.I. 1984/748, regulation 13(1) of S.I. 1999/1322 and regulation 47 of S.I. 2019/453.

(14) S.I. 1973/69 (N.I. 1).

(15) Articles 12A and 12I were substituted by regulation 21 of S.R. 2017 No. 88 and were amended by regulation 2 of S.I. 2019/31.

(16) Schedules 2A and 2B were substituted by regulation 24 and the Schedule to S.R. 2017 No. 88 and were amended by regulation 2 of S.I. 2019/31.

(17) 1974 c. 39.

(18) Section 98A was inserted by regulation 38 of S.I. 2010/1010 and section 98A(5)(a) was amended by regulation 2(2) of S.I. 2018/1038.

(19) Section 157(2A) was inserted by regulation 40(4) of S.I. 2010/1010 and section 157(2A)(b) was amended by regulation 2(3) of S.I. 2018/1038.

(20) 1979/1573 (N.I. 12).

(21) Paragraph (a)(v) was inserted by paragraph 3 of Schedule 2 to S.I. 2018/1242.

(22) Paragraphs (a)(vii) and (viii) were inserted by regulation 7 of S.I. 2020/463.

(23) 1980 c. 66; section 105ZA was inserted by paragraph 2 of Schedule 2 to S.I. 2017/1070. The definition of “environmental assessment” was amended by regulation 3(2)(b) of S.I. 2020/460. Section 105ZA(1A) was inserted by regulation 3(3) of S.I. 2020/460.

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### **Animal Health Act 1981**

**12.** In the heading of section 64A and in section 64A(a) of the Animal Health Act 1981(24) for “retained EU” substitute “assimilated”.

### **Fisheries Act 1981**

**13.—**(1) Section 30 of the Fisheries Act 1981(25) is amended as follows.

(2) For “retained EU”, in each place it appears, except in the definition of “retained EU restriction” in subsection (3), substitute “assimilated”.

(3) In subsection (3)—

(a) insert at the appropriate place—

““assimilated restriction” means a restriction that—

(a) was created or arose by or under the EU Treaties before IP completion day, and

(b) forms part of assimilated law,

as modified from time to time;”;

(b) omit the definition of “retained EU restriction”.

### **Road Traffic (Northern Ireland) Order 1981**

**14.—**(1) Article 102B of the Road Traffic (Northern Ireland) Order 1981(26) is amended as follows.

(2) In the heading for “Retained EU” substitute “Assimilated”.

(3) Omit paragraphs (3) and (4).

(4) In paragraph (5)—

(a) omit “or (3)”;

(b) for “retained” substitute “assimilated”.

(5) In paragraph (6)—

(a) omit the definitions of “recognised and available” and “relevant Directive rights”;

(b) in the definition of “retained case law” for “retained” substitute “assimilated”.

### **Diseases of Animals (Northern Ireland) Order 1981**

**15.** In the heading of Article 46A and in Article 46A(1)(a) of the Diseases of Animals (Northern Ireland) Order 1981(27), for “retained EU” substitute “assimilated”.

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(24) 1981 c. 22; section 64A was inserted by regulation 2 of S.I. 1992/3293. The heading and section 64A(a) were amended by regulation 5(2) of S.I. 2019/457.

(25) 1981 c. 29; section 30 was amended by section 33 of, and paragraph 4 of Schedule 1 to, the Aquaculture and Fisheries (Scotland) Act 2007 (asp. 12), and section 51 of the Aquaculture and Fisheries (Scotland) Act 2013 (asp. 7), as it applies to Scotland. Section 30 was amended by regulation 3(4) of S.I. 2019/746 as it applies to England, Wales and Scotland. The amendments made by regulation 3 of S.I. 2019/746 were amended by regulation 2 of S.I. 2020/1599 before those amendments came into force. Section 30 was amended by regulation 3(5) of S.I. 2019/746 as it applies to Northern Ireland.

(26) S.I. 1981/154 (N.I. 1); Article 102B was inserted by section 1 of the Motor Vehicles (Compulsory Insurance) Act (Northern Ireland) 2022 (c. 16).

(27) S.I. 1981/1115 (N.I. 22); Article 46A was inserted by regulation 3 of S.R. 1994 No. 161. The heading and Article 46A(1) were amended by regulation 3(3) to (5) of S.R. 2020 No. 327.

### **Civil Aviation Act 1982**

16. In section 105(1) of the Civil Aviation Act 1982(28), in the definition of “enactment”, for “retained direct EU” substitute “assimilated direct”.

### **Foreign Limitation Periods Act 1984**

17. In section 8 of the Foreign Limitation Periods Act 1984(29) for “retained direct EU” (in each place it appears) substitute “assimilated direct”.

### **Foreign Limitation Periods (Northern Ireland) Order 1985**

18.—(1) Article 9 of the Foreign Limitation Periods (Northern Ireland) Order 1985(30) is amended as follows.

- (2) In paragraph (1A) for “retained direct EU” substitute “assimilated direct”.
- (3) In paragraph (2) for “retained direct EU” substitute “assimilated direct”.

### **Agricultural Holdings Act 1986**

19. In section 19A(7) of the Agricultural Holdings Act 1986(31), in the definition of “statutory duty”, for “retained direct EU” substitute “assimilated direct”.

### **Airports Act 1986**

20. In section 74(2)(d) of the Airports Act 1986(32) for “retained EU” substitute “assimilated”.

### **Gas Act 1986**

21.—(1) The Gas Act 1986(33) is amended as follows.

- (2) In the following provisions for “retained EU” substitute “assimilated”—
  - (a) section 4B(4)(34);
  - (b) section 4C(2)(35);
  - (c) section 48(1)(36), in the definition of “designated regulatory function”.

### **Insolvency Act 1986**

22. In paragraph 15C(4) of Schedule 6 to the Insolvency Act 1986(37) for “retained EU” substitute “assimilated”.

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(28) 1982 c. 16; the definition of “enactment” was amended by regulation 2 of S.I. 2018/1091.

(29) 1984 c. 16; section 8 was inserted by regulation 4 of S.I. 2008/2986. Relevant amendments to section 8 were made by regulation 2A of S.I. 2019/834. Regulation 2A was inserted into S.I. 2019/834 by regulation 6 of S.I. 2020/1574 before S.I. 2019/834 came into force.

(30) S.I. 1985/754 (N.I. 5); paragraphs (1A) and (2) were substituted by regulation 6 of S.I. 2020/1574.

(31) 1986 c. 5; section 19A was inserted by paragraph 7 of Schedule 3 to the Agriculture Act 2020 (c. 21).

(32) 1986 c. 31; section 74(2)(d) was amended by regulation 2 of S.I. 2019/687.

(33) 1986 c. 44.

(34) Section 4B was inserted by section 12 of the Utilities Act 2000 (c. 27). Section 4B(4) was amended by article 6(1)(e) of S.I. 2011/1043 and regulation 9 of S.I. 2019/530.

(35) Section 4C was inserted by regulation 32 of S.I. 2011/2704 and was amended by regulation 10 of S.I. 2019/530.

(36) In section 48, the definition of “designated regulatory function” was inserted by regulation 35 of S.I. 2019/530. The definition of “designated regulatory function” in regulation 35 of S.I. 2019/530 was itself amended by regulation 3(14) of S.I. 2020/1016 before it came into force.

(37) 1986 c. 45; paragraph 15C was inserted by section 13(1) of the Financial Services (Banking Reform) Act 2013 (c. 33) and paragraph 15C(4) was amended by paragraph 3(b) of Schedule 2 to S.I. 2018/1394 and regulation 37 of S.I. 2020/1385.

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### **Consumer Protection Act 1987**

**23.** In section 4(1)(a) of the Consumer Protection Act 1987(**38**) for “retained EU” substitute “assimilated”.

### **Road Traffic Act 1988**

**24.**—(1) The Road Traffic Act 1988(**39**) is amended as follows.

(2) In the italicised heading before section 156A for “Retained EU” substitute “Assimilated”.

(3) In section 156A—

- (a) in the heading for “Retained EU” substitute “Assimilated”;
- (b) omit subsection (3);
- (c) in subsection (4) omit “or (3)” and for “retained” substitute “assimilated”;
- (d) in subsection (5) omit the definitions of “relevant section 4 rights” and “section 4 rights” and in the definition of “retained case law” for “retained” substitute “assimilated”.

### **Water Act 1989**

**25.** In section 174(2)(k) of the Water Act 1989(**40**) for “a retained EU” substitute “an assimilated”.

### **Electricity Act 1989**

**26.**—(1) The Electricity Act 1989(**41**) is amended as follows.

(2) In the following provisions for “retained EU” substitute “assimilated”—

- (a) section 3D(5)(**42**);
- (b) section 3E(2)(**43**);
- (c) section 64(1), in the definition of “designated regulatory function”(**44**).

### **Town and Country Planning Act 1990**

**27.**—(1) The Town and Country Planning Act 1990(**45**) is amended as follows.

(2) In the following provisions for “retained EU” substitute “assimilated”—

- (a) section 61E(8)(**46**);
- (b) paragraphs 8(2)(f) and 13B(1)(c)(ii) and (6)(a) of Schedule 4B(**47**);

(38) 1987 c. 43; section 4(1)(a) was amended by article 6(1)(e) of S.I. 2011/1043 and paragraph 4 of Schedule 3 to S.I. 2019/696.

(39) 1988 c. 52; section 156A, and the italicised heading before section 156A, was inserted by section 1 of the Motor Vehicles (Compulsory Insurance) Act 2022 (c. 25).

(40) 1989 c. 15; section 174(2)(k) was amended by regulation 2 of S.I. 2019/558.

(41) 1989 c. 29.

(42) Section 3D was inserted by section 16 of the Utilities Act 2000 (c. 27) and section 3D(5) was amended by article 6(1)(e) of S.I. 2011/1043 and regulation 40 of S.I. 2019/530.

(43) Section 3E was inserted by regulation 33 of S.I. 2011/2704 and section 3E(2) was inserted by regulation 41(3) of S.I. 2019/530.

(44) The definition of “designated regulatory function” in section 64 was inserted by regulation 60(6) of S.I. 2019/530. The definition of “designated regulatory function” was itself amended by regulation 3(24) of S.I. 2020/1016 before regulation 60(6) of S.I. 2019/530 came into force.

