

## SCHEDULE 10

### Amendments to legislation

## PART 3

### Amendments to devolved legislation

#### CHAPTER 1

##### Scotland

#### **Non-Domestic Rates (Renewable Energy Generation Relief) (Scotland) Regulations 2010**

**17.**—(1) The Non-Domestic Rates (Renewable Energy Generation Relief) (Scotland) Regulations 2010(1) are amended as follows.

(2) In regulation 3C(3), for “compatible with Article 107(1) of the Consolidated Version of the Treaty on the Functioning of the European Union”, substitute “not prohibited by Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

#### **Non-Domestic Rates (Enterprise Areas) (Scotland) Regulations 2012**

**18.**—(1) The Non-Domestic Rates (Enterprise Areas) (Scotland) Regulations 2012(2) are amended as follows.

(2) In regulation 5(3), for “compatible with article 107(1) of the Consolidated Version of the Treaty on the Functioning of the European Union”, substitute “not prohibited by Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

#### **Non-Domestic Rates (Enterprise Areas) (Scotland) Regulations 2016**

**19.**—(1) The Non-Domestic Rates (Enterprise Areas) (Scotland) Regulations 2016(3) are amended as follows.

(2) In regulation 5(3), for “compatible with Article 107(1) of the Consolidated Version of the Treaty on the Functioning of the European Union”, substitute “not prohibited by Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

#### **Non-Domestic Rates (Steel Sites) (Scotland) Regulations 2016**

**20.**—(1) The Non-Domestic Rates (Steel Sites) (Scotland) Regulations 2016(4) are amended as follows.

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(1) [S.S.I. 2010/44](#), amended by [S.S.I. 2016/121](#), [S.S.I. 2017/60](#) and [S.S.I. 2018/64](#); there are other amending instruments but none is relevant.

(2) [S.S.I. 2012/48](#), to which there are amendments not relevant to these Regulations.

(3) [S.S.I. 2016/119](#).

(4) [S.S.I. 2016/120](#).

(2) In regulation 3(4), for “compatible with Article 107(1) of the Consolidated Version of the Treaty on the Functioning of the European Union”, substitute “not prohibited by Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

#### **Non-Domestic Rates (District Heating Relief) (Scotland) Regulations 2017**

**21.**—(1) The Non-Domestic Rates (District Heating Relief) (Scotland) Regulations 2017<sup>(5)</sup> are amended as follows.

(2) In regulation 4(3), for “compatible with Article 107(1) of the Consolidated Version of the Treaty on the Functioning of the European Union”, substitute “not prohibited by Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

#### **Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2017**

**22.**—(1) The Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2017<sup>(6)</sup> are amended as follows.

(2) In regulation 16, for “compatible with article 107(1) of the Consolidated Version of the Treaty on the Functioning of the European Union”, substitute “not prohibited by Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

#### **Non-Domestic Rates (Day Nursery Relief) (Scotland) Regulations 2018**

**23.**—(1) The Non-Domestic Rates (Day Nursery Relief) (Scotland) Regulations 2018<sup>(7)</sup> are amended as follows.

(2) In regulation 5, for “compatible with article 107(1) of the Consolidated Version of the Treaty on the Functioning of the European Union”, substitute “not prohibited by Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

## CHAPTER 2

### Northern Ireland

#### **Rates (Northern Ireland) Order 1977**

**24.**—(1) The Rates (Northern Ireland) Order 1977<sup>(8)</sup> is amended as follows.

(2) In Article 31D(8)(b), for “an EU obligation”, substitute “a retained EU obligation”.

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(5) [S.S.I. 2017/61](#).

(6) [S.S.I. 2017/85](#), to which there are amendments not relevant to these Regulations.

(7) [S.S.I. 2018/65](#), to which there are amendments not relevant to these Regulations.

(8) [S.I. 1977/2157 \(N.I. 28\)](#), amended by [S.R. 2016 No. 18](#); there are other amending instruments but none is relevant.

### **Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996**

**25.**—(1) The Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996<sup>(9)</sup> are amended as follows.

(2) In each of the following provisions, for “European Commission”, substitute “Competition and Markets Authority”—

- (a) Schedule 2, Part 1, paragraph 26;
- (b) Schedule 2, Part 2, paragraph 22;
- (c) Schedule 2, Part 3, paragraph 25;
- (d) Schedule 2, Part 4, paragraph 21.

### **Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations (Northern Ireland) 2005**

**26.**—(1) The Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations (Northern Ireland) 2005<sup>(10)</sup> are amended as follows.

(2) In regulation 2(2), for “incompatible with the internal market within the meaning of Article 107 of the Treaty”, substitute “prohibited by Article 107(1) of the Treaty, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

### **Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005**

**27.**—(1) The Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005<sup>(11)</sup> are amended as follows.

(2) In regulation 2(1A), for “incompatible with the internal market within the meaning of Article 107 of the Treaty on the Functioning of the European Union”, substitute “prohibited by Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

### **Water Industry (Determination of Turnover for Penalties) Order (Northern Ireland) 2007**

**28.**—(1) The Water Industry (Determination of Turnover for Penalties) Order (Northern Ireland) 2007<sup>(12)</sup> is amended as follows.

(2) In article 2(1), in the definition of “aid”, for “Article 87 of the Treaty establishing the European Community”, substitute “Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

### **Payment of Pension Levies for Past Periods Regulations (Northern Ireland) 2015**

**29.**—(1) The Payment of Pension Levies for Past Periods Regulations (Northern Ireland) 2015<sup>(13)</sup> are amended as follows.

- (2) In regulation 3(6), after “November 2015”, insert “but before exit day”.
- (3) After regulation 3(6), insert—

<sup>(9)</sup> S.R. 1996 No. 447, amended by S.R. 2013 No.281; there are other amending instruments but none is relevant.

<sup>(10)</sup> S.R. 2005 No. 55, amended by S.R. 2010 No. 32; there are other amending instruments but none is relevant.

<sup>(11)</sup> S.R. 2005 No. 126, amended by S.R. 2010 No. 32; there are other amending instruments but none is relevant.

<sup>(12)</sup> S.R. 2007 No. 205.

<sup>(13)</sup> S.R. 2015 No. 402.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

“(6A) Where any anniversary of the interest start date falls on or after exit day, the interest rate to be applied during the year from that anniversary date is the CMA recovery interest rate.

(6B) For the purposes of paragraph (6A), “CMA recovery interest rate” means the rate referred to in regulation 58(1) of the State Aid (EU Exit) Regulations 2019.”.

(4) In regulation 3(7), after “794/2004”, insert “(as it had effect immediately before exit day)”.