
DRAFT STATUTORY INSTRUMENTS

2022 No.

The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022

PART 3

Further consequential amendments

Amendment of the Criminal Procedure (Scotland) Act 1995

5.—(1) The Criminal Procedure (Scotland) Act 1995(1) is amended as follows.

(2) In the italic heading before section 288ZA (Convention rights and EU law compatibility issues, and devolution issues)(2), omit “and EU law”.

(3) In section 288ZA(2) (right of Advocate General to take part in proceedings: meaning of “compatibility issue”)(3)—

- (a) in paragraph (a), omit sub-paragraph (ii) and the “or” at the end;
- (b) in paragraph (b), omit the words from “or in breach” to “retained EU law”.

Amendment of the European Union (Withdrawal) Act 2018

6.—(1) The European Union (Withdrawal) Act 2018 is amended as follows.

(2) In section 12 (retaining EU restrictions in devolution legislation etc.), omit subsections (1) to (6), (8), (10), (11) and (13).

(3) In Schedule 2 (corresponding powers involving devolved authorities)—

- (a) in Part 1 (dealing with deficiencies arising from withdrawal)—
 - (i) omit paragraph 3 (and the italic heading before it);
 - (ii) in paragraph 8(1)(a), omit the words from “(ignoring” to “retained EU law”;
 - (iii) in paragraph 9(1)(a), omit the words from “ignoring” to “but”;
 - (iv) in paragraph 10(1), in paragraphs (a)(i) and (b)(ii), omit the words from “(ignoring” to “1998”;
- (b) in Part 1B (provision in connection with certain other separation issues)(4)—
 - (i) in paragraph 11J—
 - (aa) in paragraph (a), omit the words from “(ignoring” to “retained EU law”;
 - (bb) in paragraph (b), omit the words from “(ignoring” to “that Act”;
 - (ii) in paragraph 11K—

(1) 1995 c. 46.

(2) The italic heading before section 288ZA was substituted by section 34(2) of the Scotland Act 2012 (c. 11).

(3) Section 288ZA was inserted by section 34(3) of the Scotland Act 2012. Subsection (2) was amended by paragraph 29(2) of Schedule 8 to the European Union (Withdrawal) Act 2018.

(4) Part 1B of Schedule 2 was inserted by section 19 of the European Union (Withdrawal Agreement) Act 2020.

- (aa) in paragraph (a), omit the words from “ignoring” to “but”;
 - (bb) in paragraph (b), omit the words from “(ignoring” to “2006”;
 - (iii) in paragraph 11L, in paragraphs (a)(i), (b)(ii) and (c), omit the words from “(ignoring” to “1998”.
- (4) In Schedule 3 (further amendments of devolution legislation and reporting requirement)—
- (a) in Part 1 (corresponding provision in relation to executive competence), omit paragraphs 1(b), 2 (and the italic heading before it) and 3(b);
 - (b) omit Part 2 (reports in connection with retained EU law restrictions);
 - (c) in Part 3 (other amendments of devolution legislation), omit paragraphs 13(2)(b), 23(2), 24, 25, 37(7), 43, 55(b), 57 and 58.
- (5) In Schedule 8 (consequential, transitional, transitory and saving provision)—
- (a) in Part 1 (general consequential provision)—
 - (i) omit paragraph 8(1)(b) but not the “and” at the end;
 - (ii) omit paragraph 12(1)(b) but not the “and” at the end;
 - (b) in Part 2 (specific consequential provision), omit paragraph 29(2);
 - (c) in Part 4 (specific transitional, transitory and saving provision), omit paragraph 43.

Amendment of the European Union (Withdrawal Agreement) Act 2020

- 7.—(1) The European Union (Withdrawal Agreement) Act 2020⁽⁵⁾ is amended as follows.
- (2) In Schedule 1 (powers of devolved authorities under sections 12, 13 and 14)—
- (a) in paragraph 2—
 - (i) in paragraph (a), omit the words from “(ignoring” to “retained EU law”;
 - (ii) in paragraph (b), omit the words from “(ignoring” to “that Act”;
 - (b) in paragraph 3—
 - (i) in paragraph (a), omit the words from “ignoring” to “but”;
 - (ii) in paragraph (b), omit the words from “(ignoring” to “2006”;
 - (c) in paragraph 4, in paragraphs (a)(i), (b)(ii) and (c), omit the words from “(ignoring” to “1998”.
- (3) In Schedule 5 (consequential and transitional provision etc.), omit paragraphs 18, 19, 23, 25, 28, 29 and 54(5)(a) (and the “and” at the end) and (7)(a) (and the “and” at the end).

Amendment of the European Union (Future Relationship) Act 2020

8. Omit paragraphs 1 to 3 (and the italic heading before each of those paragraphs) of Schedule 6 to the European Union (Future Relationship) Act 2020 (consequential provision)⁽⁶⁾.

Amendment of the Trade Act 2021

- 9.—(1) The Trade Act 2021⁽⁷⁾ is amended as follows.
- (2) In Schedule 1 (restrictions on devolved authorities)—
- (a) in paragraph 6—

(5) 2020 c. 1.
 (6) 2020 c. 29.
 (7) 2021 c. 10.

- (i) in paragraph (a), omit the words from “(ignoring” to “retained EU law”);
 - (ii) in paragraph (b), omit the words from “(ignoring” to “that Act”);
 - (b) in paragraph 7—
 - (i) in paragraph (a), omit the words from “ignoring” to “but”;
 - (ii) in paragraph (b), omit the words from “(ignoring” to “2006”);
 - (c) in paragraph 8, in paragraphs (a)(i), (b)(ii) and (c), omit the words from “(ignoring” to “1998”.
- (3) In Schedule 3 (exceptions to restrictions in the devolution settlements), omit paragraphs 1 to 3 (and the italic heading before each of those paragraphs).