(45) 1990 c. 8.

(46) Section 61E was inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c. 20) and section 61E(8) was amended by regulation 2(2) of S.I. 2018/1232.

(47) Schedule 4B was inserted by Schedule 10 to the Localism Act 2011 (c. 20). Paragraph 13B was inserted by section 141(1) of the Housing and Planning Act 2016 (c. 22). Paragraphs 8(2)(f) and 13B(1)(c)(ii) and 13B(6)(a) were amended by regulation 2(4) of S.I. 2018/1232.

(c) paragraph 10(5)(a) of Schedule 4C(48).

### **Contracts (Applicable Law) Act 1990**

**28.**—(1) The Contracts (Applicable Law) Act 1990(49) is amended as follows.

(2) In section 3(1)(50) for “retained EU” substitute “assimilated”.

(3) In the following provisions for “retained direct EU” substitute “assimilated direct”—

(a) section 4A(2)(51);

(b) section 4B(2)(52).

(4) In Schedule 1, in Article 20(53) for “retained EU” (in each place it appears, including the heading) substitute “assimilated”.

### **Environmental Protection Act 1990**

**29.**—(1) The Environmental Protection Act 1990(54) is amended as follows.

(2) In section 7(2)(b) and (12)(b)(55) for “retained EU” substitute “assimilated”.

(3) In section 34CB(7)(56) for “retained direct EU” substitute “assimilated direct”.

(4) In section 75A(57)—

(a) in the text of the modification made by subsection (3)(a)(i) for “retained EU” substitute “assimilated”;

(b) in the text of the modification made by subsection (5)(b) for “retained direct EU” substitute “assimilated direct”.

(5) In section 113(5)(58) for “retained EU” substitute “assimilated”.

(6) In section 116(2)(59) for “retained EU” substitute “assimilated”.

(7) In section 141(5E)(60) for “retained direct EU” substitute “assimilated direct”.

(8) In the heading of section 156 and in section 156(1)(a)(61) for “retained EU” substitute “assimilated”.

(9) In section 160A(1)(b)(62) for “retained EU” substitute “assimilated”.

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(48) Schedule 4C was inserted by Schedule 11 to the Localism Act 2011 (c. 20) and paragraph 10(5)(a) was amended by regulation 2(5) of S.I. 2018/1232.

(49) 1990 c. 36.

(50) Section 3(1) was substituted by regulation 3(4)(b) of S.I. 2019/834.

(51) Section 4A was inserted by regulation 2 of S.I. 2009/3064 and section 4A(2) was substituted by regulation 3(6) of S.I. 2019/834.

(52) Section 4B was inserted by regulation 2 of S.S.I. 2009/410 and section 4B(2) was substituted by regulation 3(7) of S.I. 2019/834.

(53) Article 20 in Schedule 1 was amended by regulation 3(9)(h) of S.I. 2019/834.

(54) 1990 c. 43.

(55) Section 7(2)(b) and (12)(b) was amended by regulation 2(2) of S.I. 2019/458.

(56) Section 34CB was inserted by section 58(2) of the Environment Act 2021 (c. 30).

(57) Section 75A was inserted by regulation 5(4) of S.I. 2019/620. Regulation 5(4) of S.I. 2019/620 was itself amended by regulation 14(2) of S.I. 2020/1540 before it came into force; as part of these amendments, regulation 14(2)(b) of S.I. 2020/1540 substituted the text of new section 75A(5).

(58) Section 113(5) was inserted by regulation 2 of S.S.I. 2001/99 and was amended by regulation 2(4) of S.I. 2019/458.

(59) Section 116(2) was amended by regulation 2(5) of S.I. 2019/458.

(60) Section 141(5E) was inserted by section 62(7) of the Environment Act 2021 (c. 30).

(61) The heading of section 156 and section 156(1)(a) were amended by regulation 2(8) of S.I. 2019/458.

(62) Section 160A was inserted by section 63(2) of the Environmental Act 2021 (c. 30).

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### **Water Industry Act 1991**

- 30.**—(1) The Water Industry Act 1991(**63**) is amended as follows.
- (2) In the following provisions for “retained EU” substitute “assimilated”—
- (a) section 2(7)(**64**);
  - (b) section 92(1)(a)(**65**);
  - (c) section 127(3)(a)(**66**);
  - (d) section 131(3)(a)(**67**).
- (3) In section 206(3)(k)(**68**) for “a retained” substitute “an assimilated”.

### **Water Resources Act 1991**

- 31.**—(1) The Water Resources Act 1991(**69**) is amended as follows.
- (2) In the following provisions for “retained EU” substitute “assimilated”—
- (a) section 102(a)(**70**);
  - (b) section 116(1)(a)(**71**).
- (3) In section 204(2)(k)(**72**) for “a retained EU” substitute “an assimilated”.

### **Genetically Modified Organisms (Northern Ireland) Order 1991**

**32.** In Article 13(2) of the Genetically Modified Organisms (Northern Ireland) Order 1991(**73**) for “retained EU” substitute “assimilated”.

### **Criminal Justice Act 1993**

**33.** In Schedule 1 to the Criminal Justice Act 1993, in paragraph 5(1)(a)(i)(**74**), for “retained direct EU” substitute “assimilated direct”.

### **European Economic Area Act 1993**

- 34.**—(1) The European Economic Area Act 1993(**75**) is amended as follows.
- (2) In the following provisions for “retained EU” substitute “assimilated”—
- (a) section 2(3A)(**76**);

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(63) 1991 c. 56.

(64) Section 2(7) was inserted by section 39(9) of the Water Act 2003 (c. 37) and was amended by section 24(2) of the Water Act 2014 (c. 21) and regulation 3(2) of S.I. 2019/558.

(65) Section 92(1) was amended by regulation 3(3)(b) of S.I. 2019/558.

(66) Section 127(3)(a) was amended by regulation 3(4) of S.I. 2019/558.

(67) Section 131(3)(a) was amended by regulation 3(5) of S.I. 2019/558.

(68) Section 206(3)(k) was amended by regulation 3(6) of S.I. 2019/558.

(69) 1991 c. 57.

(70) Section 102 was amended by regulation 4(3) of S.I. 2019/558.

(71) Section 116 was amended by paragraph 22(a) of Schedule 16 to the Marine and Coastal Access Act 2009 (c. 23), paragraph 274(d) of Schedule 2 to S.I. 2013/755 (W. 90) and regulation 4(4) of S.I. 2019/558.

(72) Section 204(2)(k) was amended by regulation 4(7) of S.I. 2019/558.

(73) S.I. 1991/1714 (N.I. 19); Article 13 was amended by regulation 4 of S.I. 2019/584.

(74) 1993 c. 36; paragraph 5 was substituted by regulation 11 of S.I. 2016/680 and paragraph 5(1) was amended by regulations 2 and 4 of S.I. 2019/310. Regulation 4 of S.I. 2019/310 was amended before it came into force by regulation 3 of, and paragraph 17(a) of the Schedule to, S.I. 2020/1301.

(75) 1993 c. 51.

(76) Section 2(3A) was inserted by paragraph 25(3) of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16) (“EUWA 2018”) and was amended by paragraph 14 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“WAA 2020”).



- (b) section 3(4A)(77).

### **Roads (Northern Ireland) Order 1993**

**35.**—(1) The Roads (Northern Ireland) Order 1993(78) is amended as follows.

(2) In the following provisions for “retained EU” substitute “assimilated”—

- (a) Article 67(2A)(a)(ii) and (b)(iii)(79), in the text of the modifications;
- (b) Article 67(4C)(c) and (6)(d)(80);
- (c) Article 67A(7C)(b)(81).

### **Environment Act 1995**

**36.**—(1) The Environment Act 1995(82) is amended as follows.

(2) In the following provisions for “retained EU” substitute “assimilated”—

- (a) section 40(2)(a) and (4)(a)(83);
- (b) section 41(1)(f) (as it applies to England and Wales)(84), (1)(g)(85) and (2)(g)(86);
- (c) section 56(1) (as it applies to England and Wales)(87), in the definition of “environmental licence”;
- (d) section 80(2)(a)(88);
- (e) section 85(5)(a)(89);
- (f) section 87(1)(b)(i)(90);
- (g) section 122(3)(b)(ii) and (4)(91).

### **Private International Law (Miscellaneous Provisions) Act 1995**

**37.**—(1) The Private International Law (Miscellaneous Provisions) Act 1995(92) is amended as follows.

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(77) Section 3(4A) was inserted by paragraph 26(3) of Schedule 8 to EUWA 2018 and was amended by paragraph 15 of Schedule 5 to WAA 2020.

(78) S.I. 1993/3160 (N.I. 15).

(79) Article 67(2A) was inserted by regulation 2(2)(b) of S.I. 2019/377.

(80) Article 67(4C) was inserted by regulation 3(4) of S.R. 2017/87 and Article 67(4C)(c) was amended by regulation 2(2)(g)(ii) of S.I. 2019/377. Article 67(6)(d) was amended by regulation 2(2)(h) of S.I. 2019/377.

(81) Article 67A was inserted by regulation 2 of S.R. 1999 No. 89. Article 67A(7C)(b) was inserted by regulation 4(10) of S.R. 2017 No. 87 and amended by regulation 2(3) of S.I. 2019/377.

(82) 1995 c. 25.

(83) Section 40(2) and (4) were amended by article 6(1)(a) of S.I. 2011/1043 and regulation 3(2) of S.I. 2019/458.

(84) Section 41(1)(f) was inserted by regulation 17(1)(b) of S.I. 2008/3087 and was amended by paragraph 372(2)(e) of Schedule 2 to S.I. 2013/755 and regulation 3(3)(a)(iii) of S.I. 2019/458. The amendment made by regulation 3(3)(a)(iii) of S.I. 2019/458 was itself amended by regulation 12(2)(a) of S.I. 2020/1540 before the amendment came into force.

(85) Section 41(1)(g) was inserted by paragraph 1(2) of Schedule 8 to S.I. 2009/890 and was amended by paragraph 22(a) of the Schedule to S.I. 2011/2011, paragraph 372(2)(f) of Schedule 2 to S.I. 2013/755 and regulation 3(3)(a)(iv) of S.I. 2019/458. The amendment made by regulation 3(3)(a)(iv) of S.I. 2019/458 was itself amended by regulation 12(2)(a) of S.I. 2020/1540 before the amendment came into force.

