

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Political Parties, Elections and Referendums Act 2000, SCHEDULE 21 is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 21

Section 158.

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c.51)

- 1 In Part II of the Table at the end of paragraph 3 of the First Schedule to the Public Records Act 1958 (establishments and organisations whose records are public records), insert at the appropriate place—

“Electoral Commission.”

Commencement Information

- II** Sch. 21 para. 1 wholly in force at 16.2.2001; Sch. 21 para. 1 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 1 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

Parliamentary Commissioner Act 1967 (c.13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), insert at the appropriate place—

“Electoral Commission.”

Commencement Information

- I2** Sch. 21 para. 2 wholly in force at 16.2.2001; Sch. 21 para. 2 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 2 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

House of Commons Disqualification Act 1975 (c.24)

- 3 In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)—

- (a) in Part II (bodies of which all members are disqualified), insert at the appropriate place—

“The Electoral Commission.”;

and

- (b) in Part III (other disqualifying offices), insert at the appropriate places—

“Deputy Electoral Commissioners.

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”

“Assistant Electoral Commissioners.

,

and”

“Member of the staff of the Electoral Commission.”

Commencement Information

I3 Sch. 21 para. 3 wholly in force at 16.2.2001; Sch. 21 para. 3 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 3 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

Northern Ireland Assembly Disqualification Act 1975 (c.25)

4 In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership)—

(a) in Part II (bodies of which all members are disqualified), insert at the appropriate place—

“The Electoral Commission.

;

and”

(b) in Part III (other disqualifying offices), insert at the appropriate places—

“Deputy Electoral Commissioners.

”

“Assistant Electoral Commissioners.

,

and”

“Member of the staff of the Electoral Commission.”

Commencement Information

I4 Sch. 21 para. 4 wholly in force at 16.2.2001; Sch. 21 para. 4 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 4 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

European Parliamentary Elections Act 1978 (c.10)

F15

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Textual Amendments

F1 Sch. 21 para. 5 repealed (24.10.2002) by 2002 c. 24, ss. 16, 18(2), Sch. 4

Representation of the People Act 1983 (c.2)

- 6 (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 18(5) (polling districts and places at parliamentary elections)—
- (a) for “the Secretary of State”, wherever occurring, substitute “ the Electoral Commission ”; and
 - (b) for “he thinks fit” substitute “ they think fit ”.
- (3) In section 29 (payments by and to returning officer), for subsections (3) to (9) substitute—
- “(3) A returning officer shall be entitled to recover his charges in respect of services properly rendered, or expenses properly incurred, for or in connection with a parliamentary election if—
- (a) the services or expenses are of a kind specified in regulations made by the Electoral Commission (“the Commission”) with the consent of the Treasury; and
 - (b) the charges are reasonable.
- (4) Regulations under subsection (3) above may specify a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (5) below, the returning officer may not recover more than that amount in respect of any such services or expenses.
- (5) In a particular case the Commission may, with the consent of the Treasury, authorise the payment of more than the specified maximum amount for any specified services or expenses if satisfied—
- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses; and
 - (b) that the charges in question are reasonable.
- (6) Any regulations under subsection (3) above which specify a maximum amount for services or expenses of a particular description may provide for that amount to increase at prescribed dates, or after prescribed periods, by reference to such formula or other method of determination as may be specified in the regulations.
- (7) The amount of any charges recoverable in accordance with this section shall be paid by the Commission on an account being submitted to them; but if the Commission think fit they may, before payment, apply for the account to be taxed under the provisions of section 30 below.
- (8) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer’s charges at a parliamentary election, then on an account being submitted to the Commission a sum equal to the increase shall be paid to the authority by the Commission.

