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## SCHEDULES

### SCHEDULE 3 **E+W+S**

#### SERVICES AND PUBLIC FUNCTIONS: EXCEPTIONS

#### **PART 1** **E+W+S**

##### CONSTITUTIONAL MATTERS

###### *Parliament*

- 1 (1) Section 29 does not apply to the exercise of—
- (a) a function of Parliament;
  - (b) a function exercisable in connection with proceedings in Parliament.
- (2) Sub-paragraph (1) does not permit anything to be done to or in relation to an individual unless it is done by or in pursuance of a resolution or other deliberation of either House or of a Committee of either House.

##### **Commencement Information**

- II** Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by [S.I. 2010/2317](#), [art. 2\(3\)](#); Sch. 3 in force so far as not already in force at 1.10.2012 by [S.I. 2012/1569](#), [art. 2\(d\)](#)

###### *Legislation*

- 2 (1) Section 29 does not apply to preparing, making or considering—
- (a) an Act of Parliament;
  - (b) a Bill for an Act of Parliament;
  - (c) an Act of the Scottish Parliament;
  - (d) a Bill for an Act of the Scottish Parliament;
  - (e) an Act of the National Assembly for Wales;
  - (f) a Bill for an Act of the National Assembly for Wales.
- (2) Section 29 does not apply to preparing, making, approving or considering—
- (a) a Measure of the National Assembly for Wales;
  - (b) a proposed Measure of the National Assembly for Wales.
- (3) Section 29 does not apply to preparing, making, confirming, approving or considering an instrument which is made under an enactment by—
- (a) a Minister of the Crown;
  - (b) the Scottish Ministers or a member of the Scottish Executive;

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- (c) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.
- (4) Section 29 does not apply to preparing, making, confirming, approving or considering an instrument to which paragraph 6(a) of Schedule 2 to the Synodical Government Measure 1969 (1969 No. 2) (Measures, Canons, Acts of Synod, orders, etc.) applies.
- (5) Section 29 does not apply to anything done in connection with the preparation, making, consideration, approval or confirmation of an instrument made by—
  - (a) Her Majesty in Council;
  - (b) the Privy Council.
- (6) Section 29 does not apply to anything done in connection with the imposition of a requirement or condition which comes within Schedule 22 (statutory provisions).

**Commencement Information**

**I2** Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by [S.I. 2010/2317](#), [art. 2\(3\)](#); Sch. 3 in force so far as not already in force at 1.10.2012 by [S.I. 2012/1569](#), [art. 2\(d\)](#)

*Judicial functions*

- 3 (1) Section 29 does not apply to—
  - (a) a judicial function;
  - (b) anything done on behalf of, or on the instructions of, a person exercising a judicial function;
  - (c) a decision not to commence or continue criminal proceedings;
  - (d) anything done for the purpose of reaching, or in pursuance of, a decision not to commence or continue criminal proceedings.
- (2) A reference in sub-paragraph (1) to a judicial function includes a reference to a judicial function conferred on a person other than a court or tribunal.

**Commencement Information**

**I3** Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by [S.I. 2010/2317](#), [art. 2\(3\)](#); Sch. 3 in force so far as not already in force at 1.10.2012 by [S.I. 2012/1569](#), [art. 2\(d\)](#)

*Armed forces*

- 4 (1) Section 29(6), so far as relating to relevant discrimination, does not apply to anything done for the purpose of ensuring the combat effectiveness of the armed forces.
- (2) “Relevant discrimination” is—
  - (a) age discrimination;
  - (b) disability discrimination;
  - (c) gender reassignment discrimination;
  - (d) sex discrimination.

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- I4** Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by [S.I. 2010/2317](#), [art. 2\(3\)](#); Sch. 3 in force so far as not already in force at 1.10.2012 by [S.I. 2012/1569](#), [art. 2\(d\)](#)

*Security services, etc.*

- 5 Section 29 does not apply to—
- (a) the Security Service;
  - (b) the Secret Intelligence Service;
  - (c) the Government Communications Headquarters;
  - (d) a part of the armed forces which is, in accordance with a requirement of the Secretary of State, assisting the Government Communications Headquarters.

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**Commencement Information**

- I5** Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by [S.I. 2010/2317](#), [art. 2\(3\)](#); Sch. 3 in force so far as not already in force at 1.10.2012 by [S.I. 2012/1569](#), [art. 2\(d\)](#)

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

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

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)