



Law Derived from the European Union (Wales) Act 2018

2018 anaw 3

Further powers of the Welsh Ministers in connection with withdrawal from the EU

11 Power to make provision corresponding to EU law after exit day

- (1) The Welsh Ministers may by regulations make provision within devolved competence—
 - (a) corresponding to provision in an EU regulation or EU decision,
 - (b) for the enforcement of provision made under paragraph (a) or to otherwise make it effective, or
 - (c) to implement an EU directive in relation to Wales,so far as the EU regulation, EU decision or EU directive has effect in EU law after exit day.
- (2) Regulations under this section may modify an enactment.
- (3) In making provision under subsection (1), the Welsh Ministers have the powers (among others) mentioned in section 3(4); and for this purpose, the reference to “direct EU law” in section 3(4) is to be read as if it included provision in an EU directive.
- (4) But regulations under this section may not—
 - (a) impose or increase taxation;
 - (b) make retrospective provision;
 - (c) create a relevant criminal offence.
- (5) Before making regulations under this section the Welsh Ministers must consult such persons as they consider appropriate.
- (6) For the purpose of this section, “EU Treaties” in the definition of “EU law” given by section 20(1) means—
 - (a) the EU Treaties within the meaning given by section 1(2) of the [European Communities Act 1972 \(c. 68\)](#) as that Act had effect immediately before

Status: This is the original version (as it was originally enacted).

its repeal by section 1 of the European Union (Withdrawal) Act 2018, as at immediately before exit day;

- (b) any treaty entered into by the European Union (except so far as it relates to the Common Foreign and Security Policy), with or without any of the member States, that is specified in regulations made by the Welsh Ministers, and
- (c) any treaty entered into by member States that is ancillary to a treaty mentioned in paragraph (a) or (b) and specified in regulations made by the Welsh Ministers.