(86) Section 41(2)(g) was inserted into the Act as it applies in relation to Scotland by paragraph 1 of Schedule 6 to S.S.I. 2003/235 and was amended by articles 3 to 6 of S.I. 2011/1043 and regulation 3(3)(b) of S.I. 2019/458.

(87) Paragraph (h) of the definition of “environmental licence” was substituted by paragraph 4 of Schedule 4 to S.I. 2011/988 and was amended by regulation 3(5)(a)(ii) of S.I. 2019/458, regulation 2 of S.I. 2019/526 and regulation 4 of S.I. 2020/904.

(88) Section 80(2) was amended by regulation 3(6) of S.I. 2019/458.

(89) Section 85(5) was amended by section 367(4) of the Greater London Authority Act 1999 (c. 29) and regulation 3(7) of S.I. 2019/458.

(90) Section 87(1)(b) was amended by regulation 3(9) of S.I. 2019/458.

(91) Section 122(3) was substituted by, and subsection (4) was amended by, regulation 3(14) of S.I. 2019/458. Regulation 3(14) of S.I. 2019/458 was itself amended by regulation 12(2) of S.I. 2020/1540 before it came into force.

(92) 1995 c. 42.

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- (2) In the following provisions for “retained direct EU” substitute “assimilated direct”—
- (a) section 15A(2)(93);
  - (b) section 15B(2)(94).

#### **Gas (Northern Ireland) Order 1996**

- 38.**—(1) The Gas (Northern Ireland) Order 1996(95) is amended as follows.
- (2) In Article 7(4A)(96) for “retained EU” substitute “assimilated”.
  - (3) In Article 10A(97), in paragraphs (4)(c) and (4A)(b)(iii), for “retained EU” substitute “assimilated”.
  - (4) In Article 39A(2A)(c)(iii)(98) for “retained EU” substitute “assimilated”.

#### **Industrial Pollution Control (Northern Ireland) Order 1997**

- 39.**—(1) The Industrial Pollution Control (Northern Ireland) Order 1997(99) is amended as follows.
- (2) In Article 7(2)(b)(100) for “retained EU” substitute “assimilated”.
  - (3) In Article 30(101), in the heading, paragraph (1)(a) and in the definition of “regulations” in paragraph (2), for “retained EU” substitute “assimilated”.

#### **Waste and Contaminated Land (Northern Ireland) Order 1997**

- 40.**—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997(102) is amended as follows.
- (2) In Article 72(12), in sub-paragraph (b)(iii) of the definition of “pollution control statutory provisions”(103), for “retained EU” substitute “assimilated”.
  - (3) In Article 77(104), in the heading, paragraph (1)(a) and in sub-paragraph (a) of the definition of “regulations” in paragraph (2), for “retained EU” substitute “assimilated”.

#### **Competition Act 1998**

- 41.**—(1) The Competition Act 1998(105) is amended as follows.
- (2) In the following provisions for “retained” substitute “assimilated”—
    - (a) in the heading of section 10 and in section 10(4)(b)(i) and (12)(106);

(93) Section 15A was inserted by regulation 2 of S.I. 2008/2986 and section 15A(2) was substituted by regulation 4 of S.I. 2019/834.

(94) Section 15B was inserted by regulation 2(a) of S.I. 2008/404 and section 15B(2) was substituted by regulation 4 of S.I. 2019/834. Regulation 4 of S.I. 2019/834 was itself substituted by regulation 6(5) of S.I. 2020/1574 before it came into force.

(95) S.I. 1996/275 (N.I. 2).

(96) Paragraph (4A) was inserted by regulation 15 of S.R. 2013 No. 92 and amended by regulation 105 of S.I. 2019/530.

(97) Article 10A was substituted by regulation 118 of S.I. 2019/530 which was itself amended by regulation 3 of S.R. 2020 No. 305 before it came into force.

(98) Article 39A was inserted by regulation 30 of S.R. 2013 No. 92 and paragraph (2A) was inserted by regulation 124 of S.I. 2019/530.

(99) S.I. 1997/2777 (N.I. 18).

(100) Article 7(2)(b) was amended by regulation 6 of S.I. 2019/584.

(101) Article 30 was amended by regulation 7 of S.I. 2019/584.

(102) S.I. 1997/2778 (N.I. 19).

(103) The definition of “pollution control statutory provisions” was amended by section 5(1)(b) of the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5) and regulation 12 of S.I. 2019/584.

(104) Article 77 was amended by regulation 13 of S.I. 2019/584.

(105) 1998 c. 41.

(106) Section 10 was amended by paragraph 38 of Schedule 25 to the Enterprise Act 2002 (c. 40), paragraph 4 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and regulation 3 of S.I. 2019/93.

- (b) in the heading of section 10A(107);
  - (c) section 46(3)(e)(108);
  - (d) section 59(1)(109), in the definitions of “retained block exemption regulation” and “retained exemption”;
  - (e) in the heading of paragraph 9 of Schedule 9(110).
- (3) In the following provisions for “a retained” substitute “an assimilated”—
- (a) section 10(A1), (3), (4) (in the words before paragraph (b)) and (5)(a)(111);
  - (b) section 10A(1), (3) and (5)(112);
  - (c) section 25(8)(a) and (10)(113);
  - (d) paragraph 9(a)(i) of Schedule 9(114).

### **Pollution Prevention and Control Act 1999**

42. In Schedule 1 to the Pollution Prevention and Control Act 1999, in paragraph 3(b)(115), for “retained EU” substitute “assimilated”.

### **Water (Northern Ireland) Order 1999**

43.—(1) The Water (Northern Ireland) Order 1999 is amended as follows.

(2) In Article 36, in the heading, paragraph (1)(a) and in sub-paragraph (a) of the definition of “regulations” in paragraph (2), for “retained EU” substitute “assimilated”.

(3) In Article 54(116), in the heading and in paragraph (1), for “retained EU” substitute “assimilated”.

### **Financial Services and Markets Act 2000**

44.—(1) The Financial Services and Markets Act 2000(117) is amended as follows.

(2) In the following provisions for “retained EU” substitute “assimilated”—

- (a) section 97A(2)(b)(118);
- (b) section 138P(2)(b), (5)(a)(ii) and (5)(c)(ii)(119);
- (c) section 143B(4)(120);
- (d) section 144B(2)(121);

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(107) Section 10A was inserted by regulation 4 of S.I. 2019/93.

(108) Section 46(3) was substituted by paragraph 29 of Schedule 1 to S.I. 2004/1261 and was amended by regulation 14 of S.I. 2019/93.

(109) The definitions of “retained block exemption regulation” and “retained exemption” in section 59(1) were inserted by regulation 21 of S.I. 2019/93.

(110) The heading of paragraph 9 was amended by regulation 31 of S.I. 2019/93.

(111) Section 10 was amended by paragraph 38 of Schedule 25 to the Enterprise Act 2002 (c. 40), paragraph 4 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and regulation 3 of S.I. 2019/93.

(112) Section 10A was inserted by regulation 4 of S.I. 2019/93.

(113) Section 25(8) and (10) were amended by regulation 6 of S.I. 2019/93.

(114) Paragraph 9(a)(i) was amended by regulation 31 of S.I. 2019/93.

(115) 1999 c. 24; paragraph 3(b) was amended by regulation 4(2) of S.I. 2019/458.

(116) S.I. 1999/662 (N.I. 6); Articles 36 and 54 were amended by regulation 3 of S.I. 2019/582.

(117) 2000 c. 8.

(118) Section 97A was inserted by S.I. 2019/1043. Section 97A(2)(b) was amended by S.I. 2019/1234. S.I. 2019/1234 was itself amended by S.I. 2020/1301 before it came into force.

(119) Section 138P was inserted by S.I. 2018/1115; there is an amendment to section 138P that is not relevant.

(120) Section 143B was inserted by paragraph 1 of Schedule 2 to the Financial Services Act 2021 (c. 22).

(121) Section 144B was inserted by paragraph 1 of Schedule 3 to the Financial Services Act 2021 (c. 22).

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- (e) section 192O(3)(**122**);
  - (f) section 313(1)(**123**), in the definition of “the EMIR regulation”;
  - (g) section 391(8G)(b)(**124**);
  - (h) section 417(1), in the definitions of “capital requirements regulation”, “the CSD regulation”, “the EU Benchmarks Regulation 2016”, “market abuse regulation”, “markets in financial instruments regulation”, “MMF Regulation” and “short selling regulation”(125).
- (3) In the following provisions for “retained EU direct” substitute “assimilated direct”—
- (a) section 139A(4)(**126**);
  - (b) section 168(4)(jc)(ii)(**127**).
- (4) In the following provisions for “retained direct EU” substitute “assimilated direct”—
- (a) section 55J(6AA)(a)(ii) and (c)(ii) and (7ZB)(b)(**128**);
  - (b) section 55K(1)(d)(**129**);
  - (c) section 89K(5A)(b)(**130**);
  - (d) section 89NA(11)(b)(**131**);
  - (e) section 131AB(2)(a)(**132**);
  - (f) section 137Q(5)(a)(**133**);
  - (g) section 137R(5A)(b)(**134**);
  - (h) section 141B(2)(**135**);
  - (i) section 257(1)(b)(iii)(**136**);
  - (j) section 261X(1)(b)(iii)(**137**);
  - (k) section 271E(10)(**138**);
  - (l) section 288A(**139**);

(122) Section 192O was inserted by [S.I. 2020/1406](#). Section 192O(3) was inserted by paragraph 14(3) of Schedule 3 to the Financial Services Act 2021 (c. 22).

(123) The definition of “the EMIR regulation” was inserted by [S.I. 2013/504](#) and was amended by [S.I. 2019/662](#), [S.I. 2020/117](#) and [S.I. 2020/1385](#).

(124) Section 391(8G) was inserted by [S.I. 2019/1043](#) and was amended by [S.I. 2019/1234](#).

