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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The European Union (Withdrawal) Act 2018  
(Consequential Modifications and Repeals  
and Revocations) (EU Exit) Regulations 2019**

**PART 4**

Northern Ireland

**“Statutory provision” to include retained direct EU legislation**

**5.—**(1) In section 1(f) of the Interpretation Act (Northern Ireland) 1954(1) (meaning of “statutory provision”)—

- (a) the words from “a statute or instrument” to the end become sub-paragraph (i) of that paragraph,
- (b) at the end of that sub-paragraph insert “or”, and
- (c) after that sub-paragraph insert—

“(ii) any retained direct EU legislation for the time being in force in Northern Ireland;”.

(2) Paragraph (3) applies to an enactment that, before exit day, contains a reference to a “statutory provision” as defined by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) The amendments made by paragraph (1) do not affect the reference if the contrary intention appears in the enactment.

**Interpretation of certain Northern Ireland references to EU regulations etc.**

**6.—**(1) In section 11 of the Interpretation Act (Northern Ireland) 1954 (references in enactments), after subsection (1) insert—

“(1A) Subsection (1) does not apply to a reference in an enactment to retained direct EU legislation which is not subordinate legislation for the purposes of the Interpretation Act 1978.

(1B) Subsection (1C) applies to a reference in an enactment which is, by virtue of regulation 2(2) of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019, to be read as a reference to what has been referred to as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2019.

(1C) As well as being so read, the reference shall be construed as a reference to what has been referred to as for the time being amended by statutory provision coming into operation on or after exit day.

(1D) Subsection (1E) applies where—

- (a) an enactment passed or made on or after exit day refers to any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement, and
- (b) that EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.

(1E) The reference shall be construed as a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018 and as for the time being amended by statutory provision coming into operation on or after exit day.

(1F) In subsections (1B) to (1E), “EU regulation”, “EU decision”, “EU tertiary legislation” and “domestic law” have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act).”

(2) In section 12(2) of the Interpretation Act (Northern Ireland) 1954 (amending provisions), for “sub-section (1)” substitute “subsections (1) and (1B) to (1E)”.

### **Definitions relating to the United Kingdom’s withdrawal from the European Union**

7.—(1) After section 44 of the Interpretation Act (Northern Ireland) 1954 insert—

#### **“44A. Definitions relating to the United Kingdom’s withdrawal from the European Union**

**44A.** In an enactment—

“exit day” (and related expressions) have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act),

“retained EU law”, “retained direct minor EU legislation”, “retained direct principal EU legislation” and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see sections 6(7), 7(6) and 20(1) of that Act),

“retained EU obligation” means an obligation that—

- (a) was created or arose by or under the EU Treaties before exit day, and
  - (b) forms part of retained EU law,
- as modified from time to time.”

(2) Section 44A of the Interpretation Act (Northern Ireland) 1954 (“the 1954 Act”) applies to an Act of the Parliament of Ireland to which the provisions of the 1954 Act are not applied as that section applies to an Act within the meaning of section 1(a) of the 1954 Act.

### **Retained direct EU legislation: laying of documents before Northern Ireland Assembly**

8.—(1) This regulation applies where under retained direct EU legislation a document requires to be, or may be, laid before the Northern Ireland Assembly.

(2) The delivery of a copy of the document to the Business Office of the Assembly is, for all purposes, to be taken to be the laying of it before the Assembly.