

# **LAW DERIVED FROM THE EUROPEAN UNION (WALES) ACT 2018**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS OF THE ACT**

#### ***Section 2 – EU derived Welsh law***

27. **Section 2** of the Act defines EU derived Welsh law for the purpose of the Act as provision made by the Welsh Ministers in regulations under sections 3 and 4 of the Act, provision continuing in effect under or by virtue of regulations made under section 4 or provision specified by the Welsh Ministers in regulations under section 5. The majority of EU derived Welsh law will be based on the body of EU law and domestic implementing legislation that will cease to have effect in domestic law by virtue of the repeal of section 2(1) and (2) of the ECA 1972. EU derived Welsh law also includes a further category of domestic law which is not dependent on the ECA 1972 for its continued effect in domestic law; that is provision made in or under primary legislation other than the ECA 1972.
28. EU derived Welsh law is also to include any additions or modifications made to that body of law at any point in the future. ‘Modify’ is defined in section 20(1) of the Act and includes amend, repeal or revoke. Even if a provision of EU derived Welsh law is repealed or revoked and replaced with new provision, section 2, read alongside section 20(1), makes clear that the new provision could still form part of EU derived Welsh law. Whether such new provision does indeed form part of EU derived Welsh law will depend on the circumstances and the intention behind the modification.