



# Energy Act 2004

## CHAPTER 20

### ENERGY ACT 2004

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#### CHAPTER 1

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*Financial limits of BNFL and publicly controlled companies that are designated*

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*Financial limits for publicly controlled transferees that are not designated*

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7 (1) This paragraph applies if the articles of association of...

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*Modification of UKAEA pension scheme*

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*Transfer of funds from UKAEA pension scheme*

6 (1) The Secretary of State may direct the UKAEA to...

*Exercise of powers of Secretary of State*

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8 Where employees, or directors or other officers, of a relevant...

Part 4 — OTHER TRANSFERS

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*Persons entitled to pension protection under paragraphs 10 and 11*

9 (1) For the purposes of this Part of this Schedule...

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*Modification of NDA schemes*

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*Trading losses: transfer of undertaking carrying on exempt activities*

2 (1) This paragraph applies for the purposes of corporation tax...

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3 (1) This paragraph applies for the purposes of the 1992...

*Chargeable gains: assets treated as acquired at nil cost*

4 (1) This paragraph applies for the purposes of the 1992...

*Chargeable gains: degrouping charges*

5 (1) This paragraph applies if a company (“the degrouped company”) —...

*Chargeable gains: disposal of debts*

6 (1) This paragraph applies if— (a) a debt owed to...

*Capital allowances: transfer of whole trade*

7 (1) This paragraph applies where— (a) a company (“the transferor...

*Capital allowances: transfer of part of a trade*

8 (1) Where— (a) a company (“the transferor company”) which is...

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*Capital allowances: transfer of plant or machinery*

9 (1) This paragraph applies where— (a) there is a transfer...

*Capital allowances: transfer not to be transaction between connected persons*

10 For the purposes of Part 2 of the 2001 Act...

*Continuity in relation to loan relationships*

11 (1) This paragraph applies if, in consequence of a section...

*Continuity in relation to derivative contracts*

12 (1) This paragraph applies if, in consequence of a section...

*Continuity in relation to transfer of intangible assets*

13 (1) Where— (a) property is transferred in accordance with a...

*Chargeable intangible assets: degrouping charges*

14 (1) This paragraph applies if a company (“the degrouped company”) —...

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Part 2 — TRANSFERS RELATING TO BNFL OR THE UKAEA ETC.

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*Application of rules for reorganisations under same ownership*

17 Where Chapter 1 of Part 22 of the Corporation Tax...

*Chargeable gains: assets to be treated as disposed without a gain or a loss*

18 (1) This paragraph applies for the purposes of the 1992...

*Chargeable gains: degrouping charges*

19 (1) This paragraph applies if a company (“the degrouped company”) —...

*Chargeable gains: disposal of debts*

20 (1) This paragraph applies if— (a) a debt owed to...

*Capital allowances: transfer of plant or machinery*

21 (1) This paragraph applies where— (a) property transferred by a...

*Capital allowances: transfer not to be transaction between connected persons*

22 For the purposes of Part 2 of the 2001 Act...



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*Continuity in relation to loan relationships*

23 (1) This paragraph applies if, in consequence of a transfer...

*Continuity in relation to derivative contracts*

24 (1) This paragraph applies if, in consequence of a transfer...

*Continuity in relation to transfer of intangible assets*

25 (1) Where— (a) property is transferred by a transfer to...

*Chargeable intangible assets: degrouping charges*

26 (1) This paragraph applies if a company (“the degrouped company”) —...

*Computation of profits and losses: transfer of trade*

27 (1) This paragraph applies where, in consequence of a section...

Part 3 — TRANSFERS RELATING TO RELEVANT SITE LICENSEES

28 (1) This paragraph applies where, in consequence of a nuclear...

29 (1) This paragraph applies where— (a) as a consequence of...

30 In this Part of this Schedule “relevant site licensee” has...

Part 4 — TRANSFER OF NUCLEAR LIABILITIES INVESTMENT PORTFOLIO

*Application of Part 4 of Schedule*

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*Chargeable gains: assets to be treated as disposed without a gain or a loss*

32 (1) This paragraph applies for the purposes of the 1992...