(125) Section 417(1) was amended by [S.I. 2012/2554](#), [S.I. 2013/3115](#), [S.I. 2014/2879](#), [S.I. 2016/680](#), [S.I. 2017/701](#), [S.I. 2018/135](#), [S.I. 2018/698](#), [S.I. 2019/632](#), [S.I. 2020/1385](#) and [S.I. 2020/1406](#).

(126) Section 139A was inserted by section 24(1) of the Financial Services Act 2012 (c. 21). Section 139A(4) was amended by [S.I. 2016/680](#) and [S.I. 2019/632](#). [S.I. 2019/632](#) was itself amended by [S.I. 2020/1301](#) before it came into force.

(127) Section 168(4)(jc)(ii) was inserted by [S.I. 2017/1255](#) and was amended by [S.I. 2019/632](#). [S.I. 2019/632](#) was itself amended by [S.I. 2020/1301](#) before it came into force.

(128) Section 55J was inserted by section 11(2) of the Financial Services Act 2012 (c. 21). Section 55J(6AA) and (7ZB) were inserted by [S.I. 2019/632](#). [S.I. 2019/632](#) was itself amended by [S.I. 2020/1301](#) before it came into force.

(129) Section 55K was amended by section 11(2) of the Financial Services Act 2012 (c. 21). Section 55K(1)(d) was amended by [S.I. 2019/632](#).

(130) Section 89K was inserted by section 1268 of the Companies Act 2006 (c. 46). Section 89K(5A) was inserted by [S.I. 2019/707](#).

(131) Section 89NA was inserted by [S.I. 2015/1755](#). Section 89NA(11) was amended by [S.I. 2019/707](#).

(132) Section 131AB was inserted by [S.I. 2016/680](#). Section 131AB was amended by [S.I. 2017/701](#), [S.I. 2019/310](#) and [S.I. 2021/494](#).

(133) Section 137Q was amended by section 24(1) of the Financial Services Act 2012 (c. 21). Section 137Q(5) was inserted by [S.I. 2016/680](#) and [S.I. 2019/632](#).

(134) Section 137R was amended by section 24 of the Financial Services Act 2012 (c. 21). Section 137R(5A) was inserted by [S.I. 2019/632](#).

(135) Section 141B was inserted by section 65(2) of the Financial Services and Markets Act 2023 (c. 29).

(136) Section 257 was inserted by paragraph 9(2)(c) of Schedule 18(1) to the Financial Services Act 2012 (c. 21). Section 257(1)(b) was amended by [S.I. 2011/1613](#). Section 257(1)(b)(iii) was inserted by [S.I. 2018/698](#). Section 257(1)(b)(iii) was amended by [S.I. 2019/325](#).

(137) Section 261X was inserted by [S.I. 2013/1388](#). Section 261X(1)(b)(iii) was inserted by [S.I. 2019/325](#).

(138) Section 271E(10) was inserted by paragraph 1 of Schedule 9(1) to the Financial Services Act 2021 (c. 22).

(139) Section 288A was inserted by [S.I. 2017/1064](#). Section 288 was amended by [S.I. 2019/662](#).

- (m) section 289(5)(b)(**140**);
- (n) section 290(1A)(a) and (b)(**141**);
- (o) section 292(3)(a)(ii)(aa) and (bb)(**142**);
- (p) section 293A(3)(**143**);
- (q) section 309H(4)(**144**);
- (r) section 309Z8(5)(**145**);
- (s) section 313(1)(**146**), in the definition of “the EMIR regulation”;
- (t) section 391(8AA)(b), (8BA)(b), (8D)(b) and (8E)(b)(**147**);
- (u) section 398(1A)(ea) and (eb)(ii)(**148**);
- (v) section 425C(1)(a) and (ba)(**149**);
- (w) paragraph 8(3)(a) of Schedule 1ZA(**150**);
- (x) paragraph 6(8)(b) of Schedule 6A(**151**);
- (y) paragraphs 11(2)(d)(i)(cc), 23(1) and 23A(d) of Schedule 17A(**152**).

## Utilities Act 2000

**45.**—(1) The Utilities Act 2000(**153**) is amended as follows.

(2) In section 105(4)(h)(**154**) for “a retained EU” substitute “an assimilated”.

(3) In section 106(1)(**155**), in the definition of “designated regulatory function”, for “retained EU” (in each place it appears) substitute “assimilated”.

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- (**140**) Section 289(5) was inserted by [S.I. 2017/1064](#). Section 289(5)(a) to (c) was amended by [S.I. 2019/662](#).
  - (**141**) Section 290(1A) was inserted by [S.I. 2007/126](#). Section 290(1A) was amended by [S.I. 2017/701](#) and [S.I. 2019/662](#).
  - (**142**) Section 292(3)(a) was amended by [S.I. 2006/2975](#) and [S.I. 2017/701](#). Section 292(3)(a)(ii) was amended by [S.I. 20/1184](#).
  - (**143**) Section 293A was inserted by [S.I. 2007/126](#) and was amended by paragraph 11 of Schedule 8 to the Financial Services Act 2012 (c. 21), [S.I. 2017/1064](#) and [S.I. 2019/662](#).
  - (**144**) Section 309H was inserted by paragraph 1 of Schedule 10 to the Financial Services and Markets Act 2023 (c. 29).
  - (**145**) Section 309Z8 was inserted by paragraph 1 of Schedule 10 to the Financial Services and Markets Act 2023 (c. 29).
  - (**146**) The definition of “the EMIR regulation” was inserted by [S.I. 2013/504](#) and was amended by [S.I. 2019/662](#), [S.I. 2020/117](#) and [S.I. 2020/1385](#).
  - (**147**) Section 391(8AA) was inserted by [S.I. 2019/632](#). Section 391(8BA) was inserted by [S.I. 2019/632](#). Section 391(8D) was inserted by [S.I. 2017/1127](#) and was amended by [S.I. 2019/632](#). Section 391(8E) was inserted by [S.I. 2018/135](#) and was amended by [S.I. 2019/632](#).
  - (**148**) Section 398 was amended by paragraph 36(3) of Schedule 9(7) to the Financial Services Act 2012 (c. 21). Section 398(1A) was inserted by [S.I. 2013/1773](#). Section 398(1A)(ea) and (eb) was inserted by [S.I. 2017/701](#) and was amended by [S.I. 2019/632](#).
  - (**149**) Section 425C was inserted by section 48(3) of the Financial Services Act 2012 (c. 21) and was amended by [S.I. 2019/632](#). Section 425C(1) was amended by section 43(2) of the Financial Services Act 2021 (c. 22).
  - (**150**) Schedule 1 to the Financial Services and Markets Act 2000 (c. 8) was substituted for Schedule 1ZA by Schedule 3 to the Financial Services Act 2012 (c. 21). Paragraph 8(3)(a) of Schedule 1ZA was amended by section 43(3) of the Financial Services Act 2021 (c. 22).
  - (**151**) Paragraph 6 of Schedule 6A was inserted by Schedule 11 to the Financial Services Act 2021 (c. 22).
  - (**152**) Paragraph 11 of Schedule 17A was inserted by paragraph 1 of Schedule 7 to the Financial Services Act 2012 (c. 21). Paragraph 11(2)(d) of Schedule 17A was inserted by [S.I. 2013/504](#) and amended by [S.I. 2014/2879](#). Paragraph 11(2)(d) was amended by [S.I. 2019/632](#). Paragraph 23 of Schedule 17A was inserted by paragraph 1 of Schedule 7 to the Financial Services Act 2012 (c. 21) and amended by [S.I. 2013/504](#) and [S.I. 2014/2879](#). Paragraph 23(1) and (2) of Schedule 17A was amended by paragraph 51(4) of Schedule 2(2) to the Bank of England and Financial Services Act 2016 (c. 14). Paragraph 23(1) of Schedule 17A was amended by [S.I. 2017/1064](#) and [S.I. 2019/63](#). Paragraph 23A of Schedule 17A was inserted by [S.I. 2019/662](#).
  - (**153**) 2000 c. 27.
  - (**154**) Section 105(4)(h) was amended by regulation 68(2)(b) of [S.I. 2019/530](#).
  - (**155**) The definition of “designated regulatory function” was inserted by regulation 70(e) of [S.I. 2019/530](#). The definition inserted by regulation 70(e) of [S.I. 2019/530](#) was itself amended by regulation 3(27) of [S.I. 2020/1016](#) before it came into force.

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### **Freedom of Information Act 2000**

**46.** In section 44(1)(b) of the Freedom of Information Act 2000(**156**) for “retained EU” substitute “assimilated”.

### **Anti-terrorism, Crime and Security Act 2001**

**47.** In section 18(4)(b) of the Anti-terrorism, Crime and Security Act 2001(**157**) for “a retained EU” substitute “an assimilated”.

### **Sea Fisheries (Northern Ireland) Order 2002**

**48.**—(1) The Sea Fisheries (Northern Ireland) Order 2002(**158**) is amended as follows.

(2) In paragraph 3(1) of Schedule 2(**159**) for “retained EU” (in each place it appears) substitute “assimilated”.

(3) In paragraph 3(2)(c) of Schedule 3(**160**) for “a retained EU” substitute “an assimilated”.

### **Environment (Northern Ireland) Order 2002**

**49.**—(1) The Environment (Northern Ireland) Order 2002(**161**) is amended as follows.

(2) In the following provisions for “retained EU” substitute “assimilated”—

- (a) Article 10(3)(a)(**162**);
- (b) Article 14(5)(a)(**163**);
- (c) Article 15(1)(b)(i)(**164**);
- (d) the heading of Article 22 and in Article 22(1)(a)(**165**);
- (e) Article 26(5)(**166**);
- (f) paragraphs 3(b)(i), 9B(1) and 9C of Schedule 1(**167**).

### **Communications Act 2003**

**50.**—(1) Section 194A of the Communications Act 2003(**168**) is amended as follows.

(2) In subsection (2B)(**169**)—

- (a) for “retained”, in the first place it appears, substitute “assimilated”;
- (b) omit “or retained general principle of EU law”.

(3) In subsection (6)(**170**)—

(156) 2000 c. 36; section 44(1)(b) was amended by regulation 2 of S.I. 2018/1353.

(157) 2001 c. 24; section 18(4)(b) was amended by regulation 48 of S.I. 2019/742.

(158) S.I. 2002/790.