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- (9) On the returning officer’s request for an advance on account of his charges, the Commission may make such an advance on such terms as they think fit.
- (10) The Commission may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to the Commission for the purposes of the payment of a returning officer’s charges.
- (11) Any sums required by the Commission for making payments under this section shall be charged on and paid out of the Consolidated Fund.”
- (4) In section 47(1) (loan of equipment for local elections), for “the Secretary of State” substitute “ the Electoral Commission ”.
- (5) In section 52 (discharge of registration duties), after subsection (1) insert—
- “(1A) Without prejudice to the generality of subsection (1) above, the directions which may be given under subsection (1) include directions requiring a registration officer to maintain his registers in a specified electronic form; and any such directions may in particular specify—
- (a) the software which is to be used in connection with the maintenance of the registers in that form;
 - (b) the standards in accordance with which that software is to be maintained and updated;
 - (c) how information required (by or under any enactment) to be included in the registers is to be recorded and stored in that form.”
- (6) In section 175 (illegal payments etc.), for “illegal payment, employment or hiring”, wherever they occur, substitute “ illegal payment or employment ”.
- (7) In section 201 (regulations)—
- (a) in subsection (1), omit the words from “and except” to “section 29(8)”;
 - (b) in subsection (2), for “section 29(8)” substitute “ section 110(7) ”;
 - (c) after subsection (2) insert—
- “(2A) Any regulations under section 110(7) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”;
- and
- (d) in subsection (3), after “the Secretary of State” insert “ , or the Electoral Commission (in the case of any regulations made by them), ”.
- (8) In section 202(1) (general definitions), for “a party registered under the Registration of Political Parties Act 1998” substitute “ a party registered under Part II of the Political Parties, Elections and Referendums Act 2000 ”.
- (9) In Schedule 1 (parliamentary elections rules), at the end of rule 14 (publication of statement of persons nominated) insert—
- “(5) The returning officer shall send to the Electoral Commission—
- (a) a copy of the statement; and
 - (b) in the case of each candidate standing nominated in respect of whom a certificate has been received by the returning officer in accordance with rule 6A above, a copy of that certificate as well.”

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Commencement Information

- I5** Sch. 21 para. 6 partly in force; Sch. 21 para. 6 partly in force at Royal Assent, see s. 163(2)(3); Sch. 21 para. 6(1)(5)(6)(7)(b)(c)(8)(9) in force at 16.2.2001 and s. 6(2)(7)(d) in force at 1.7.2001 by [S.I. 2001/222](#), arts. 2, 4, [Sch. 1 Pt. I](#), [Sch. 2 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#) and with [Sch. 2 Pt. II para. 1](#))

PROSPECTIVE

Representation of the People Regulations 1986 (S.I. 1986/1081) and Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111)

- 7 (1) In regulation 99 of the Representation of the People Regulations 1986 and in regulation 97 of the Representation of the People (Scotland) Regulations 1986 (modification of provisions about expenses in the Act of 1983)—
- (a) in paragraph (1), for “subsections (3), (4), (4A), (4B), (5), (7) and (8) of section 29” substitute “ subsections (3), (4), (5), (6), (7), (9) and (10) of section 29 ”; and
 - (b) in paragraph (3), for “the Secretary of State” substitute “ the Electoral Commission ”.
- (2) The amendments made by sub-paragraph (1) shall not be taken to prejudice the power to make regulations varying or revoking the amended provisions.

Broadcasting Act 1990 (c.42)

- 8 **F2**

Textual Amendments

- F2** Sch. 21 para. 8 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411(2), [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (subject to [art. 3\(3\)](#) and with [art. 11](#))

Local Government Act 1992 (c.19)

- 9 (1) Section 13 of the Local Government Act 1992 (duty of Local Government Commission for England to conduct reviews) is amended as follows.
- (2) For subsections (1) and (1A) (duty to conduct reviews when directed to do so) substitute—
- “(1) The Secretary of State may direct the Local Government Commission to conduct a review of such areas in England as are specified in the direction or are of a description so specified.
- (1AA) A direction under subsection (1) above shall, in respect of each area to which it relates, specify which of the following kinds of changes, namely—
- (a) structural changes,
 - (b) boundary changes, and

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(c) electoral changes,

is or are to be considered in the review of that area.