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Part 6 — SUPPLEMENTAL PROVISIONS OF SCHEDULE

*Groups of companies*

35 References to a company in the following enactments shall apply...

*Consequential amendment*

36 .....

*Interpretation of Schedule*

37 (1) In this Schedule— “the 1992 Act” means the Taxation...

SCHEDULE 10 — The Civil Nuclear Police Authority

Part 1 — MEMBERSHIP

*Appointment*

1 (1) The Police Authority shall consist of not fewer than...

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*Terms of appointment*

- 2 (1) Subject to what follows, each member of the Police...

*Remuneration*

- 3 The Police Authority may pay to each of its members...  
Part 2 — PROCEEDINGS

*Police Authority to regulate procedure*

- 4 (1) The Police Authority may make such arrangements as it...

*Validity etc.*

- 5 The validity of proceedings of the Police Authority shall not...  
Part 3 — EMPLOYEES

*Employees of the Police Authority*

- 6 (1) The Police Authority may employ such persons as it...

*UKAEA pensions for employees of the Police Authority*

- 7 (1) A pension scheme maintained by the UKAEA under paragraph...  
Part 4 — FINANCES

*Borrowing by the Police Authority*

- 8 (1) The Police Authority may borrow money, but only in...

*Guarantees for borrowing by the Police Authority*

- 9 (1) The Secretary of State may guarantee—

*Grants and loans to the Police Authority*

- 10 (1) The Secretary of State may— (a) make payments by...

*Financial duties*

- 11 (1) The Secretary of State may determine the financial duties...

*Accounts and audit*

- 12 (1) The Police Authority must— (a) keep proper accounts and...

*Receipts and surpluses*

- 13 (1) The Secretary of State may give a direction requiring...

*Destination of receipts*

- 14 The Secretary of State must pay sums received by him...  
Part 5 — MISCELLANEOUS

*Authentication of Police Authority's seal*

- 15 (1) The application of the seal of the Police Authority...

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*Status*

16 (1) The Police Authority is not to be regarded—

*Disqualification for House of Commons*

17 In Part 2 of Schedule 1 to the House of...

*Freedom of information*

18 In Part 5 of Schedule 1 to the Freedom of...

SCHEDULE 11 — Removal and suspension of senior officers of Constabulary

*Removal of senior officers by Police Authority*

1 (1) The Police Authority may call on a senior officer,...

*Power of Secretary of State to require removal of chief constable*

2 (1) The Secretary of State may require the Police Authority...

*Suspension of senior officers by Police Authority pending removal*

3 (1) This paragraph applies where— (a) the Police Authority has...

*Power of Secretary of State to require suspension of chief constable*

4 (1) This paragraph applies where— (a) the Police Authority has...

SCHEDULE 12 — Planning and reports about Constabulary

Part 1 — PLANNING

*Determination of annual objectives for Constabulary*

1 (1) Before the beginning of each financial year, the Police...

*Annual policing plan*

2 (1) Before the beginning of each financial year, the Police...

*Three-year strategy plan*

3 (1) Before the beginning of each three-year period, the Police...

*Initial objectives and plans*

4 The first objectives that are required to be determined under...

Part 2 — REPORTS

*Annual report by chief constable*

5 The chief constable must, as soon as possible after the...

*Power of Police Authority to require reports*

6 (1) Whenever he is required to do so by the...

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*Annual report by Police Authority*

- 7 (1) As soon as possible after the end of each...

*Power of Secretary of State to require reports*

- 8 (1) The Secretary of State may at any time require...

*Meaning of “reporting year”*

- 9 (1) In this Part of this Schedule “reporting year”, in...

SCHEDULE 13 — Directions by Secretary of State about Constabulary

*Objectives*

- 1 (1) The Secretary of State may give directions to the...

*Directions with respect to the Constabulary*

- 2 (1) The Secretary of State may give directions to the...

*Government, administration and conditions of service*

- 3 (1) The Secretary of State may give directions to the...

*Remedial action*

- 4 (1) This paragraph applies where the Secretary of State considers...

SCHEDULE 14 — Minor amendments relating to Constabulary

*Public Records Act 1958*

- 1 In paragraph 3 of Schedule 1 to the Public Records...