(159) Paragraph 3(1) was amended by regulation 6(2)(b) of S.I. 2019/746.

(160) Paragraph 3(2)(c) was amended by regulation 6(3) of S.I. 2019/746.

(161) S.I. 2002/3153 (N.I. 7).

(162) Article 10(3)(a) was amended by regulation 20 of S.I. 2019/584.

(163) Article 14(5)(a) was amended by regulation 21 of S.I. 2019/584.

(164) Article 15(1)(b)(i) was amended by regulation 22 of S.I. 2019/584.

(165) Article 22 was amended by regulation 23(a) and (b) of S.I. 2019/584.

(166) Article 26(5) was amended by regulation 24 of S.I. 2019/584.

(167) Paragraph 3(b)(i) was amended by regulation 25(a) of S.I. 2019/584, paragraph 9B(1) was amended by regulation 10(2)(a) of S.I. 2012/2788 and regulation 25(b) of S.I. 2019/584, and paragraph 9C was amended by regulation 50 of S.I. 2017/1200 and regulation 25(c) of S.I. 2019/584.

(168) 2003 c. 21; section 194A was inserted by section 87(4) of the Digital Economy Act 2017 (c. 30).

(169) Subsection (2B) was inserted by section 13(2) of the Telecommunications (Security) Act 2021 (c. 31).

(170) The definitions of “retained case law” and “retained general principle of EU law” were inserted by section 13(3) of the Telecommunications (Security) Act 2021 (c. 31).

- (a) at the appropriate place insert—
  - ““assimilated case law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018;”;
- (b) omit the definitions of “retained case law” and “retained general principle of EU law”.

### **Waste and Emissions Trading Act 2003**

**51.** In the text of the modifications made by section 37(4) and (6) of the Waste and Emissions Trading Act 2003(**171**)—

- (a) for “retained EU” substitute “assimilated”;
- (b) for “retained direct EU” substitute “assimilated direct”.

### **Energy (Northern Ireland) Order 2003**

**52.**—(1) The Energy (Northern Ireland) Order 2003(**172**) is amended as follows.

(2) In Article 2(2)(**173**), in sub-paragraph (a) of the definition of “designated regulatory gas functions”, for “retained EU” substitute “assimilated”.

(3) In Article 6B(2)(**174**) for “retained EU” substitute “assimilated”.

(4) In Article 15(4)(**175**) for “retained EU” substitute “assimilated”.

(5) In Article 38(2)(**176**) for “retained EU” substitute “assimilated”.

(6) In Article 56(1)(b)(ia)(**177**) for “retained EU” substitute “assimilated”.

(7) In Article 63(4)(i)(**178**) for “retained EU” substitute “assimilated”.

### **Planning and Compulsory Purchase Act 2004**

**53.**—(1) The Planning and Compulsory Purchase Act 2004(**179**) is amended as follows.

(2) In the following provisions, for “retained EU” substitute “assimilated”—

- (a) section 38A(6)(**180**);
- (b) paragraphs 11(2)(d) and 14(4) and (6)(a) of Schedule A2(**181**).

### **Gender Recognition Act 2004**

**54.** In section 21(6) of the Gender Recognition Act 2004(**182**)—

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(171) 2003 c. 33; section 37 was amended by paragraph 2 of Schedule 1(1) to S.I. 2011/226, paragraph 6 of Schedule 4(1) to S.I. 2011/988, regulations 3(3) and 6 of S.I. 2019/620, and regulation 5(3)(a)(i) to (iii) and (3)(b)(i) to (iii) of S.I. 2020/904.

(172) S.I. 2003/419 (N.I. 6).

(173) The definition “designated regulatory gas functions” was inserted by regulation 128 of S.I. 2019/530, which was itself amended by regulation 3 of S.I. 2020/1016 before it came into force.

(174) Article 6B was inserted by regulation 36 of S.R. 2011 No. 155 and paragraph (2) was inserted by regulation 131 of S.I. 2019/530, which was itself amended by regulation 3 of S.I. 2020/1016 before it came into force.

(175) Article 15(4) was amended by regulation 138 of S.I. 2019/530.

(176) Article 38(2) was amended by paragraph 169 of Schedule 6 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and regulation 139 of S.I. 2019/530.

(177) Article 56(1)(b)(ia) was inserted by regulation 143 of S.I. 2019/530 which was itself amended by regulation 3 of S.I. 2020/1016 before it came into force.

(178) Article 63(4)(i) was amended by regulation 145 of S.I. 2019/530 which was itself amended by regulation 3 of S.I. 2020/1016 before it came into force.

(179) 2004 c. 5.

(180) Section 38A was inserted by paragraph 7 of Schedule 9 to the Localism Act 2011 (c. 20) and section 38A(6) was amended by regulation 3(2) of S.I. 2018/1232.

(181) Schedule A2 was inserted by paragraph 1 of Schedule 1 to the Neighbourhood Planning Act 2017 (c. 20) and paragraphs 11(2)(d), 14(4) and 14(6)(a) of Schedule A2 were amended by regulation 3 of S.I. 2019/1232.

(182) 2004 c. 7; section 21(6) was amended by regulation 2(2) of S.I. 2019/305.

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- (a) for “retained EU” substitute “assimilated”;
- (b) omit “or 4”.

#### **Companies (Audit, Investigations and Community Enterprise) Act 2004**

**55.** In section 15D(4)(h) of the Companies (Audit, Investigations and Community Enterprise) Act 2004(**183**) for “retained EU” substitute “assimilated”.

#### **Pensions Act 2004**

- 56.**—(1) The Pensions Act 2004(**184**) is amended as follows.
- (2) In the following provisions for “retained EU” substitute “assimilated”—
- (a) section 87(2)(h)(**185**);
  - (b) section 201(2)(g)(**186**).

#### **Inquiries Act 2005**

- 57.**—(1) The Inquiries Act 2005(**187**) is amended as follows.
- (2) In the following provisions for “retained enforceable EU” substitute “assimilated enforceable”—
- (a) section 19(3)(a)(**188**);
  - (b) section 25(4)(a)(**189**).
- (3) In section 22(1)(b) for “a retained EU” substitute “an assimilated”.
- (4) In section 43(1)—
- (a) at the appropriate place insert—  
““assimilated enforceable obligation” means an obligation (as modified from time to time) which forms part of assimilated law by virtue of section 3 of the European Union (Withdrawal) Act 2018;”;
  - (b) omit the definition of “retained enforceable EU obligation”.

#### **Pensions (Northern Ireland) Order 2005**

- 58.**—(1) The Pensions (Northern Ireland) Order 2005(**190**) is amended as follows.
- (2) In the following provisions for “retained EU” substitute “assimilated”—
- (a) Article 82(2)(h)(**191**);
  - (b) Article 183(2)(g)(**192**).

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(**183**)2004 c. 27; section 15D was inserted by paragraph 232(2) of Schedule 1(2) to [S.I. 2008/948](#) and section 15D(4)(h) was amended by regulation 42(b) of [S.I. 2019/177](#).

(**184**)2004 c. 35.

(**185**)Section 87(2)(h) was amended by regulation 5(3) of [S.I. 2019/192](#).

(**186**)Section 201(2)(g) was amended by regulation 5(5) of [S.I. 2019/192](#).

(**187**)2005 c. 12.

(**188**)Sections 19, 22, and 25 were amended by regulation 2(a) to (c) of [S.I. 2018/1252](#) and a definition was inserted by regulation 2(d) of [S.I. 2018/1252](#).

(**189**)Sections 19, 22, and 25 were amended by regulation 2(a) to (c) of [S.I. 2018/1252](#) and a definition was inserted by regulation 2(d) of [S.I. 2018/1252](#).

(**190**)[S.I. 2005/255 \(N.I. 1\)](#).

(**191**)Article 82(2)(h) was substituted by regulation 5(3) of [S.I. 2019/193](#).

(**192**)Article 183(2)(g) was substituted by regulation 5(4) of [S.I. 2019/193](#).



## Equality Act 2006

**59.** In section 28(12) and (13) of the Equality Act 2006(**193**) for “retained EU” substitute “assimilated”.

## Animal Welfare Act 2006

**60.** In section 29 of the Animal Welfare Act 2006(**194**) for “retained EU” (in each place it appears, including the heading) substitute “assimilated”.

## Companies Act 2006

**61.**—(1) The Companies Act 2006(**195**) is amended as follows.

(2) In the following provisions for “retained EU” substitute “assimilated”—

- (a) section 461(4)(h)(**196**);
- (b) section 1254(1)(a)(**197**);
- (c) paragraph 78 of Schedule 11A(**198**).

## Legislative and Regulatory Reform Act 2006

**62.** In section 12(3) of the Legislative and Regulatory Reform Act 2006(**199**) omit “or anything which is retained EU law by virtue of section 4 of that Act”.

## Armed Forces Act 2006

**63.** In section 343AF(3)(b) and (4)(b) of the Armed Forces Act 2006(**200**) for “retained direct EU” substitute “assimilated direct”.

## Water and Sewerage Services (Northern Ireland) Order 2006

**64.**—(1) The Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.

- (2) In Article 6(11) for “retained EU” substitute “assimilated”.
- (3) In Article 135, in paragraphs (1)(a) and (2)(a), for “retained EU” substitute “assimilated”.
- (4) In Article 185(3)(a) for “retained EU” substitute “assimilated”.
- (5) In Article 189(3)(a) for “retained EU” substitute “assimilated”.
- (6) In Article 265(3)(n)(**201**) for “a retained EU” substitute “an assimilated”.

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**(193)** 2006 c. 3; section 28(12) was amended by paragraph 72(8) of Schedule 26 to the Equality Act 2010 (c. 15), article 6(2)(a) of S.I. 2011/1043 and regulation 4(2)(a) of S.I. 2019/305. Section 28(13) was amended by article 6(2)(a) of S.I. 2011/1043 and regulation 4(2)(b) of S.I. 2019/305.

**(194)** 2006 c. 45; section 29 was amended by regulation 6(2) and (3) of S.I. 2019/454.

**(195)** 2006 c. 46.

**(196)** Section 461(4)(h) was amended by article 6(1)(e) of S.I. 2011/1043 and paragraph 15 of Schedule 2 to S.I. 2019/145.

