
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 3

Scotland

Amendments of Interpretation and Legislative Reform (Scotland) Act 2010

4.—(1) The Interpretation and Legislative Reform (Scotland) Act 2010⁽¹⁾ is amended as follows.

(2) In section 1 (application of Part 1 of the Act), omit subsection (10).

(3) In section 14 (references to other legislative provisions), after subsection (2), insert—

“(3) A reference in—

(a) an Act of the Scottish Parliament the Bill for which received Royal Assent on or after exit day, or

(b) a Scottish instrument made on or after exit day,

to any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement is 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.

(4) Subsection (3) does not determine any question as to whether the reference is to be read as a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as modified by domestic law (and, accordingly, is without prejudice to subsections (1) and (2)).

(5) Any expression in subsection (3) or (4) which is defined in the European Union (Withdrawal) Act 2018 has the same meaning in that subsection as in that Act.”

(4) In section 37 (interpretation of Part 2 of the Act)—

(a) in the definition of “enactment”, omit the words “and any retained direct EU legislation”, and

(b) omit the definitions of “retained direct EU legislation” and “subordinate legislation”.

(5) In section 55 (transitional Orders: revocation and savings)—

(a) in subsection (2), after “before that day” insert “(but subject to the modifications in subsections (2A) and (2B))”, and

(b) after subsection (2) insert—

“(2A) The modification is that in article 2(1) (interpretation) the definition of “enactment” is to be read as if the words “(as that section had effect immediately before 4 June 2010) and includes any retained direct EU legislation” were inserted after “1998”.

(2B) The modifications are that Schedule 2 (general definitions) is to be read as if—

(a) there were inserted after the title of the Schedule—

“Definitions”,

(b) in the fourth entry, the words from “The” to “prescribed by that Act;” were omitted,

(c) the definitions of “EEA agreement” and “EEA state” were omitted, and

(d) there were inserted at the end—

“Definitions relating to EU exit

“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.

Definitions relating to the EU

“The Communities” means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU.

“E.C.S.C. Treaty” means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951.

“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time, but does not include any retained direct EU legislation.

“EEA state”, in relation to a time, means—

(a) a state which at that time is a member State, or

(b) any other state which at that time is a party to the EEA agreement.

“E.E.C. Treaty” means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957.

“Entry date” means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU).

“The EU” or “the European Union” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht

on 7 February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom.

“EU institution” means any institution of the EU.

“EU instrument” means any instrument issued by an EU institution other than any retained direct EU legislation.

“Euratom”, “Economic Community” and “Coal and Steel Community” mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of “the Communities” for provision as to the construction of references to those Communities).

“Euratom Treaty” means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957.

“European Court” means the Court of Justice of the European Union.

“Member”, in the expression “member State”, refers to membership of the EU.

“The Treaties” or “the EU Treaties” means the Treaties or EU Treaties, within the meaning given by section 1(2) of the European Communities Act 1972 as that Act had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018, as at immediately before exit day.””

(6) In Schedule 1 (definitions of words and expressions)—

(a) before the definition of “Act” insert—

“Definitions”,

(b) in the definition of “enactment”—

(i) after paragraph (d) insert—

“(da) any retained direct EU legislation,”, and

(ii) in paragraph (e), for “or instrument” substitute “, instrument or retained direct EU legislation”,

(c) in the definition of “subordinate legislation”, at the end insert “or made or to be made on or after exit day under any retained direct EU legislation”, and

(d) at the end insert—

“Definitions relating to EU exit

“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.”

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019 No. 628
