

## SCHEDULE 2

### Amendments to other legislation

## PART 2

### Amendments to subordinate legislation

#### **Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003**

**4.—(1)** The Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003(1) is amended as follows.

(2) In the Schedule, for the definition of “aid” in paragraph 1, substitute—

““aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services;”.

#### **Commencement Information**

**II** Sch. 2 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

#### **Electronic Communications (Networks and Services) (Penalties) (Rules for Calculation of Turnover) Order 2003**

**5.—(1)** The Electronic Communications (Networks and Services) (Penalties) (Rules for Calculation of Turnover) Order 2003(2) is amended as follows.

(2) In the Schedule, in paragraph 4—

- (a) the existing text is renumbered as sub-paragraph (1);
- (b) in sub-paragraph (1), omit “(within the meaning of Article 87 of the EC Treaty)”;
- (c) at the end, insert—

“(2) In this paragraph “aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

#### **Commencement Information**

**I2** Sch. 2 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

(1) [S.I. 2003/1370](#), amended by [S.I. 2012/1809](#); there are other amending instruments but none is relevant.

(2) [S.I. 2003/2712](#).

**Changes to legislation:** There are currently no known outstanding effects for the The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020, PART 2. (See end of Document for details)

### Water Mergers (Determination of Turnover) Regulations 2004

6.—(1) The Water Mergers (Determination of Turnover) Regulations 2004<sup>(3)</sup> are amended as follows.

(2) In the Schedule, for paragraph 1, substitute—

“1. In this Schedule “aid means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

#### Commencement Information

**I3** Sch. 2 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

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

7.—(1) The Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005<sup>(4)</sup> are amended as follows.

(2) For regulation 2(2), substitute—

“(2) Paragraph (1) shall not apply in relation to a partially guaranteed scheme where—

- (a) the scheme was in existence immediately prior to IP completion day; and
- (b) the application of paragraph (1) immediately prior to IP completion day would have given rise to State aid that was incompatible with the internal market within the meaning of Article 107 of the Treaty as it had effect in the United Kingdom immediately prior to IP completion day.”.

#### Commencement Information

**I4** Sch. 2 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

### Water Industry (Determination of Turnover for Penalties) Order 2005

8.—(1) The Water Industry (Determination of Turnover for Penalties) Order 2005<sup>(5)</sup> is amended as follows.

(2) In article 2(1), for the definition of “aid” substitute—

““aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

<sup>(3)</sup> [S.I. 2004/3206](#), amended by [S.I. 2012/1809](#); there are other amending instruments but none is relevant.

<sup>(4)</sup> [S.I. 2005/277](#), amended by [S.I. 2010/196](#); there are other amending instruments but none is relevant.

<sup>(5)</sup> [S.I. 2005/477](#), amended by [S.I. 2012/1809](#); there are other amending instruments but none is relevant.

#### Commencement Information

- I5** Sch. 2 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

### Pension Protection Fund (Entry Rules) Regulations 2005

**9.**—(1) The Pension Protection Fund (Entry Rules) Regulations 2005(6) are amended as follows.

(2) For regulation 2(1A), substitute—

“(1A) Paragraph (1)(d) shall not apply in relation to a scheme where—

- (a) the scheme was in existence immediately prior to IP completion day; and
- (b) the application of paragraph (1)(d) immediately prior to IP completion day would have given rise to State aid that was incompatible with the internal market within the meaning of Article 107 of the Treaty as it had effect in the United Kingdom immediately prior to IP completion day.”.

#### Commencement Information

- I6** Sch. 2 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

### Mobile Roaming (European Communities) Regulations 2007

**10.**—(1) The Mobile Roaming (European Communities) Regulations 2007(7) are amended as follows.

(2) In regulation 6—

(a) in paragraph (4), omit “(within the meaning of Article 107 of the Treaty on the Functioning of the European Union)”;

(b) at the end, insert—

“(5) In this regulation “aid” means a measure which—

- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

#### Commencement Information

- I7** Sch. 2 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

### Community Infrastructure Levy Regulations 2010

**11.**—(1) The Community Infrastructure Levy Regulations 2010(8) are amended as follows.

(6) [S.I. 2005/590](#), amended by [S.I. 2010/196](#); there are other amending instruments but none is relevant.

(7) [S.I. 2007/1933](#), amended by [S.I. 2012/1809](#); there are other amending instruments but none is relevant.

(8) [S.I. 2010/948](#), amended by [S.I. 2014/385](#); there are other amending instruments but none is relevant.