(1A) Where the Secretary of State gives a direction under subsection (1) above requiring the Local Government Commission to conduct any review, the Local Government Commission shall conduct the review in accordance with this Part and any directions given under it and, in respect of each of the areas to which the direction relates, recommend in the case of each kind of changes required to be considered in the review of the area either—

- (a) that the Secretary of State should make such changes of that kind as are specified in the recommendations; or
- (b) that he should make no changes of that kind.”

(3) In subsection (1C) (interpretation of subsections (1A) and (1B))—

- (a) for “subsections (1A) and (1B)” substitute “ subsection (1B) ”; and
- (b) omit paragraph (b) and the “and” preceding it.

(4) Omit subsections (3) and (4) (timing of periodic reviews).

Commencement Information

16 Sch. 21 para. 9 wholly in force at 16.2.2001; Sch. 21 para. 9 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 9 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

10 In section 14(8) of that Act (changes that may be recommended), for “section 13(1) above” substitute “ section 13(1A) above ”.

Commencement Information

17 Sch. 21 para. 10 wholly in force at 16.2.2001; Sch. 21 para. 10 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 10 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

Criminal Justice and Public Order Act 1994 (c.33)

11 In section 170 of the Criminal Justice and Public Order Act 1994 (security at party conferences), in subsection (5) for “the Registration of Political Parties Act 1998” substitute “ the Political Parties, Elections and Referendums Act 2000 ”.

Commencement Information

18 Sch. 21 para. 11 wholly in force at 16.2.2001; Sch. 21 para. 11 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 11 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

Government of Wales Act 1998 (c.38)

12 ^{F3}

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Textual Amendments

- F3** Sch. 21 para. 12 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.

Scotland Act 1998 (c.46)

- 13 (1) The Scotland Act 1998 is amended as follows.
- (2) In section 5(9) (candidates at general elections) for "the Registration of Political Parties Act 1998" substitute " Part II of the Political Parties, Elections and Referendums Act 2000 ".
- (3) In section 12(2)(c) (power to make provision about elections) omit "and registered political parties".

Commencement Information

- I9** Sch. 21 para. 13 wholly in force at 16.2.2001; Sch. 21 para. 13 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 13 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

Northern Ireland Act 1998 (c.47)

- 14 (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In section 18(13)(a) (Northern Ireland Ministers) for "a party registered under the Registration of Political Parties Act 1998" substitute " a party registered under Part II of the Political Parties, Elections and Referendums Act 2000 ".
- (3) In Schedule 2 (excepted matters), for paragraph 13 substitute—
- “13 The subject-matter of the Political Parties, Elections and Referendums Act 2000 with the exception of Part IX (political donations etc. by companies).

This paragraph does not include the funding of political parties for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties.”

Commencement Information

- I10** Sch. 21 para. 14 wholly in force at 16.2.2001; Sch. 21 para. 14 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 14 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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Greater London Authority Act 1999 (c.29)

- 15 In section 4(11) of the Greater London Authority Act 1999 (voting at ordinary elections), for “a party registered under the Registration of Political Parties Act 1998” substitute “ a party registered under Part II of the Political Parties, Elections and Referendums Act 2000 ”.