*Police (Scotland) Act 1967*

- 2 (1) Section 12 of the Police (Scotland) Act 1967 (c....

*Firearms Act 1968*

- 3 In section 54 of the Firearms Act 1968 (c. 27)...

*Race Relations Act 1976*

- 4 .....

*Ministry of Defence Police Act 1987*

- 5 (1) In section 2 of the Ministry of Defence Police...

*Official Secrets Act 1989*

- 6 In section 12 of the Official Secrets Act 1989 (c....

*Police Act 1996*

- 7 In section 23 of the Police Act 1996 (c. 16)...

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*Regulation of Investigatory Powers Act 2000*

8 (1) In section 46(3) of the Regulation of Investigatory Powers...

*Criminal Justice and Police Act 2001*

9 .....

*Anti-terrorism, Crime and Security Act 2001*

10 (1) In section 77(7) of the Anti-terrorism, Crime and Security...

*Police Reform Act 2002*

11 In section 82 of the Police Reform Act 2002 (c....

SCHEDULE 15 — Amendments of 1993 Act

*Preliminary*

1 The 1993 Act is amended as follows.

*Applications for authorisations*

2 In section 16(6) (obligation to send copy of application to...

*Duty to display documents*

3 In section 19 (duty to display authorisation etc. ), for...

*Requirements with respect to records*

4 In section 20(1) (imposition of requirements with respect to records),...

*Enforcement notices*

5 (1) In subsection (1) of section 21 (enforcement notifications), for...

*Prohibition notices*

6 In section 22(6) (copy of prohibition notice to be served...

*Directions in relation to applications etc.*

7 (1) In subsection (1)(b) of section 23 (directions in relation...

*Power to call in applications*

8 In section 24(1)(a) (applications that may be called in), for...

*Power to restrict knowledge of applications etc.*

9 (1) In subsection (2)(a) of section 25 (directions to restrict...

*Appeals*

10 (1) In subsection (1) of section 26 (appeals), after paragraph...

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### *Offences*

- 11 In each of paragraphs (c) and (d) of section 32(1)...

#### *False and misleading statements*

- 12 In section 34A (offences of making false and misleading statements)  
—...

#### *Meaning of “prescribed”*

- 13 In section 47(1) (interpretation), for the definition of “prescribed”  
substitute—...

### SCHEDULE 16 — Applications and proposals for notices under section 95

#### *Interpretation*

- 1 In this Schedule references to a safety zone notice are...  
2 In this Schedule “relevant renewable energy installation”, in relation  
to...

#### *Requirements for applications*

- 3 (1) An application for a safety zone notice must describe,...

#### *Objections to an application*

- 4 (1) The appropriate Minister may by regulations make provision for...

#### *Objections in other cases*

- 5 (1) This paragraph applies where— (a) the appropriate Minister is...

#### *Public inquiries*

- 6 (1) This paragraph applies where a public inquiry is to...

#### *Use of additional inspectors for an inquiry*

- 7 (1) This paragraph applies in the case of—

#### *Combined notices*

- 8 A notice required by or under this Schedule may be...

#### *Parliamentary control of regulations*

- 9 Regulations under this Schedule— (a) if made by the Secretary...

### SCHEDULE 17 — Conversion of existing transmission licences: licensing scheme

#### *Licensing scheme*

- 1 (1) Before the commencement of section 136, the Secretary of...

#### *Consequential amendment of related codes and agreements*

- 2 The Secretary of State may include in a scheme under...

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*Effect of licensing scheme*

3 (1) A scheme under paragraph 1 shall, by virtue of...

*Modification of licensing scheme*

4 (1) If at any time after a scheme under paragraph...

*Consultation by the Secretary of State*

5 (1) Before carrying out any function under this Schedule the...

*“Existing transmission licence”*

6 In this Schedule, references to an existing transmission licence are...

SCHEDULE 18 — Property arrangements schemes

*Scheme-making power*

1 (1) GEMA may, on application, make a scheme providing for—...

*Applications for schemes*

2 (1) An application for the making of a property arrangements...