**Changes to legislation:** There are currently no known outstanding effects for the The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020, PART 2. (See end of Document for details)

- (2) In regulation 2(1), in the definition of “discretionary charitable relief”, omit “or 45”.
- (3) In regulation 41—
  - (a) in paragraph (1), omit the definition of “State aid”;
  - (b) in paragraph (2), omit “or 45”.
- (4) In regulation 42A—
  - (a) in paragraph (1), omit “Subject to paragraphs (5) and (6),”;
  - (b) omit paragraph (5) and (6).
- (5) In regulation 42B(4), omit “, and subject to regulation 42A(5),”.
- (6) In regulation 42C(3), omit sub-paragraph (b) and the “or” before it.
- (7) In regulation 43(2)—
  - (a) after sub-paragraph (a), insert “or”;
  - (b) omit sub-paragraph (c) and the “or” before it.
- (8) In regulation 44, omit paragraph (5).
- (9) Omit regulation 45.
- (10) In regulation 46—
  - (a) in paragraph (1)(a)(i), omit “or 45 (or both)”;
  - (b) in paragraph (2)(a)(i), omit “or 45 (or both)”.
- (11) In regulation 54A—
  - (a) in paragraph (1), omit “Subject to paragraphs (10) and (11),”;
  - (b) omit paragraphs (10) and (11).
- (12) In regulation 54B(4), omit “, and subject to regulation 54A(10),”.
- (13) In regulation 54D(3), omit sub-paragraph (b) and the “or” before it.
- (14) In regulation 55(3)(c), omit paragraph (iii) and the “and” before it.

#### Commencement Information

- I8** Sch. 2 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

#### Climate Change Agreements (Administration) Regulations 2012

**12.**—(1) The Climate Change Agreements (Administration) Regulations 2012(9) are amended as follows.

- (2) In regulation 17, omit paragraphs (1) and (2).

#### Commencement Information

- I9** Sch. 2 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

(9) [S.I. 2012/1976](#), to which there are amendments not relevant to these Regulations.

## Electricity Capacity Regulations 2014

13.—(1) The Electricity Capacity Regulations 2014(10) are amended as follows.

(2) In regulation 26—

- (a) omit paragraph (3)(a);
- (b) omit paragraph (5);
- (c) in paragraph (7), for “Paragraphs (5)(a) and (6) are” substitute “Paragraph (6) is”.

(3) In regulation 28—

- (a) in paragraph (1), for “26(5) or (6)” substitute “26(6)”;
- (b) in paragraph (4), for “26(5)(a) or (6)” substitute “26(6)”.

### Commencement Information

**I10** Sch. 2 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

## Payment of Pension Levies for Past Periods Regulations 2014

14.—(1) The Payment of Pension Levies for Past Periods Regulations 2014(11) are amended as follows.

(2) In regulation 3(7), after “794/2004”, insert “(as it had effect in the United Kingdom immediately prior to IP completion day)”.

### Commencement Information

**I11** Sch. 2 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

## Bank Recovery and Resolution (No. 2) Order 2014

15.—(1) The Bank Recovery and Resolution (No. 2) Order 2014(12) is amended as follows.

(2) In article 161(3), omit sub-paragraph (b).

(3) In article 168(3), omit sub-paragraph (b).

### Commencement Information

**I12** Sch. 2 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

## Open Internet Access (EU Regulation) Regulations 2016

16.—(1) The Open Internet Access (EU Regulation) Regulations 2016(13) are amended as follows.

(10) S.I. 2014/2043, amended by S.I. 2014/3354 and S.I. 2019/862.

(11) S.I. 2014/2939.

(12) S.I. 2014/3348, amended by S.I. 2016/1239 and S.I. 2017/80.

(13) S.I. 2016/607.

**Changes to legislation:** There are currently no known outstanding effects for the The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020, PART 2. (See end of Document for details)

- (2) In regulation 24—
- (a) in paragraph (4), omit “(within the meaning of Article 107 of the Treaty on the Functioning of the European Union)”;
- (b) at the end, insert—
- “(5) In this regulation “aid” means a measure which—
- (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
- (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

**Commencement Information**

**I13** Sch. 2 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

**Capital Requirements (Amendment) (EU Exit) Regulations 2018**

**17.**—(1) The Capital Requirements (Amendment) (EU Exit) Regulations 2018(**14**) are amended as follows.

- (2) In regulation 86, omit paragraphs (a) and (b).

**Commencement Information**

**I14** Sch. 2 para. 17 in force at 31.12.2020 immediately before IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(4\)](#)

**Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019**

**18.**—(1) The Common Organisation of the Markets in Agricultural Products Framework (Miscellaneous Amendments, etc.) (EU Exit) Regulations 2019(**15**) are amended as follows.

- (2) Omit regulation 68.
- (3) Omit regulation 113.

**Commencement Information**

**I15** Sch. 2 para. 18 in force at 31.12.2020 immediately before IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(4\)](#)

**Intra-EU Communications (EU Regulation) Regulations 2019**

**19.**—(1) The Intra-EU Communications (EU Regulation) Regulations 2019(**16**) are amended as follows.

- (2) In regulation 9—

**(14)** [S.I. 2018/1401](#).

**(15)** [S.I. 2019/821](#).

**(16)** [S.I. 2019/980](#).

**Changes to legislation:** There are currently no known outstanding effects for the The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020, PART 2. (See end of Document for details)

- (a) in paragraph (4), omit “(within the meaning of Article 107 of the Treaty on the Functioning of the European Union)”;
- (b) at the end, insert—
  - “(5) In this regulation “aid” means a measure which—
    - (a) fulfils the conditions set out in Article 1.1 of the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the WTO Agreement, and
    - (b) is specific within the meaning of Article 2 of that Agreement, irrespective of whether the recipient deals in goods or services.”.

---

**Commencement Information**

**I16** Sch. 2 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020, PART 2.