**(197)** Section 1254(1)(a) was amended by regulation 13(7) of S.I. 2017/516 and regulation 24 of S.I. 2019/177.

**(198)** Paragraph 78 of Schedule 11A was inserted by paragraph 1 of Schedule 1 to S.I. 2007/3494 and amended by regulation 35(a) of S.I. 2019/177.

**(199)** 2006 c. 51; section 12(3) was inserted by section 16(3) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

**(200)** 2006 c. 52; section 343AF was inserted by section 8(3) of the Armed Forces Act 2021 (c. 35).

**(201)** S.I. 2006/3336 (N.I. 21); Articles 6(11), 135(1) and (2), 185(3)(a), 189(3)(a) and 265(3)(n) were amended by regulation 2 of S.I. 2019/32.

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### Statistics and Registration Service Act 2007

- 65.**—(1) The Statistics and Registration Service Act 2007(**202**) is amended as follows.
- (2) In section 29(5) for “retained EU” substitute “assimilated”.
- (3) In section 39(4)(b) for “a retained EU” substitute “an assimilated”.
- (4) In the following provisions, for “retained direct EU” substitute “assimilated direct”—
- (a) section 45A(12)(c);
  - (b) section 45B(3)(c);
  - (c) section 45C(13)(d).

### Serious Crime Act 2007

**66.** In section 69(2)(d) of the Serious Crime Act 2007(**203**) for “a retained EU” substitute “an assimilated”.

### Planning Act 2008

**67.** In Schedule 6 to the Planning Act 2008(**204**), in paragraph 3(7) and (8), for “retained EU” (in each place it appears) substitute “assimilated”.

### Banking Act 2009

- 68.**—(1) The Banking Act 2009(**205**) is amended as follows.
- (2) In the following provisions for “retained EU” (in each place it appears) substitute “assimilated”—
- (a) section 3(1), in the definition of “the capital requirements regulation”(**206**);
  - (b) section 4(4)(**207**);
  - (c) section 6E(6)(**208**) and (10)(**209**);
  - (d) section 11A(8)(**210**);
  - (e) section 62A(2A)(**211**);

**(202)** 2007 c. 18; section 29(5) was amended by regulation 2(2) of S.I. 2019/489. Section 39(4)(b) was amended by regulation 2(3) of S.I. 2019/489. Section 45A(12)(c) was inserted by the Digital Economy Act 2017 (c. 30), and was amended by paragraph 135(4) and (5) of Schedule 19(1) to the Data Protection Act 2018 (c. 12) and regulation 2(4) of S.I. 2019/489. Section 45B(3)(c) was amended by regulation 2(5) of S.I. 2019/489 and paragraph 136(3) of Schedule 19(1) to the Data Protection Act 2018 (c. 12). Section 45C(13)(d) was inserted by the Digital Economy Act 2017 (c. 30) and amended by regulation 2(6) of S.I. 2019/489 and paragraph 137(3) of Schedule 19(1) to the Data Protection Act 2018 (c. 12).

**(203)** 2007 c. 27; section 69(2) was amended by regulation 122(4) of S.I. 2019/742.

**(204)** 2008 c. 29; Schedule 6 was amended by paragraph 72(3) and (9) of Schedule 13(1) to the Localism Act 2011 (c. 20) and regulation 4(2) of S.I. 2018/1232. Paragraph 3(6) was repealed by paragraph 1 of Schedule 25(20) to the Localism Act 2011 (c. 20). Paragraph 3(5A) was inserted by section 28(3) of the Infrastructure Act 2015 (c. 7).

**(205)** 2009 c. 1.

**(206)** Existing section 3 was renumbered as section 3(1) and definitions were inserted by S.I. 2014/3329. Section 3(1) was amended by paragraph 3(2) of Schedule 1 to S.I. 2018/1394 and regulation 39(2) of S.I. 2020/1385. There are other amendments which are not relevant.

**(207)** Section 4(4)(a) was amended by paragraph 13 of Schedule 1 to S.I. 2017/1064, paragraph 7(2)(a) of Schedule 1 to S.I. 2018/1394 and regulation 39(3) of S.I. 2020/1385.

**(208)** Section 6E was inserted by article 11 of S.I. 2014/3329. Section 6E(6) was substituted by paragraph 11(2) of Schedule 1 to S.I. 2018/1394.

**(209)** Section 6E(10) was substituted by paragraph 11(3) of Schedule 1 to S.I. 2018/1394.

**(210)** Section 11A was inserted by article 8 of S.I. 2016/1239. Section 11A(8) was inserted by paragraph 15(3) of Schedule 1 to S.I. 2018/1394 and amended by regulation 39(4) of S.I. 2020/1385.

**(211)** Section 62A was inserted by article 69 of S.I. 2014/3329. Section 62A(2A) was inserted by paragraph 24(3) of Schedule 1 to S.I. 2018/1394.

- (f) section 81ZZBB(10)(b) and (c)(**212**);
  - (g) section 81ZBC(10)(b) and (c)(**213**);
  - (h) section 81BC(10)(b) and (c)(**214**);
  - (i) section 89JA(4)(**215**), in the text of the modification;
  - (j) section 258A(1)(**216**).
- (3) In section 206Z6(3)(**217**) for “retained direct EU” substitute “assimilated direct”.

### **Borders, Citizenship and Immigration Act 2009**

**69.**—(1) The Borders, Citizenship and Immigration Act 2009(**218**) is amended as follows.

(2) In the following provisions for “retained EU” (in each place it appears) substitute “assimilated”—

- (a) section 1(8)(c)(**219**);
- (b) section 7(9)(c)(**220**);
- (c) section 26(7) in the definition of “relevant function”( **221**).

### **Marine and Coastal Access Act 2009**

**70.**—(1) The Marine and Coastal Access Act 2009(**222**) is amended as follows.

(2) In the following provisions for “retained EU” substitute “assimilated”—

- (a) section 30(2)(b) and (4) (in each place it appears)(**223**);
- (b) section 60(8)(d)(**224**);
- (c) section 76(2)(a)(**225**);
- (d) section 123(5)(**226**);
- (e) section 238(2)(b) (in each place it appears)(**227**).

(3) In section 238(10)(**228**)—

(a) at the appropriate place insert—

““assimilated restriction” means a restriction that—

- (a) was created or arose by or under the EU Treaties before IP completion day, and
  - (b) forms part of assimilated law,
- as modified from time to time;”;

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(**212**)Section 81ZZBB(10) was inserted by regulation 14 of S.I. 2020/1350 and amended by regulation 66(b) of S.I. 2020/1350.

(**213**)Section 81ZBC(10) was inserted by regulation 15 of S.I. 2020/1350 and amended by regulation 68(b) of S.I. 2020/1350.

(**214**)Section 81BC(10) was inserted by regulation 16 of S.I. 2020/1350 and amended by regulation 70(b) of S.I. 2020/1350.

(**215**)Section 89JA was inserted by article 103 of S.I. 2014/3329. Section 89JA(4) was inserted by article 29(5) of S.I. 2016/1239 and was amended by paragraph 45 of S.I. 2018/1394.

(**216**)Section 258A(1) was inserted by section 101(7) of the Financial Services Act 2012 (c. 21), and was amended by paragraph 45(3) of Schedule 2(2) to S.I. 2013/3115 and paragraph 54 of Schedule 1 to S.I. 2018/394.

(**217**)Section 206Z6 was inserted by paragraph 1 of Schedule 9 to the Financial Services and Markets Act 2023 (c. 29).

(**218**)2009 c. 11.

(**219**)Section 1(8)(c) was amended by regulation 19(2) of S.I. 2019/745.

(**220**)Section 7(9)(c) was amended by paragraph 156 of Schedule 7(3) to the Taxation (Cross-border Trade) Act 2018 (c. 22).

(**221**)Section 26(7) was amended by regulation 19(4) of S.I. 2019/745.

(**222**)2009 c. 23.

(**223**)Section 30 was amended by regulation 4 of S.I. 2019/746.

(**224**)Section 60(8)(d) was amended by regulation 2(2)(c)(i) and (ii) of S.I. 2018/1399.

(**225**)Section 76(2)(a) was amended by regulation 2(3) of S.I. 2018/1399.

(**226**)Section 123(5) was amended by regulation 2(4) of S.I. 2018/1399.

(**227**)Section 238(2)(b) was amended by regulation 4(4)(a) of S.I. 2019/746.

(**228**)Section 238(10) was amended by regulation 4 of S.I. 2019/746.

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- (b) omit the definition of “retained EU restriction”.
- (4) In section 278(6)(**229**)—
  - (a) at the appropriate place insert—
    - ““assimilated restriction” means a restriction that—
      - (a) was created or arose by or under the EU Treaties before IP completion day, and
      - (b) forms part of assimilated law, as modified from time to time;”;
  - (b) in the definition of “the fisheries legislation” for “retained EU” (in each place it appears) substitute “assimilated”;
  - (c) omit the definition of “retained EU restriction”.

### **Coroners and Justice Act 2009**

**71.** In Schedule 5 to the Coroners and Justice Act 2009(**230**), in paragraph 2(1), for “a retained EU” substitute “an assimilated”.

### **Equality Act 2010**

- 72.**—(1) The Equality Act 2010(**231**) is amended as follows.
- (2) In Schedule 3, in paragraphs 15A(5)(c) and 17(5)(c)—
    - (a) for the words from “retained” to “4” substitute “assimilated law and was made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 or forms part of assimilated law by virtue of section 3”;
    - (b) after “and” insert “(in either case)”.
  - (3) In Schedule 18, in paragraph 2(2)(h)—
    - (a) for the words from “retained” to “4” substitute “assimilated law and was made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 or forms part of assimilated law by virtue of section 3”;
    - (b) after “and” insert “(in either case)”.

### **Postal Services Act 2011**

- 73.**—(1) The Postal Services Act 2011(**232**) is amended as follows.
- (2) In section 20(4)(**233**) for “retained EU” substitute “assimilated”.
  - (3) In section 56(2)(g)(**234**) for “a retained EU” substitute “an assimilated”.

(**229**) Section 278(6) was amended by regulation 4 of [S.I. 2019/746](#).

(**230**) [2009 c. 25](#); paragraph 2 of Schedule 5 was amended by regulation 3 of [S.I. 2018/1252](#).