Commencement Information

- III** Sch. 21 para. 15 wholly in force at 16.2.2001; Sch. 21 para. 15 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 15 in force at 16.2.2001 by S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

Representation of the People Act 2000 (c.2)

- 16 (1) Section 10 of the Representation of the People Act 2000 (pilot schemes) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Subsection (1) applies to proposals falling within that subsection which are submitted by a relevant local authority jointly with the Electoral Commission as if in that subsection—
- (a) the first reference to any such authority in paragraph (a), and
- (b) the reference to the authority in paragraph (b)(ii),
- were each a reference to the authority and the Commission; and, in a case where any such proposals are not jointly so submitted, the Secretary of State must consult the Commission before making an order under that subsection.”
- (3) In subsection (5)(a), after “the authority concerned” insert “ and to the Electoral Commission ”.
- (4) In subsection (6), for “the authority concerned” substitute “ the Electoral Commission ”.
- (5) After subsection (6) insert—
- “(6A) The report shall be prepared by the Electoral Commission in consultation with the authority concerned; and that authority shall provide the Commission with such assistance as they may reasonably require in connection with the preparation of the report (which may, in particular, include the making by the authority of arrangements for ascertaining the views of voters about the operation of the scheme).”
- (6) In subsection (7), after “The report shall” insert “ , in particular, ”.
- (7) For subsection (10) substitute—
- “(10) Once the Electoral Commission have prepared the report, they shall send a copy of the report—
- (a) to the Secretary of State, and
- (b) to the authority concerned,

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and that authority shall publish the report in their area, in such manner as they think fit, by the end of the period of three months beginning with the date of the declaration of the result of the elections in question.”

Commencement Information

I12 Sch. 21 para. 16 wholly in force at 1.7.2001; Sch. 21 para. 16 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 16 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 Pt. I (with Sch. 2 Pt. II paras. 1, 2)

- 17 (1) Section 11 of that Act (revision of procedures in the light of pilot schemes) is amended as follows.
- (2) At the end of subsection (1) insert—
- “The power of the Secretary of State to make such an order shall, however, be exercisable only on a recommendation of the Electoral Commission.”
- (3) In subsection (4), for the words from “the report” onwards substitute “ every report under section 10 which relates to a scheme making provision similar to that made by the order. ”

Commencement Information

I13 Sch. 21 para. 17 wholly in force at 1.7.2001; Sch. 21 para. 17 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 17 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 Pt. I (with Sch. 2 Pt. II para. 1)

Local Government Act 2000 (c.22)

- 18 (1) The Local Government Act 2000 is amended as follows.
- (2) In section 44 (conduct of elections of elected mayors or elected executive members), after subsection (3) insert—
- “(3A) Before making any regulations under this section, the Secretary of State shall consult the Electoral Commission.
- (3B) In addition, the power of the Secretary of State to make regulations under this section so far as relating to matters mentioned in subsection (2)(c) shall be exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State considers that it is expedient to exercise that power in consequence of changes in the value of money.”
- (3) In section 45 (conduct of referendums under the Act), after subsection (8) insert—
- “(8A) Before making any regulations under this section, the Secretary of State shall consult the Electoral Commission, but this subsection does not apply to—
- (a) provisions which specify the wording of the question to be asked in a referendum, or
- (b) provisions for matters mentioned in subsection (8)(c).
- (8B) No regulations which specify the wording of the question to be asked in a referendum may be made under subsection (5) unless—

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- (a) before laying a draft of the regulations before Parliament in accordance with section 105(6), the Secretary of State consulted the Electoral Commission as to the intelligibility of that question, and
 - (b) when so laying the draft, the Secretary of State also laid before each House a report stating any views as to the intelligibility of that question which were expressed by the Electoral Commission in response to that consultation.
- (8C) Where any such regulations specify not only the question to be asked in a referendum but also any statement which is to precede that question on the ballot paper at the referendum, any reference in subsection (8B) to the intelligibility of that question is to be read as a reference to the intelligibility of that question and that statement taken together.
- (8D) No regulations which make provision for the matters mentioned in subsection (8)(c) may be made under subsection (5) unless—
- (a) before laying a draft of the regulations before Parliament in accordance with section 105(6), the Secretary of State sought, and had regard to, the views of the Electoral Commission as to the provision to be made by the regulations as to those matters, and
 - (b) where the draft regulations laid before Parliament made provision as to those matters otherwise than in accordance with the views of the Electoral Commission, the Secretary of State, when so laying the draft, also laid before each House a statement of his reasons for departing from the views of the Commission.”
- (4) In section 45(9), after “(8)” insert “ to (8C) ”.