*GEMA’s functions in relation to applications*

3 (1) On an application for the making of a property...

4 (1) Subject to the following provisions of this paragraph, where...

5 (1) A determination under paragraph 4, so far as relating...

6 GEMA may require any of the following persons to give...

7 GEMA may engage such consultants as it thinks fit for...

*Effect of property arrangements scheme*

8 A property arrangements scheme shall, by virtue of this paragraph,...

9 (1) A transaction of any description effected by or under...

*Review of determinations*

10 (1) Any person aggrieved by a determination of GEMA under...

11 (1) This paragraph applies where— (a) the Competition Appeal Tribunal...

12 (1) This paragraph applies where— (a) the Competition Appeal Tribunal...

13 (1) This paragraph applies where— (a) the Competition Appeal Tribunal...

14 An order under paragraph 10(4)(b) may include provision for the...

15 Section 120(6) to (8) of the Enterprise Act 2002 (c....

*Interim arrangements pending review of determination*

16 (1) This paragraph applies where— (a) a person makes an...

17 (1) This paragraph applies where— (a) a person makes an...

18 In exercising its powers under paragraph 16 or 17, the...

19 Paragraphs 16 and 17 are without prejudice to any powers...

20 (1) If an order under paragraph 16 or 17 is...

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### *Supplementary*

- 21 The Secretary of State may by order designate the holder...
- 22 An application under this Schedule is not allowed to be...
- 23 (1) In this Schedule— “existing transmission licence” means a transmission...

#### SCHEDULE 19 — Consequential amendments relating to Chapter 1 of Part 3

##### *Water (Scotland) Act 1980 (c. 45)*

- 1 In Schedule 4 to the Water (Scotland) Act 1980 (provisions...

##### *Telecommunications Act 1984 (c. 38)*

- 2 In section 98(9) of the Telecommunications Act 1984, in the...

##### *Electricity Act 1989 (c. 29)*

- 3 The 1989 Act is amended as follows.
- 4 In section 3A(5)(a), for “transmit, distribute or supply” substitute “...
- 5 In section 6 (licences authorising supply etc.), for subsection (7)...
- 6 In section 6A (procedure for licence applications), in subsection (1)...
- 7 (1) Section 6B (applications for transmission licence) is amended as...
- 8 (1) Section 9 (general duties of licence holders) is amended...
- 9 (1) Section 10 (powers of licence holders) is amended as...
- 10 In section 29 (regulations relating to supply and safety), in...
- 11 In section 30 (electrical inspectors), in subsection (2)(a) (duty to...
- 12 (1) Section 35 (which supplements section 34 about fuel stocks...
- 13 In section 43B (supplementary provision about orders under section 43A),...
- 14 In section 58 (directions restricting the use of certain information)—...
- 15 (1) Section 64 (interpretation of Part 1) is amended as...
- 16 In Schedule 9 (preservation of amenity and fisheries), in paragraphs...

##### *Water Industry Act 1991 (c. 56)*

- 17 In Schedule 13 to the Water Industry Act 1991 (protective...

##### *Water Resources Act 1991 (c. 57)*

- 18 In Schedule 22 to the Water Resources Act 1991 (protective...

##### *Land Drainage Act 1991 (c. 59)*

- 19 In Schedule 6 to the Land Drainage Act 1991 (protective...

##### *Utilities Act 2000 (c. 27)*

- 20 In section 33(1) of the Utilities Act 2000 (which provides...

#### SCHEDULE 20 — Conduct of energy administration Part 1 — APPLICATION OF SCHEDULE B1 TO THE 1986 ACT

##### *Application of Schedule B1 provisions*

- 1 (1) The provisions of Schedule B1 to the 1986 Act...



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- 2 Those provisions of Schedule B1 to the 1986 Act are...  
Part 2 — MODIFICATIONS OF SCHEDULE B1

*Introductory*

- 3 The modifications set out in this Part of this Schedule...

*General modifications of the applicable provisions*

- 4 In those provisions— (a) for “administration application” in each place...

