
DRAFT STATUTORY INSTRUMENTS

2022 No.

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

PART 2

Repeal of EU restrictions in devolution Acts and consequential amendment of devolution Acts

Amendment of the Scotland Act 1998

- 2.—**(1) The Scotland Act 1998(1) is amended as follows.
- (2) In section 29(2) (provisions outside legislative competence)(2), in paragraph (d), omit “or in breach of the restriction in section 30A(1)”.
- (3) Omit section 30A (legislative competence: restriction relating to retained EU law)(3).
- (4) In section 57 (Convention rights and retained EU law)(4)—
- (a) in the heading, omit “and retained EU law”;
 - (b) omit subsections (4) to (15).
- (5) In Schedule 6 (devolution issues)(5), in paragraph 1(d), omit “or in breach of the restriction in section 57(4)”.
- (6) In Schedule 7 (procedure for subordinate legislation)(6)—
- (a) in paragraph 1(2), in the table—
 - (i) omit the entry for section 30A;
 - (ii) omit the entry for section 57(4);
 - (b) omit paragraph 6.

(1) 1998 c. 46.

(2) Section 29(2) was amended by section 12(1) of the European Union (Withdrawal) Act 2018.

(3) Section 30A was inserted by section 12(2) of the European Union (Withdrawal) Act 2018, and amended by paragraph 18 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(4) The heading of section 57 was amended by paragraph 13(2) of Schedule 3 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”). Subsections (4) to (15) were inserted by paragraph 1(b) of Schedule 3 to the 2018 Act, and were amended by paragraph 19 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020, paragraph 1 of Schedule 6 to the European Union (Future Relationship) Act 2020 (c. 29) and paragraph 1 of Schedule 3 to the Trade Act 2021 (c. 10). There are other amendments to section 57 which are not relevant to these Regulations.

(5) Paragraph 1(d) of Schedule 6 was amended by paragraph 23(2) of Schedule 3 to the European Union (Withdrawal) Act 2018. There are other amendments to Schedule 6 that are not relevant to these Regulations.

(6) The relevant entries in the table in paragraph 1(2) of Schedule 7 were inserted by paragraph 24 of Schedule 3 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”). Paragraph 6 was inserted by paragraph 25 of Schedule 3 to the 2018 Act. There are other amendments to Schedule 7 that are not relevant to these Regulations.