Commencement Information

I14 Sch. 21 para. 18 wholly in force at 1.7.2001; Sch. 21 para. 18 not in force at Royal Assent, see s. 163(2); Sch. 21 para. 18 in force at 1.7.2001 by [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

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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. 2(2A) inserted by [2022 c. 37 s. 18\(1\)](#)
- s. 4A-4E and cross-heading inserted by [2022 c. 37 s. 16](#)
- s. 8(3)(d) inserted by [2011 c. 13 Sch. 10 para. 12](#)
- s. 13ZA and cross-heading inserted by [2022 c. 37 s. 17\(1\)](#)
- s. 54(1)(aa) inserted by [2009 c. 12 s. 9\(1\)](#)
- s. 54(1)(aa) substituted by [2009 c. 12 s. 10\(1\)](#)
- s. 54(2ZA)-(2ZC) inserted by [2009 c. 12 s. 10\(3\)](#)
- s. 56(1A) inserted by [2009 c. 12 s. 10\(5\)](#)
- s. 56(2)(aa) inserted by [2009 c. 12 s. 9\(3\)\(b\)](#)
- s. 56(3B) inserted by [2009 c. 12 s. 9\(4\)](#)
- s. 71H(3ZA) inserted by [2009 c. 12 Sch. 6 para. 19](#)
- s. 71L(9A) inserted by [2009 c. 12 s. 11\(2\)](#)
- Sch. 1 para. 2(1) Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by [2022 c. 37 s. 19\(2\)](#)
- Sch. 1 para. 2(2) inserted by [2022 c. 37 s. 19\(4\)](#)
- Sch. 1 para. 2(1) words inserted by [2022 c. 37 s. 19\(3\)\(a\)](#)
- Sch. 1 para. 2(1) words omitted by [2022 c. 37 s. 19\(3\)\(b\)](#)
- Sch. 2 para. 2(1A) inserted by [2022 c. 37 s. 18\(2\)](#)
- Sch. 2 para. 4 and cross-heading inserted by [2022 c. 37 s. 17\(2\)](#)
- Sch. 7 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 1\(1\)](#)
- Sch. 7 para. 8(1A) inserted by [2009 c. 12 Sch. 4 para. 2](#)
- Sch. 7 para. 10(5)(aa) inserted by [2009 c. 12 Sch. 3 para. 2\(5\)\(b\)](#)
- Sch. 7 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 1\(1\)](#)
- Sch. 7 para. 10(5)(aa) words inserted by [2009 c. 12 Sch. 4 para. 3\(3\)](#)
- Sch. 7A para. 8(9A) inserted by [2009 c. 12 s. 11\(5\)](#)
- Sch. 7A para. 9(10)(ba) inserted by [2009 c. 12 s. 11\(6\)\(b\)](#)
- Sch. 11 para. 4(3) inserted by [2009 c. 12 Sch. 6 para. 29\(2\)](#)
- Sch. 11 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 4\(1\)](#)
- Sch. 11 para. 7(2)(aa) inserted by [2009 c. 12 Sch. 4 para. 5](#)
- Sch. 11 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 4\(1\)](#)
- Sch. 11 para. 4(3) words inserted by [2009 c. 12 Sch. 6 para. 29\(3\)](#)
- Sch. 15 para. 4(3)(4) inserted by [2009 c. 12 Sch. 6 para. 30\(2\)\(b\)](#)
- Sch. 15 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 7\(1\)](#)
- Sch. 15 para. 7(2)(aa) inserted by [2009 c. 12 Sch. 4 para. 8](#)
- Sch. 15 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 7\(1\)](#)
- Sch. 15 para. 4(3) words inserted by [2009 c. 12 Sch. 6 para. 30\(3\)](#)