*Specific modifications*

- 5 (1) In paragraph 1, for sub-paragraph (1) (which defines “administrator”)...
- 6 In paragraph 40 (dismissal of pending winding-up petition), omit sub-paragraphs...
- 7 In paragraph 42 (moratorium on insolvency proceedings), omit sub-paragraphs (4)...
- 8 In paragraph 44 (interim moratorium), omit sub-paragraphs (2) to (4),...
- 9 In paragraph 46(6) (date for notifying administrator’s appointment), for paragraphs...
- 10 (1) In sub-paragraph (2)(b) of paragraph 49 (administrator’s proposals) for...
- 11 For paragraph 54 (revision of administrator’s proposals) substitute— (1) The energy administrator of a company may on one...
- 12 In paragraph 60 (powers of an administrator), the existing text...
- 13 (1) In paragraph 68 (management duties of an administrator), for...
- 14 In paragraphs 71(3)(b) and 72(3)(b) (handling of secured property), for...
- 15 In paragraph 73(3) (which contains a reference to the administrator’s...
- 16 (1) In paragraph 74 (challenge to administrator’s conduct), for sub-paragraph...
- 17 In paragraph 75(2) (misfeasance), after paragraph (b) insert—
- 18 (1) In paragraph 79 (end of administration), for sub-paragraphs (1)...
- 19 In paragraph 83(3) (notice to registrar when moving to voluntary...
- 20 (1) In paragraph 84 (notice to registrar when moving to...
- 21 In paragraph 87 (resignation of administrator), for sub-paragraph (2)(a) to...
- 22 In paragraph 89 (administrator ceasing to be qualified), for sub-paragraph...
- 23 In paragraph 90 (filling vacancy in office of administrator), for...
- 24 (1) In paragraph 91 (vacancies in court appointments), for sub-paragraph...
- 25 In paragraph 98 (discharge from liability on vacation of office),...
- 26 (1) In paragraph 99 (charges and liabilities upon vacation of...
- 27 In paragraph 100 (joint and concurrent administrators), omit sub-paragraph (2)...
- 28 In paragraph 101(3) (joint administrators), after “87 to” insert “...
- 29 (1) In paragraph 103 (appointment of additional administrators), in sub-paragraph...
- 30 In paragraph 106 (penalties), omit sub-paragraph (2)(a), (b), (f), (g),...
- 31 In paragraph 109 (references to extended periods), omit “or 108”....

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- 32 (1) In sub-paragraph (1) of paragraph 111 (interpretation)—  
Part 3 — FURTHER SCHEDULE B1 MODIFICATIONS FOR NON-GB  
COMPANIES

*Introductory*

- 33 (1) Where the provisions of Schedule B1 to the 1986...  
34 In paragraphs 35 to 40— (a) the provisions of Schedule...

*Modifications*

- 35 In the case of a non-GB company—  
36 (1) The applicable provisions and Schedule 1 to the 1986...  
37 (1) Paragraph 41 of Schedule B1 to the 1986 Act...  
38 Paragraph 43(6A) of Schedule B1 to the 1986 Act (moratorium...  
39 Paragraph 44(7) of Schedule B1 to the 1986 Act (proceedings...  
40 Paragraph 64 of Schedule B1 to the 1986 Act (general...  
Part 4 — OTHER MODIFICATIONS

*General modifications*

- 41 (1) Subject to paragraph 42, every reference falling within sub-  
paragraph...  
42 (1) Paragraph 41, in its application to section 1(3) of...

*Modifications of 1986 Act*

- 43 In section 5 of the 1986 Act (effect of approval...  
44 (1) Section 6 of that Act (challenge of decisions in...  
45 In section 129(1A) of that Act (commencement of winding up),...

*Power to make further modifications*

- 46 (1) The Secretary of State may by order make such...

*Interpretation of Part 4 of Schedule*

- 47 In this Part of this Schedule— “administration order”, “administrator”,  
“enters...”

SCHEDULE 21 — Energy transfer schemes

*Application of Schedule*

- 1 This Schedule applies where— (a) the court has made an...  
2 It is for the energy administrator, while the energy administration...

*Making of energy transfer schemes*

- 3 (1) The old energy company may— (a) with the consent...