(**231**) [2010 c. 15](#); paragraph 15A of Schedule 3 was inserted by article 2 of [S.I. 2012/2466](#). Paragraph 15A(5)(c) of Schedule 3 was amended by regulation 5(7)(a)(iii)(bb) to (cc) of [S.I. 2019/305](#). Paragraph 17(5)(c) and (d) of Schedule 3 was amended by regulation 5(7)(b)(iii)(cc) and (dd) of [S.I. 2019/305](#). Paragraph 2(2)(h) of Schedule 18 was amended by regulation 5(8) of [S.I. 2019/305](#).

(**232**) [2011 c. 5](#).

(**233**) Section 20(4) was amended by article 5(3)(b) of [S.I. 2014/500](#) and regulation 3(2) of [S.I. 2018/1417](#).

(**234**) Section 56(2)(g) was amended by regulation 3(3) of [S.I. 2018/1417](#).

## **Welfare of Animals Act (Northern Ireland) 2011**

**74.** In section 28 of the Welfare of Animals Act (Northern Ireland) 2011(**235**) for “retained EU” (in each place it appears, including the heading) substitute “assimilated”.

## **Legal Aid, Sentencing and Punishment of Offenders Act 2012**

**75.**—(1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012(**236**) is amended as follows.

(2) In the following provisions for “retained enforceable EU rights” substitute “assimilated enforceable rights”—

(a) section 10(3)(a)(ii)(**237**);

(b) section 32(3)(a)(ii)(**238**).

(3) In section 42(1)—

(a) at the appropriate place insert—

““assimilated enforceable right” means a right (as modified from time to time) which forms part of assimilated law by virtue of section 3 of the European Union (Withdrawal) Act 2018;”;

(b) omit the definition of “retained enforceable EU right”(**239**).

(4) In Schedule 1, in paragraph 30(1)(b)(**240**), for “retained EU” substitute “assimilated”.

(5) In Schedule 3, in paragraph 2(2)(b)(**241**), for “retained enforceable EU rights” substitute “assimilated enforceable rights”.

## **Civil Aviation Act 2012**

**76.**—(1) The Civil Aviation Act 2012(**242**) is amended as follows.

(2) In section 72(1)(**243**), in the definition of “international obligation of the United Kingdom”, for “a retained EU” substitute “an assimilated”.

(3) In Schedule 6, in paragraph 5(b)(**244**), for “a retained EU” substitute “an assimilated”.

## **Financial Services Act 2012**

**77.**—(1) The Financial Services Act 2012(**245**) is amended as follows.

(2) In the following provisions for “retained direct EU” substitute “assimilated direct”—

(a) section 82(3)(a)(**246**);

(b) section 93(8B)(a)(**247**).

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(**235**) 2011 c. 16 (N.I.); the heading of section 28 was amended by article 6(1)(e) of [S.I. 2011/1043](#) and section 28 was amended by regulation 4 of [S.R. 2020/327](#).

(**236**) 2012 c. 10.

(**237**) Section 10(3)(a) was amended by regulation 3(2) of [S.I. 2019/505](#).

(**238**) Section 32(3)(a)(ii) was amended by regulation 3(3) of [S.I. 2019/505](#).

(**239**) The definition of “retained enforceable EU right” was inserted by regulation 3(4) of [S.I. 2019/505](#).

(**240**) Paragraph 30(1) was substituted by regulation 20(a) of [S.I. 2019/745](#).

(**241**) Paragraph 2(2)(b) was amended by regulation 3(6) of [S.I. 2019/505](#).

(**242**) 2012 c. 19.

(**243**) The definition of “international obligation of the United Kingdom” was amended by regulation 3(2) of [S.I. 2019/687](#).

(**244**) Paragraph 5(b) was amended by regulation 3(3)(a) of [S.I. 2019/687](#).

(**245**) 2012 c. 21.

(**246**) Section 82(3)(a) was amended by regulation 4 of [S.I. 2018/1285](#).

(**247**) Section 93(8B) was inserted by regulation 15(5) of [S.I. 2016/680](#) and was amended by regulation 8(5) of [S.I. 2018/1297](#). The amendments made by regulation 8(5) of [S.I. 2018/1297](#) were themselves amended by regulation 3 and paragraph 7(a) of the Schedule to [S.I. 2020/1301](#) before they came into force.

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### **Groceries Code Adjudicator Act 2013**

**78.** In section 18(3)(b) of the Groceries Code Adjudicator Act 2013(**248**) for “a retained EU” substitute “an assimilated”.

### **Energy Act 2013**

**79.** In section 76A(5) of the Energy Act 2013(**249**) for “retained EU” substitute “assimilated”.

### **Financial Services (Banking Reform) Act 2013**

**80.** In section 97A(2)(b) of the Financial Services (Banking Reform) Act 2013(**250**) for “retained EU” substitute “assimilated”.

### **Marine Act (Northern Ireland) 2013**

**81.** In section 20(5) of the Marine Act (Northern Ireland) 2013(**251**) for “retained EU” substitute “assimilated”.

### **Local Audit and Accountability Act 2014**

**82.** In Schedule 5 to the Local Audit and Accountability Act 2014, in the text of the modification made by paragraph 23(2)(b)(**252**), for “retained EU” substitute “assimilated”.

### **Water Act 2014**

**83.** In Schedule 8 to the Water Act 2014, in paragraph 5(b)(**253**), for “retained EU” substitute “assimilated”.

### **Consumer Rights Act 2015**

**84.**—(1) The Consumer Rights Act 2015(**254**) is amended as follows.

(2) In the following provisions for “retained direct EU” substitute “assimilated direct”—

- (a) section 32(3)(**255**);
- (b) section 74(2)(**256**).

### **Enterprise Act 2016**

**85.** In section 8(2)(c) of the Enterprise Act 2016(**257**) for “retained EU” substitute “assimilated”.

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(**248**) 2013 c. 19; section 18(3)(b) was amended by regulation 2 of S.I. 2018/1046.

(**249**) 2013 c. 32; section 76A was inserted by section 1(2) of the Nuclear Safeguards Act 2018 (c. 15).

(**250**) 2013 c. 33; section 97A was inserted by regulation 10(4) of S.I. 2018/1115.

(**251**) 2013 c. 10 (N.I.); section 20(5) was amended by regulation 2(2)(a) of S.I. 2019/112.

(**252**) 2014 c. 2; paragraph 23 was amended by regulation 4 of S.I. 2019/504.

(**253**) 2014 c. 21; paragraph 5(b) was amended by regulation 5 of S.I. 2019/558.

(**254**) 2015 c. 15.

(**255**) The heading in section 32 was substituted by regulation 2(a) of S.I. 2018/1326. Section 32(3) was amended by regulation 3(2) (c) of S.I. 2018/1326 and regulation 4A(2) of S.I. 2019/834. Regulation 4A of S.I. 2019/834 was inserted into S.I. 2019/834 by S.I. 2020/1574 before it came into force.

(**256**) Section 74(2) was amended by regulation 3 of S.I. 2018/1326 and regulation 4A of S.I. 2019/834.

(**257**) 2016 c. 12; section 8(2)(c) was amended by regulation 4 of S.I. 2018/1046.

### **Environmental Better Regulation Act (Northern Ireland) 2016**

**86.**—(1) The Environmental Better Regulation Act (Northern Ireland) 2016(**258**) is amended as follows.

- (2) In the following provisions for “retained EU” substitute “assimilated”—
- (a) section 1(1)(b)(**259**);
  - (b) paragraph 3(4)(b)(**260**) of Schedule 1.

### **Data Protection Act 2018**

**87.** In section 205 of the Data Protection Act 2018(**261**)—

- (a) in paragraph (f) of the definition of “enactment” in subsection (1)(**262**), for “retained direct EU” substitute “assimilated direct”;
- (b) in subsection (5)(**263**) for “retained EU” substitute “assimilated”.

### **Sanctions and Anti-Money Laundering Act 2018**

**88.**—(1) The Sanctions and Anti-Money Laundering Act 2018(**264**) is amended as follows.

- (2) In section 54(6)(e) and (7) for “retained direct EU” substitute “assimilated direct”.
- (3) Omit section 58.
- (4) In section 62(1) omit the definitions of “retained direct EU legislation” and “retained EU law”.
- (5) In Schedule 2, in paragraph 23(1) and (2), for “retained” (in each place it appears) substitute “relevant”.

### **European Union (Withdrawal) Act 2018**

**89.**—(1) The European Union (Withdrawal) Act 2018(**265**) is amended as follows.

- (2) In section 5A(**266**) for “, 3 or 4”, in each place it appears, substitute “or 3”.
- (3) In section 7(4A)(**267**) omit “, and anything which is retained EU law by virtue of section 4,”.
- (4) In section 20 omit subsection (7).
- (5) In section 21(1), in the Table omit the entry relating to “anything which is retained EU law by virtue of section 4”.
- (6) In the following paragraphs of Schedule 8 omit “or anything which is retained EU law by virtue of section 4” (in each place it appears)—
  - (a) paragraph 3(1)(**268**);
  - (b) paragraph 11A(2) and (3)(**269**);

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(258) 2016 c. 13 (N.I.).

(259) Section 1(1)(b) was amended by regulation 27 of S.I. 2019/584.

(260) Paragraph 3(4)(b) was amended by regulation 28 of S.I. 2019/584.

(261) 2018 c. 12.

(262) The definition of “enactment” was amended by paragraph 85(2) of Schedule 2 to S.I. 2019/419.

(263) Subsection (5) was inserted by paragraph 85(7) of Schedule 2 to S.I. 2019/419.

(264) 2018 c. 13.

(265) 2018 c. 16.

(266) Section 5A was inserted by section 25(5) of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(267) Section 7(4A) was substituted by paragraph 13 of Schedule 3 to the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

(268) Paragraph 3 was amended by section 9(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

(269) Paragraph 11A was inserted by section 9(6) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

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- (c) paragraph 11B(2) and (3)(270);
- (d) paragraph 12(4)(b)(271).

### **Healthcare (International Arrangements) Act 2019**

**90.** In section 7(3) of the Healthcare (International Arrangements) Act 2019(272) for “retained EU” substitute “assimilated”.