*Provision that may be made by a scheme*

- 4 (1) An energy transfer scheme may contain provision—

*Transfer of licences*

- 5 (1) The provision that may be made by an energy...

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*Powers and duties under statutory provisions*

- 6 (1) The provision that may be made by an energy...

*Supplemental provisions relating to transfers*

- 7 (1) An energy transfer scheme may make incidental, supplemental, consequential...

*Effect of scheme*

- 8 (1) In relation to each provision of an energy transfer...

*Subsequent modification of scheme*

- 9 (1) The Secretary of State may by notice to the...

*Transfers in the case of non-GB companies*

- 10 Where the old energy company is a non-GB company, the...

*Provision relating to foreign property etc.*

- 11 (1) Where there is a transfer in accordance with an...

*Application of Schedule to transfers to subsidiaries*

- 12 Where the proposed transfer falling within subsection (3) of section...

*Interpretation*

- 13 In this Schedule— “energy transfer scheme” has the meaning given...

SCHEDULE 22 — Procedure for appeals under section 173

*Application for permission to bring appeal*

- 1 (1) An application for permission to bring an appeal may...

*Addition of parties to appeal*

- 2 (1) This paragraph applies if— (a) before the end of...

*Suspension of decision*

- 3 (1) Where permission has been granted to bring an appeal...

*Time limit for representations and observations by GEMA*

- 4 (1) Where GEMA wishes to make representations or observations to...

*Consideration and determination of appeal by group*

- 5 (1) . . . . .

*Timetable for determination of appeal*

- 6 (1) The CMA must determine an appeal before the end...

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*Matters to be considered on appeal*

7 The CMA, if it thinks it necessary to do so...

*Production of documents*

8 (1) The CMA may, by notice, require a person to...

*Oral hearings*

9 (1) For the purposes of this Schedule an oral hearing...

*Written statements*

10 (1) The CMA may, by notice, require a person to...

*Defaults in relation to evidence*

11 (1) If a person (“the defaulter”)— (a) fails to comply...

*Appeal rules*

12 (1) The CMA Board may make rules regulating the conduct...

*Costs*

13 (1) A group that determines an appeal must make an...

*The Secretary of State’s power to modify time limits*

14 (1) The Secretary of State may by order modify any...

*Interpretation of Schedule*

15 (1) In this Schedule— “appeal” means an appeal under section...

**SCHEDULE 23 — Repeals**

Part 1 — REPEALED PROVISIONS

Part 2 — SAVINGS ETC.

1 The repeal by this Act of section 19 of the...

2 The repeal by this Act of a provision of the...

3 The repeal by this Act of section 76 of the...

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**Changes and effects yet to be applied to :**

- s. 89(1) words inserted by 2023 c. 52 Sch. 14 para. 12(a)(i)
- s. 89(1) words inserted by 2023 c. 52 Sch. 14 para. 12(a)(ii)
- s. 89(1) words inserted by 2023 c. 52 Sch. 14 para. 12(b)
- s. 137(3)(a) word omitted by 2011 c. 16 s. 117(a)
- s. 172(2D)(b) words inserted by 2023 c. 52 Sch. 17 para. 14(a)
- s. 172(4) words inserted by 2023 c. 52 Sch. 17 para. 14(b)
- Sch. 22 para. 4(1) words substituted by 2023 c. 52 Sch. 14 para. 11(2)(a)
- Sch. 22 para. 4(2) words substituted by 2023 c. 52 Sch. 14 para. 11(2)(c)
- Sch. 22 para. 6(1) words substituted by 2023 c. 52 Sch. 14 para. 11(3)(a)
- Sch. 22 para. 6(2) words substituted by 2023 c. 52 Sch. 14 para. 11(3)(b)(i)
- Sch. 22 para. 6(2) words substituted by 2023 c. 52 Sch. 14 para. 11(3)(b)(ii)

**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. 137(3)(c)-(e) inserted by 2011 c. 16 s. 117(b)
- s. 173(2C) inserted by 2023 c. 52 Sch. 14 para. 10
- Sch. 22 para. 4(1A) inserted by 2023 c. 52 Sch. 14 para. 11(2)(b)