### **Direct Payments to Farmers (Legislative Continuity) Act 2020**

**91.**—(1) The Direct Payments to Farmers (Legislative Continuity) Act 2020(273) is amended as follows.

- (2) In section 2(6)—
  - (a) for the comma after “retained domestic case law” substitute “and”;
  - (b) omit “and “retained general principles of EU law””.
- (3) In section 4(5) for “Retained direct EU” substitute “Assimilated direct”.

### **Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020**

**92.**—(1) The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(274) is amended as follows.

- (2) In section 4(2) for “retained EU” substitute “assimilated”.
- (3) In section 5(2)(b) for “retained direct EU” substitute “assimilated direct”.
- (4) In section 6 omit subsections (5) and (6).
- (5) In Schedule 1 omit Part 3 (EU-derived rights etc.).

### **Agriculture Act 2020**

**93.**—(1) The Agriculture Act 2020(275) is amended as follows.

(2) In the following provisions for “retained direct EU” (in each place it appears, including any heading) substitute “assimilated direct”—

- (a) section 7(3);
- (b) section 14;
- (c) section 15(1);
- (d) section 16;
- (e) section 18;
- (f) section 21(3);
- (g) section 22;
- (h) section 32(6);

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(270) Paragraph 11B was inserted by section 9(6) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

(271) Paragraph 12 was amended by paragraph 54(7)(b) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1), regulation 6(5)(a)(ii) of S.I. 2022/357 and section 9(7) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

(272) 2019 c. 14; the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 was renamed as the Healthcare (International Arrangements) Act 2019 by section 162(1) of the Health and Care Act 2022 (c. 31).

(273) 2020 c. 2.

(274) 2020 c. 20.

(275) 2020 c. 21.



- (i) section 42(7);
- (j) section 47(6) and (8);
- (k) section 50(3) and (4);
- (l) section 51, in the definition of “subordinate legislation”;
- (m) section 53(7);
- (n) paragraphs 1, 4, 5 and 6 of Part 1 and paragraphs 8 and 9 of Part 2 of Schedule 5;
- (o) paragraphs 1, 5, 6 and 7 of Part 1 and paragraphs 8 and 9 of Part 2 of Schedule 6.

### **Fisheries Act 2020**

**94.**—(1) The Fisheries Act 2020(**276**) is amended as follows.

(2) In the following provisions for “retained direct EU” substitute “assimilated direct”—

- (a) section 23(11);
- (b) section 26(2)(b);
- (c) section 52, in the definition of “subordinate legislation”.

### **Private International Law (Implementation of Agreements) Act 2020**

**95.** In Schedule 5 to the Private International Law (Implementation of Agreements) Act 2020(**277**) omit paragraph 2.

### **United Kingdom Internal Market Act 2020**

**96.**—(1) The United Kingdom Internal Market Act 2020(**278**) is amended as follows.

(2) In section 58, in the definitions of “legislation” and “subordinate legislation”, for “retained direct EU” substitute “assimilated direct”.

(3) In Schedule 1, in paragraphs 8, 9 and 10, for “retained EU” substitute “assimilated”.

### **European Union (Future Relationship) Act 2020**

**97.** In section 37 of the European Union (Future Relationship) Act 2020(**279**) for “retained direct EU” (in each place it appears) substitute “assimilated direct”.

### **Trade Act 2021**

**98.**—(1) The Trade Act 2021(**280**) is amended as follows.

(2) In section 1(3) for “retained direct principal EU” substitute “assimilated direct principal”.

(3) In section 2—

- (a) in subsection (9) for “retained direct principal EU” substitute “assimilated direct principal”;
- (b) in subsection (9) for “retained EU” substitute “assimilated”;
- (c) in subsection (12) for “retained direct EU” substitute “assimilated direct”.

(4) In section 5, omit subsection (4).

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(**276**)2020 c. 22.

(**277**)2020 c. 24.

(**278**)2020 c. 27.

(**279**)2020 c. 29.

(**280**)2021 c. 10.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Air Traffic Management and Unmanned Aircraft Act 2021**

**99.** In section 18 of the Air Traffic Management and Unmanned Aircraft Act 2021(**281**), in the definition of “subordinate legislation”, for “retained direct EU” substitute “assimilated direct”.

### **Financial Services Act 2021**

**100.**—(1) The Financial Services Act 2021(**282**) is amended as follows.

(2) In section 5(6) for “retained EU” substitute “assimilated”.

(3) In the following provisions for “retained direct EU” substitute “assimilated direct”—

(a) paragraph (a) of the definition of “enactment” in section 47;

(b) Schedule 6, in the text inserted as the definition of “enactment” in paragraph 60(9) of Schedule 2A to the Financial Services and Markets Act 2000(**283**).

### **Judicial Review and Courts Act 2022**

**101.** In section 13(11) of the Judicial Review and Courts Act 2022(**284**), in the definition of “relevant legislation”, for “retained direct EU” substitute “assimilated direct”.

### **Advanced Research and Invention Agency Act 2022**

**102.** In section 8(7) of the Advanced Research and Invention Agency Act 2022(**285**) for “retained direct EU” substitute “assimilated direct”.

### **Professional Qualifications Act 2022**

**103.**—(1) The Professional Qualifications Act 2022(**286**) is amended as follows.

(2) In section 6 for “retained EU” (in each place it appears, including the heading) substitute “assimilated”.

(3) In section 19(1) for “retained direct EU” (in each place it appears) substitute “assimilated direct”.

### **Subsidy Control Act 2022**

**104.**—(1) The Subsidy Control Act 2022(**287**) is amended as follows.

(2) In the following provisions for “retained direct EU” substitute “assimilated direct”—

(a) section 86(2);

(b) section 89(1), in the definition of “subordinate legislation”.

### **Building Safety Act 2022**

**105.** In Schedule 11 to the Building Safety Act 2022(**288**), in paragraph 21(1), for “retained EU” substitute “assimilated”.

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(281)2021 c. 12.

(282)2021 c. 22.

(283)2000 c. 8.

(284)2022 c. 35.

(285)2022 c. 4.

(286)2022 c. 20.

(287)2022 c. 23.

(288)2022 c. 30.

## Nationality and Borders Act 2022

**106.** Omit section 68 of the Nationality and Borders Act 2022(**289**).

## Financial Services and Markets Act 2023

- 107.**—(1) The Financial Services and Markets Act 2023(**290**) is amended as follows.
- (2) In Part 1, in the heading of Chapter 1, for “retained EU” substitute “assimilated”.
- (3) In section 1—
- (a) in the heading, for “retained EU” substitute “assimilated”;
  - (b) in subsection (2)(a) for “retained direct principal EU” substitute “assimilated direct principal”;
  - (c) omit subsection (3).
- (4) In section 4(3) for “retained EU” substitute “assimilated”.
- (5) In section 6—
- (a) in subsections (2)(a) and (3)(a), for “a retained EU” substitute “an assimilated”;
  - (b) in subsections (2)(b) and (9)(b) and (c), for “the retained EU” substitute “the assimilated”.
- (6) In section 7(1), in the definition of “legislation”, for “retained direct EU” substitute “assimilated direct”.
- (7) In section 23(13) for “retained direct EU” substitute “assimilated direct”.
- (8) In section 24(11) for “retained direct EU” substitute “assimilated direct”.
- (9) In section 80—
- (a) in subsection (1), in the definitions of “enactment” and “subordinate legislation”, for “retained direct EU” substitute “assimilated direct”;
  - (b) omit subsection (2).
- (10) In Schedule 1—
- (a) in the Schedule heading, for “retained EU” substitute “assimilated”;
  - (b) in the heading for Part 1 of the Schedule, for “Retained direct principal EU” substitute “Assimilated direct principal”;
  - (c) in Part 5, in the definition of “EU-derived legislation”, for “retained direct EU” substitute “assimilated direct”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in sections 19(1) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) (“the REUL Act”). Section 19(1) is

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(**289**)2022 c. 36.

(**290**)2023 c. 29.

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the power to make appropriate provision in consequence of the REUL Act provisions and which by virtue of section 20(1) includes the ability to make supplementary, incidental, consequential, transitional, transitory or saving provision. The relevant REUL Act provisions in relation to which these Regulations are making consequential amendments are sections 2, 4 and 5.

Section 5 of the REUL Act renames retained EU law (“REUL”) so that at all times after the end of 2023, REUL that remains in force will be known as “assimilated law”. Assimilated law will be domestic law which was previously REUL, but which is no longer interpreted in line with the REUL principles of interpretation, which from the end of 2023 will be removed from domestic law by sections 2, 3 and 4 of the REUL Act:

- (a) section 2 of the REUL Act repeals section 4 of the European Union (Withdrawal) Act 2018 (“EUWA”) so that nothing retained as a result of that section is recognised, available or enforceable in UK law from the end of 2023. Section 4 of EUWA provided that EU rights, powers, liabilities, obligations, restrictions, remedies and procedures which were recognised and available in the UK legal system, but which did not fall within section 3 of EUWA, continued to be recognised and available in domestic law following the UK’s exit from the EU;
- (b) section 3 of the REUL Act makes amendments to section 5 of EUWA which applies the principle of supremacy of EU law in relation to any domestic legislation made on or before 31 December 2020. Section 3 of the REUL Act repeals the principle of the supremacy of EU law at the end of 2023 in relation to any domestic law, whenever made;
- (c) section 4 of the REUL Act makes amendments to EUWA so that general principles of EU law are no longer part of UK law from the end of 2023. The general principles are a part of EU law which the EU institutions and member states must comply with. Section 6(3) of EUWA has provided that general principles of EU law have continued to have effect in domestic law following the UK’s exit from the EU, by requiring REUL to be interpreted consistently with them.

Section 5(1) of the REUL Act sets out what REUL and related terms will be known as after the end of 2023. For example, “retained case law” will be known as “assimilated case law”.

Regulation 1(2) provides that these Regulations and the Schedule (amendments of primary legislation) come into force on 1st January 2024.

Regulation 1(3) provides that a provision that amends or repeals an enactment has the same extent as the enactment to which it relates, unless otherwise specified.

Regulation 2 gives effect to the Schedule which contains amendments to primary legislation that are needed in consequence of sections 2, 4 and 5 of the REUL Act.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen.