

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 1 **U.K.**

Section 5(6)

FURTHER PROVISION ABOUT EXCEPTIONS TO SAVINGS AND INCORPORATION

Textual Amendments

- F1** Words in Sch. 1 substituted (31.1.2020 for specified purposes, 31.12.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(6)(a), 42(7)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(h); S.I. 2020/1622, reg. 5(d)

Challenges to validity of [^{F2}assimilated] law

Textual Amendments

- F2** Word in [Sch. 1](#) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), **Sch. 2 para. 8(11)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

- 1 (1) There is no right in domestic law on or after [^{F1}IP completion day] to challenge any [^{F2}assimilated] law on the basis that, immediately before [^{F1}IP completion day], an EU instrument was invalid.
- (2) Sub-paragraph (1) does not apply so far as—
- (a) the European Court has decided before [^{F1}IP completion day] that the instrument is invalid, or
 - (b) the challenge is of a kind described, or provided for, in regulations made by a Minister of the Crown.
- (3) Regulations under sub-paragraph (2)(b) may (among other things) provide for a challenge which would otherwise have been against an EU institution to be against a public authority in the United Kingdom.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 1(1) excluded (31.12.2020) by [The Challenges to Validity of EU Instruments \(EU Exit\) Regulations 2019 \(S.I. 2019/673\)](#), **regs. 1, 3** (as amended by S.I. 2020/1503, **regs. 1, 2(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Sch. 1 para. 1(2)(b) in force for specified purposes and Sch. 1 para. 1(3) in force at 4.7.2018 by S.I. 2018/808, **reg. 3(a)**
- I2** Sch. 1 para. 1(1)(2)(a) in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(k)**
- I3** Sch. 1 para. 1(2)(b) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, **reg. 3(k)**

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F3 ...

Textual Amendments

F3 Sch. 1 para. 2 cross-heading omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F42

Textual Amendments

F4 Sch. 1 para. 2 omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F53

Textual Amendments

F5 Sch. 1 para. 3 omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

Rule in Francovich

4 There is no right in domestic law on or after [^{F1}IP completion day] to damages in accordance with the rule in *Francovich*.

Commencement Information

I4 Sch. 1 para. 4 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(k)

Interpretation

5 (1) References in section 5 and this Schedule to the principle of the supremacy of EU law, the Charter of Fundamental Rights, any general principle of EU law or the rule in *Francovich* are to be read as references to that principle, Charter or rule so far as it would otherwise continue to be, or form part of, domestic law on or after [^{F1}IP completion day][^{F6}by virtue of section 2, 3, 4 or 6(3) or (6) and otherwise in accordance with this Act].

F7(2)

Textual Amendments

F6 Words in Sch. 1 para. 5(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), ss. 25(6)(b), 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)

F7 Sch. 1 para. 5(2) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 3(3)(c), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I5 Sch. 1 para. 5 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(k)

SCHEDULE 2 **U.K.**

Section 11

CORRESPONDING POWERS INVOLVING DEVOLVED AUTHORITIES

PART 1 **U.K.**

DEALING WITH DEFICIENCIES ARISING FROM WITHDRAWAL

Power to deal with deficiencies

- 1 (1) A devolved authority may by regulations make such provision as the devolved authority considers appropriate to prevent, remedy or mitigate—
- (a) any failure of retained EU law to operate effectively, or
 - (b) any other deficiency in retained EU law,
- arising from the withdrawal of the United Kingdom from the EU.
- (2) A Minister of the Crown acting jointly with a devolved authority may by regulations make such provision as they consider appropriate to prevent, remedy or mitigate—
- (a) any failure of retained EU law to operate effectively, or
 - (b) any other deficiency in retained EU law,
- arising from the withdrawal of the United Kingdom from the EU.
- (3) Section 8(2) to (9) apply for the purposes of this Part as they apply for the purposes of section 8 (including the references to the Minister in section 8(2) and (3) (but not the reference to a Minister of the Crown in section 8(3)(b)) being read as references to the devolved authority or (as the case may be) the Minister acting jointly with the devolved authority and the references to section 8(1) being read as references to sub-paragraph (1) or (2) above).
- (4) Regulations under sub-paragraph (1) above are subject to paragraphs 2 to 7.

No power to make provision outside devolved competence

- 2 (1) No provision may be made by a devolved authority acting alone in regulations under this Part unless the provision is within the devolved competence of the devolved authority.
- (2) See paragraphs 8 to 11 for the meaning of “devolved competence” for the purposes of this Part.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F8 ...

Textual Amendments

F8 Sch. 2 para. 3 and cross-heading omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(a)(i)**

F83

Requirement for consultation in certain circumstances

- 4 No regulations may be made under this Part by a devolved authority acting alone so far as the regulations—
- (a) are to come into force before [^{F9}IP completion day], or
 - (b) remove (whether wholly or partly) reciprocal arrangements of the kind mentioned in section 8(2)(c) or (e),
- unless the regulations are, to that extent, made after consulting with the Secretary of State.

Textual Amendments

F9 Words in Sch. 2 para. 4(a) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 27(7)(a), 42(7)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(k)

Requirement for consent where it would otherwise be required

- 5 (1) The consent of a Minister of the Crown is required before any provision is made by the Welsh Ministers acting alone in regulations under this Part so far as that provision, if contained in an Act of the National Assembly for Wales, would require the consent of a Minister of the Crown.
- (2) The consent of the Secretary of State is required before any provision is made by a Northern Ireland department acting alone in regulations under this Part so far as that provision, if contained in an Act of the Northern Ireland Assembly, would require the consent of the Secretary of State.
- (3) Sub-paragraph (1) or (2) does not apply if—
- (a) the provision could be contained in subordinate legislation made otherwise than under this Act by the Welsh Ministers acting alone or (as the case may be) a Northern Ireland devolved authority acting alone, and
 - (b) no such consent would be required in that case.
- (4) The consent of a Minister of the Crown is required before any provision is made by a devolved authority acting alone in regulations under this Part so far as that provision, if contained in—
- (a) subordinate legislation made otherwise than under this Act by the devolved authority, or
 - (b) subordinate legislation not falling within paragraph (a) and made otherwise than under this Act by (in the case of Scotland) the First Minister or Lord

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Advocate acting alone or (in the case of Northern Ireland) a Northern Ireland devolved authority acting alone,
would require the consent of a Minister of the Crown.

- (5) Sub-paragraph (4) does not apply if—
- (a) the provision could be contained in—
 - (i) an Act of the Scottish Parliament, an Act of the National Assembly for Wales or (as the case may be) an Act of the Northern Ireland Assembly, or
 - (ii) different subordinate legislation of the kind mentioned in sub-paragraph (4)(a) or (b) and of a devolved authority acting alone or (as the case may be) other person acting alone, and
 - (b) no such consent would be required in that case.

Requirement for joint exercise where it would otherwise be required

- 6 (1) No regulations may be made under this Part by the Scottish Ministers, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by—
- (a) the Scottish Ministers acting jointly with a Minister of the Crown, or
 - (b) the First Minister or Lord Advocate acting jointly with a Minister of the Crown,
- unless the regulations are, to that extent, made jointly with the Minister of the Crown.
- (2) No regulations may be made under this Part by the Welsh Ministers, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Welsh Ministers acting jointly with a Minister of the Crown, unless the regulations are, to that extent, made jointly with the Minister of the Crown.
- (3) No regulations may be made under this Part by a Northern Ireland department, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by—
- (a) a Northern Ireland department acting jointly with a Minister of the Crown, or
 - (b) another Northern Ireland devolved authority acting jointly with a Minister of the Crown,
- unless the regulations are, to that extent, made jointly with the Minister of the Crown.
- (4) Sub-paragraph (1), (2) or (3) does not apply if the provision could be contained in—
- (a) an Act of the Scottish Parliament, an Act of the National Assembly for Wales or (as the case may be) an Act of the Northern Ireland Assembly without the need for the consent of a Minister of the Crown, or
 - (b) different subordinate legislation made otherwise than under this Act by—
 - (i) the Scottish Ministers, the First Minister or the Lord Advocate acting alone,
 - (ii) the Welsh Ministers acting alone, or
 - (iii) (as the case may be), a Northern Ireland devolved authority acting alone.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Requirement for consultation where it would otherwise be required

- 7
- (1) No regulations may be made under this Part by the Welsh Ministers acting alone, so far as they contain provision which, if contained in an Act of the National Assembly for Wales, would require consultation with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.
 - (2) No regulations may be made under this Part by the Scottish Ministers acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Scottish Ministers, the First Minister or the Lord Advocate after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.
 - (3) No regulations may be made under this Part by the Welsh Ministers acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Welsh Ministers after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.
 - (4) No regulations may be made under this Part by a Northern Ireland department acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by a Northern Ireland department after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.
 - (5) Sub-paragraph (2), (3) or (4) does not apply if—
 - (a) the provision could be contained in an Act of the Scottish Parliament, an Act of the National Assembly for Wales or (as the case may be) an Act of the Northern Ireland Assembly, and
 - (b) there would be no requirement for the consent of a Minister of the Crown, or for consultation with a Minister of the Crown, in that case.
 - (6) Sub-paragraph (2), (3) or (4) does not apply if—
 - (a) the provision could be contained in different subordinate legislation made otherwise than under this Act by—
 - (i) the Scottish Ministers, the First Minister or the Lord Advocate acting alone,
 - (ii) the Welsh Ministers acting alone, or
 - (iii) (as the case may be), a Northern Ireland devolved authority acting alone, and
 - (b) there would be no requirement for the consent of a Minister of the Crown, or for consultation with a Minister of the Crown, in that case.

Meaning of devolved competence: Part 1

- 8
- (1) A provision is within the devolved competence of the Scottish Ministers for the purposes of this Part if—
 - (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament ^{F10} ..., or
 - (b) it meets the conditions in sub-paragraph (2).
 - (2) The conditions are—

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the provision—
 - (i) amends or revokes subordinate legislation made before [^{F11}IP completion day] by the Scottish Ministers, the First Minister or the Lord Advocate acting alone, or
 - (ii) makes supplementary, incidental, consequential, transitional, transitory or saving provision in connection with any such amendment or revocation,
- (b) the subject-matter of the provision does not go beyond the subject-matter of the subordinate legislation concerned,
- (c) the provision only forms part of the law of Scotland,
- (d) the provision does not confer or remove functions exercisable otherwise than in or as regards Scotland, and
- (e) the provision does not modify any enactment so far as the enactment cannot, by virtue of paragraph 1, 4 or 5 of Schedule 4 to the Scotland Act 1998, be modified by an Act of the Scottish Parliament.

Textual Amendments

F10 Words in Sch. 2 para. 8(1)(a) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(a)(ii)**

F11 Words in Sch. 2 para. 8(2)(a)(i) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), ss. **27(7)(b)**, **42(7)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(k)

- 9 (1) A provision is within the devolved competence of the Welsh Ministers for the purposes of this Part if—
- (a) it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly (^{F12}... including any provision that could be made only with the consent of a Minister of the Crown), or
 - (b) it meets the conditions in sub-paragraph (2).
- (2) The conditions are—
- (a) the provision—
 - (i) amends or revokes subordinate legislation made before [^{F13}IP completion day] by the Welsh Ministers acting alone or the National Assembly for Wales constituted by the Government of Wales Act 1998, or
 - (ii) makes supplementary, incidental, consequential, transitional, transitory or saving provision in connection with any such amendment or revocation,
 - (b) the subject-matter of the provision does not go beyond the subject-matter of the subordinate legislation concerned,
 - (c) the provision only forms part of the law of England and Wales,
 - (d) the provision does not confer or remove functions exercisable otherwise than in relation to Wales or the Welsh zone, and
 - (e) the provision does not modify any enactment so far as the enactment cannot, by virtue of paragraph 5, 6 or 7 of Schedule 7B to the Government of Wales Act 2006, be modified by an Act of the National Assembly for Wales.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F12** Words in Sch. 2 para. 9(1)(a) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [6\(3\)\(a\)\(iii\)](#)
- F13** Words in Sch. 2 para. 9(2)(a)(i) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), [ss. 27\(7\)\(c\)](#), 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(k)

- 10 (1) A provision is within the devolved competence of a Northern Ireland department for the purposes of this Part if—
- (a) the provision, if it were contained in an Act of the Northern Ireland Assembly—
 - (i) would be within the legislative competence of the Assembly,^{F14} ..., and
 - (ii) would not require the consent of the Secretary of State,
 - (b) the provision—
 - (i) amends or repeals Northern Ireland legislation, and
 - (ii) would, if it were contained in an Act of the Northern Ireland Assembly, be within the legislative competence of the Assembly^{F15} ... and require the consent of the Secretary of State, or
 - (c) the provision meets the conditions in sub-paragraph (2).
- (2) The conditions are—
- (a) the provision—
 - (i) amends or revokes subordinate legislation made before [^{F16}IP completion day] by a Northern Ireland devolved authority acting alone, or
 - (ii) makes supplementary, incidental, consequential, transitional, transitory or saving provision in connection with any such amendment or revocation,
 - (b) the subject-matter of the provision does not go beyond the subject-matter of the subordinate legislation concerned,
 - (c) the provision only forms part of the law of Northern Ireland,
 - (d) the provision does not confer or remove functions exercisable otherwise than in or as regards Northern Ireland,
 - (e) the provision does not modify any enactment so far as the enactment cannot, by virtue of section 7 of the Northern Ireland Act 1998, be modified by an Act of the Northern Ireland Assembly, and
 - (f) the provision does not deal with, or otherwise relate to, a matter to which paragraph 22 of Schedule 2, or paragraph 42 of Schedule 3, to the Northern Ireland Act 1998 applies.

Textual Amendments

- F14** Words in Sch. 2 para. 10(1)(a)(i) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [6\(3\)\(a\)\(iv\)](#)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F15** Words in Sch. 2 para. 10(1)(b)(ii) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [6\(3\)\(a\)\(iv\)](#)
- F16** Words in Sch. 2 para. 10(2)(a)(i) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), [ss. 27\(7\)\(d\)](#), [42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(k)

- 11 References in paragraphs 8 to 10, in connection with the making of regulations under this Part, to the subject-matter of any provision or subordinate legislation are to be read as references to the subject-matter of the provision or subordinate legislation when the regulations concerned are made.

[^{F17}PART 1A U.K.]

PROVISION IN CONNECTION WITH IMPLEMENTATION PERIOD

Textual Amendments

- F17** Sch. 2 Pt. 1A inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), [ss. 4](#), [42\(6\)\(a\)](#) (with s. 38(3), Sch. 5 para. 66)

Supplementary power in connection with implementation period

- 11A (1) A devolved authority may by regulations—
- (a) provide for other modifications for the purposes of section 1B(3)(f)(i) (whether applying in all cases or particular cases or descriptions of case),
 - (b) provide for subsection (3) or (4) of section 1B not to apply to any extent in particular cases or descriptions of case,
 - (c) make different provision in particular cases or descriptions of case to that made by subsection (3) or (4) of that section, or
 - (d) make such provision not falling within paragraph (a), (b) or (c) as the devolved authority considers appropriate for any purpose of, or otherwise in connection with, Part 4 of the withdrawal agreement.
- (2) A Minister of the Crown acting jointly with a devolved authority may by regulations—
- (a) provide for other modifications for the purposes of section 1B(3)(f)(i) (whether applying in all cases or particular cases or descriptions of case),
 - (b) provide for subsection (3) or (4) of section 1B not to apply to any extent in particular cases or descriptions of case,
 - (c) make different provision in particular cases or descriptions of case to that made by subsection (3) or (4) of that section, or
 - (d) make such provision not falling within paragraph (a), (b) or (c) as they consider appropriate for any purpose of, or otherwise in connection with, Part 4 of the withdrawal agreement.
- (3) The power to make regulations under this Part may (among other things) be exercised by modifying any provision made by or under an enactment.
- (4) In sub-paragraph (3) “enactment” does not include primary legislation passed or made after IP completion day.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) No regulations may be made under this Part after the end of the period of two years beginning with IP completion day.
- (6) Regulations under sub-paragraph (1) are also subject to paragraphs 11B and 11C.

No power to make provision outside devolved competence

- 11B (1) No provision may be made by a devolved authority acting alone in regulations under this Part unless the provision is within the devolved competence of the devolved authority.
- (2) See paragraphs 11D to 11F for the meaning of “devolved competence” for the purposes of this Part.

Certain requirements for consent, joint exercise or consultation

- 11C Paragraphs 5 to 7 apply for the purposes of this Part as they apply for the purposes of Part 1.

Meaning of devolved competence: Part 1A

- 11D A provision is within the devolved competence of the Scottish Ministers for the purposes of this Part if—
- (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament (ignoring, in the case of regulations made under this Part before exit day, section 29(2)(d) of the Scotland Act 1998 so far as relating to EU law), or
 - (b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone (ignoring, in the case of regulations made under this Part before exit day, section 57(2) of the Scotland Act 1998 so far as relating to EU law).
- 11E A provision is within the devolved competence of the Welsh Ministers for the purposes of this Part if—
- (a) it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly (ignoring, in the case of regulations made under this Part before exit day, section 108A(2)(e) of the Government of Wales Act 2006 so far as relating to EU law but including any provision that could be made only with the consent of a Minister of the Crown), or
 - (b) it is provision which could be made in other subordinate legislation by the Welsh Ministers acting alone (ignoring, in the case of regulations made under this Part before exit day, section 80(8) of the Government of Wales Act 2006 so far as relating to EU law).
- 11F A provision is within the devolved competence of a Northern Ireland department for the purposes of this Part if—
- (a) the provision, if it were contained in an Act of the Northern Ireland Assembly—
 - (i) would be within the legislative competence of the Assembly (ignoring, in the case of regulations made under this Part before exit day, section 6(2)(d) of the Northern Ireland Act 1998 so far as relating to EU law), and

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (ii) would not require the consent of the Secretary of State,
- (b) the provision—
 - (i) amends or repeals Northern Ireland legislation, and
 - (ii) would, if it were contained in an Act of the Northern Ireland Assembly, be within the legislative competence of the Assembly (ignoring, in the case of regulations made under this Part before exit day, section 6(2)(d) of the Northern Ireland Act 1998 so far as relating to EU law) and require the consent of the Secretary of State, or
- (c) the provision is provision which could be made in other subordinate legislation by any Northern Ireland devolved authority acting alone (ignoring, in the case of regulations made under this Part before exit day, section 24(1)(b) of the Northern Ireland Act 1998).]

[^{F18}PART 1B U.K.]

PROVISION IN CONNECTION WITH CERTAIN OTHER SEPARATION ISSUES

Textual Amendments

F18 Sch. 2 Pt. 1B inserted (19.5.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 19, 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(h)

Powers in connection with Part 3 of withdrawal agreement and EEA EFTA separation agreement

- 11G (1) A devolved authority may by regulations make such provision as the devolved authority considers appropriate—
- (a) to implement Part 3 of the withdrawal agreement (separation provisions),
 - (b) to supplement the effect of section 7A in relation to that Part, or
 - (c) otherwise for the purposes of dealing with matters arising out of, or related to, that Part (including matters arising by virtue of section 7A and that Part).
- (2) A Minister of the Crown acting jointly with a devolved authority may by regulations make such provision as they consider appropriate—
- (a) to implement Part 3 of the withdrawal agreement (separation provisions),
 - (b) to supplement the effect of section 7A in relation to that Part, or
 - (c) otherwise for the purposes of dealing with matters arising out of, or related to, that Part (including matters arising by virtue of section 7A and that Part).
- (3) A devolved authority may by regulations make such provision as the devolved authority considers appropriate—
- (a) to implement Part 3 of the EEA EFTA separation agreement (separation provisions),
 - (b) to supplement the effect of section 7B in relation to that Part, or
 - (c) otherwise for the purposes of dealing with matters arising out of, or related to, that Part (including matters arising by virtue of section 7B and that Part).

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) A Minister of the Crown acting jointly with a devolved authority may by regulations make such provision as they consider appropriate—
- (a) to implement Part 3 of the EEA EFTA separation agreement (separation provisions),
 - (b) to supplement the effect of section 7B in relation to that Part, or
 - (c) otherwise for the purposes of dealing with matters arising out of, or related to, that Part (including matters arising by virtue of section 7B and that Part).
- (5) Regulations under this Part may make any provision that could be made by an Act of Parliament.
- (6) Regulations under this Part may (among other things) restate, for the purposes of making the law clearer or more accessible, anything that forms part of domestic law by virtue of—
- (a) section 7A above and Part 3 of the withdrawal agreement, or
 - (b) section 7B above and Part 3 of the EEA EFTA separation agreement.
- (7) But regulations under this Part may not—
- (a) impose or increase taxation or fees,
 - (b) make retrospective provision,
 - (c) create a relevant criminal offence,
 - (d) establish a public authority,
 - (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
 - (f) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 21(b) of Schedule 7 to this Act or are amending or repealing any provision of those Acts which modifies another enactment).
- (8) Regulations under sub-paragraph (1) or (3) are also subject to paragraphs 11H and 11I.
- (9) In this paragraph references to Part 3 of the withdrawal agreement or of the EEA EFTA separation agreement include references to any provision of EU law which is applied by, or referred to in, that Part (to the extent of the application or reference).

No power to make provision outside devolved competence

- 11H (1) No provision may be made by a devolved authority acting alone in regulations under this Part unless the provision is within the devolved competence of the devolved authority.
- (2) See paragraphs 11J to 11L for the meaning of “devolved competence” for the purposes of this Part.

Certain requirements for consent, joint exercise or consultation

- 11I Paragraphs 5 to 7 apply for the purposes of this Part as they apply for the purposes of Part 1.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Meaning of devolved competence: Part 1B

- 11J A provision is within the devolved competence of the Scottish Ministers for the purposes of this Part if—
- (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament ^{F19}..., or
 - (b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone ^{F20}....

Textual Amendments

- F19** Words in Sch. 2 Pt. 1B para. 11J(a) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [6\(3\)\(b\)\(i\)\(aa\)](#)
- F20** Words in Sch. 2 Pt. 1B para. 11J(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [6\(3\)\(b\)\(i\)\(bb\)](#)

- 11K A provision is within the devolved competence of the Welsh Ministers for the purposes of this Part if—
- (a) it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly (^{F21}... including any provision that could be made only with the consent of a Minister of the Crown), or
 - (b) it is provision which could be made in other subordinate legislation by the Welsh Ministers acting alone. ^{F22}...

Textual Amendments

- F21** Words in Sch. 2 Pt. 1B para. 11K(a) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [6\(3\)\(b\)\(ii\)\(aa\)](#)
- F22** Words in Sch. 2 Pt. 1B para. 11K(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [6\(3\)\(b\)\(ii\)\(bb\)](#)

- 11L A provision is within the devolved competence of a Northern Ireland department for the purposes of this Part if—
- (a) the provision, if it were contained in an Act of the Northern Ireland Assembly—
 - (i) would be within the legislative competence of the Assembly, ^{F23}..., and
 - (ii) would not require the consent of the Secretary of State,
 - (b) the provision—
 - (i) amends or repeals Northern Ireland legislation, and
 - (ii) would, if it were contained in an Act of the Northern Ireland Assembly, be within the legislative competence of the Assembly ^{F24}... and require the consent of the Secretary of State, or

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) the provision is provision which could be made in other subordinate legislation by any Northern Ireland devolved authority acting alone ^{F25}....]

Textual Amendments

- F23** Words in Sch. 2 Pt. 1B para. 11L(a)(i) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(iii)**
- F24** Words in Sch. 2 Pt. 1B para. 11L(b)(ii) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(iii)**
- F25** Words in Sch. 2 Pt. 1B para. 11L(c) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(iii)**

Textual Amendments

- F19** Words in Sch. 2 Pt. 1B para. 11J(a) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(i)(aa)**
- F20** Words in Sch. 2 Pt. 1B para. 11J(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(i)(bb)**
- F21** Words in Sch. 2 Pt. 1B para. 11K(a) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(ii)(aa)**
- F22** Words in Sch. 2 Pt. 1B para. 11K(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(ii)(bb)**
- F23** Words in Sch. 2 Pt. 1B para. 11L(a)(i) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(iii)**
- F24** Words in Sch. 2 Pt. 1B para. 11L(b)(ii) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(iii)**
- F25** Words in Sch. 2 Pt. 1B para. 11L(c) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(3)(b)(iii)**

[^{F26}PART 1C **U.K.**

PROVISION IN CONNECTION WITH PROTOCOL ON IRELAND/NORTHERN IRELAND

Textual Amendments

- F26** Sch. 2 Pt. 1C inserted (19.5.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), ss. 22, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(j)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Power in connection with Protocol on Ireland/Northern Ireland

- 11M (1) A devolved authority may by regulations make such provision as the devolved authority considers appropriate—
- (a) to implement the Protocol on Ireland/Northern Ireland in the withdrawal agreement,
 - (b) to supplement the effect of section 7A in relation to the Protocol, or
 - (c) otherwise for the purposes of dealing with matters arising out of, or related to, the Protocol (including matters arising by virtue of section 7A and the Protocol).
- (2) A Minister of the Crown acting jointly with a devolved authority may by regulations make such provision as they consider appropriate—
- (a) to implement the Protocol on Ireland/Northern Ireland in the withdrawal agreement,
 - (b) to supplement the effect of section 7A in relation to the Protocol, or
 - (c) otherwise for the purposes of dealing with matters arising out of, or related to, the Protocol (including matters arising by virtue of section 7A and the Protocol).
- (3) Regulations under this Part may make any provision that could be made by an Act of Parliament.
- (4) Regulations under this Part may (among other things) make provision facilitating the access to the market within Great Britain of qualifying Northern Ireland goods.
- (5) Such provision may (among other things) include provision about the recognition within Great Britain of technical regulations, assessments, registrations, certificates, approvals and authorisations issued by—
- (a) the authorities of a member State, or
 - (b) bodies established in a member State,
- in respect of qualifying Northern Ireland goods.
- (6) Regulations under this Part may (among other things) restate, for the purposes of making the law clearer or more accessible, anything that forms part of domestic law by virtue of section 7A and the Protocol.
- (7) Regulations under sub-paragraph (1) are also subject to paragraphs 11N and 11O.
- (8) In this paragraph any reference to the Protocol on Ireland/Northern Ireland includes a reference to—
- (a) any other provision of the withdrawal agreement so far as applying to the Protocol, and
 - (b) any provision of EU law which is applied by, or referred to in, the Protocol (to the extent of the application or reference),
- but does not include the second sentence of Article 11(1) of the Protocol (which provides that the United Kingdom and the Republic of Ireland may continue to make new arrangements that build on the provisions of the Belfast Agreement in other areas of North-South cooperation on the island of Ireland).

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

No power to make provision outside devolved competence

- 11N (1) No provision may be made by a devolved authority acting alone in regulations under this Part unless the provision is within the devolved competence of the devolved authority.
- (2) See paragraphs 11P to 11R for the meaning of “devolved competence” for the purposes of this Part.

Certain requirements for consent, joint exercise or consultation

- 11O Paragraphs 5 to 7 apply for the purposes of this Part as they apply for the purposes of Part 1.

Meaning of devolved competence: Part 1C

- 11P A provision is within the devolved competence of the Scottish Ministers for the purposes of this Part if—
- (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament (ignoring section 29(2)(d) of the Scotland Act 1998 so far as relating to EU law), or
 - (b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone (ignoring section 57(2) of the Scotland Act 1998 so far as relating to EU law).
- 11Q A provision is within the devolved competence of the Welsh Ministers for the purposes of this Part if—
- (a) it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly (ignoring section 108A(2)(e) of the Government of Wales Act 2006 so far as relating to EU law but including any provision that could be made only with the consent of a Minister of the Crown), or
 - (b) it is provision which could be made in other subordinate legislation by the Welsh Ministers acting alone (ignoring section 80(8) of the Government of Wales Act 2006 so far as relating to EU law).
- 11R A provision is within the devolved competence of a Northern Ireland department for the purposes of this Part if—
- (a) the provision, if it were contained in an Act of the Northern Ireland Assembly—
 - (i) would be within the legislative competence of the Assembly (ignoring section 6(2)(d) of the Northern Ireland Act 1998 so far as relating to EU law), and
 - (ii) would not require the consent of the Secretary of State,
 - (b) the provision—
 - (i) amends or repeals Northern Ireland legislation, and
 - (ii) would, if it were contained in an Act of the Northern Ireland Assembly, be within the legislative competence of the Assembly (ignoring section 6(2)(d) of the Northern Ireland Act 1998 so far as relating to EU law) and require the consent of the Secretary of State, or

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) the provision is provision which could be made in other subordinate legislation by any Northern Ireland devolved authority acting alone (ignoring section 24(1)(b) of the Northern Ireland Act 1998).]

F27 PART 2 **U.K.**

IMPLEMENTING THE WITHDRAWAL AGREEMENT

Textual Amendments

- F27** Sch. 2 Pt. 2 repealed (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 36\(d\), 42\(6\)\(c\)](#) (with s. 38(3), Sch. 5 para. 66)

SCHEDULE 3 **U.K.**

Section 12(7), (8) and (12)

FURTHER AMENDMENTS OF DEVOLUTION LEGISLATION AND REPORTING REQUIREMENT

PART 1 **U.K.**

CORRESPONDING PROVISION IN RELATION TO EXECUTIVE COMPETENCE

Scotland Act 1998

- 1 In section 57 of the Scotland Act 1998 (EU law and Convention rights)—
- (a) in subsection (2) (no power for members of the Scottish Government to make subordinate legislation, or otherwise act, incompatibly with EU law) omit “or with EU law”, and
- F28**(b)

Textual Amendments

- F28** Sch. 3 para. 1(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(a)**

Commencement Information

- I6** Sch. 3 para. 1(b) in force for specified purposes at Royal Assent, see s. 25(3)(a)
I7 Sch. 3 para. 1(a) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(l)** (with regs. 10, 22)
I8 Sch. 3 para. 1(b) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), **reg. 3(l)** (with reg. 10)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F29
...

Textual Amendments

- F29** Sch. 3 para. 2 and cross-heading omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(a)**

F29₂

Commencement Information

- I9** Sch. 3 para. 2 in force for specified purposes at Royal Assent, see s. 25(3)(b)
I10 Sch. 3 para. 2 in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), **reg. 3(1)** (with reg. 10)

Northern Ireland Act 1998

- 3 In section 24 of the Northern Ireland Act 1998 (EU law, Convention rights etc.)—
 (a) omit subsection (1)(b) (no power for the First Minister, the deputy First Minister, a Northern Ireland Minister or a Northern Ireland department to make, confirm or approve subordinate legislation, or otherwise act, incompatibly with EU law), and
 F30(b)

Textual Amendments

- F30** Sch. 3 para. 3(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(a)**

Commencement Information

- I11** Sch. 3 para. 3(b) in force for specified purposes at Royal Assent, see s. 25(3)(c)
I12 Sch. 3 para. 3(a) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(1)** (with regs. 10, 22)
I13 Sch. 3 para. 3(b) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), **reg. 3(1)** (with reg. 10)

F31 **PART 2** **U.K.**

REPORTS IN CONNECTION WITH RETAINED EU LAW RESTRICTIONS

.....

Textual Amendments

- F31** Sch. 3 Pt. 2 omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(b)**

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 3 U.K.

OTHER AMENDMENTS OF DEVOLUTION LEGISLATION

Scotland Act 1998

6 The Scotland Act 1998 is amended as follows.

Commencement Information

I14 Sch. 3 para. 6 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

7 In section 2 (ordinary general elections), in subsection (2A), omit paragraph (b) and the “or” before it.

Commencement Information

I15 Sch. 3 para. 7 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

8 In section 12 (power of the Scottish Ministers to make provision about elections), in subsection (4)(a)—

- (a) omit “or the European Parliamentary Elections Act 2002”, and
- (b) omit “, European Parliamentary elections”.

Commencement Information

I16 Sch. 3 para. 8 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

9 (1) Section 12A (power of the Secretary of State to make provision about elections) is amended as follows.

(2) In subsection (2)—

- (a) after paragraph (a) insert “ and ”, and
- (b) omit paragraph (c) and the “and” before it.

(3) In subsection (3), omit paragraph (b) and the “and” before it.

(4) In subsection (5)(a)—

- (a) omit “or the European Parliamentary Elections Act 2002”, and
- (b) omit “, European Parliamentary elections”.

Commencement Information

I17 Sch. 3 para. 9 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

10 In section 32 (submission of Bills for Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

Commencement Information

I18 Sch. 3 para. 10 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

11 Omit section 34 (ECJ references).

Commencement Information

I19 Sch. 3 para. 11 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

- 12 (1) Section 36 (stages of Bills) is amended as follows.
- (2) In subsection (4), omit paragraph (b) but not the “or” at the end of it.
- (3) In subsection (5)(a), omit “, (b)”.

Commencement Information

I20 Sch. 3 para. 12 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

- 13 (1) Section 57 (EU law and Convention rights) is amended as follows.
- (2) In the heading—
- (a) omit “EU law and”, and
- ^{F32}(b)
- (3) Omit subsection (1).

Textual Amendments

F32 Sch. 3 para. 13(2)(b) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

Commencement Information

I21 Sch. 3 para. 13 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 14 (1) Section 80D (Scottish taxpayers) is amended as follows.
- (2) In subsection (4)—
- (a) insert “ or ” at the end of paragraph (a), and
- (b) omit paragraph (b) and the “or” at the end of it.
- (3) In subsection (4B), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I22 Sch. 3 para. 14 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 12 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 15 In section 80DA (Scottish taxpayers: Welsh parliamentarians), in subsection (2)(a), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I23 Sch. 3 para. 15 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 12 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 16 (1) Section 82 (limits on salaries of members of the Parliament) is amended as follows.
- (2) In subsection (1)—
- (a) insert “ or ” at the end of paragraph (za), and
 - (b) omit paragraph (b) and the “or” before it.
- (3) In subsection (2)(b), for “(1)(za), (a) or (b)” substitute “ (1)(za) or (a) ”.

Commencement Information

I24 Sch. 3 para. 16 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 17 (1) Section 106 (power to adapt functions) is amended as follows.
- (2) In subsection (5), for “an obligation under EU law” substitute “ a retained EU obligation ”.
- (3) Omit subsection (7).

Commencement Information

I25 Sch. 3 para. 17 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 18 In section 119 (Consolidated Fund etc.), omit subsection (4).

Commencement Information

I26 Sch. 3 para. 18 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 19 (1) Section 126 (interpretation) is amended as follows.
- (2) Omit subsection (9).
- (3) In subsection (10), omit “EU law or”.

Commencement Information

I27 Sch. 3 para. 19 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 20 In section 127 (index of defined expressions), omit the entry for EU law.

Commencement Information

I28 Sch. 3 para. 20 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 21 (1) Schedule 4 (enactments etc. protected from modification) is amended as follows.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) In paragraph 1(2)—
 - (a) omit paragraph (c), and
 - (b) after paragraph (f) insert “,
 - (g) the European Union (Withdrawal) Act 2018 (other than paragraphs 31 to 35 of Schedule 8 to that Act and any regulations made under that Act)”.
- (3) Omit paragraph 13(1)(a).

Commencement Information

I29 Sch. 3 para. 21(2)(b) in force at Royal Assent, see s. 25(1)(b)

I30 Sch. 3 para. 21(1)(2)(a)(3) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(l)** (with [regs. 10, 22](#))

22 In Part 2 of Schedule 5 (specific reservations), in section C8 (product standards, safety and liability), for the words from “Technical standards and” to “EU law” substitute— “ The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law. ”

Commencement Information

I31 Sch. 3 para. 22 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(l)** (with [reg. 10](#))

- 23 (1) Paragraph 1 of Schedule 6 (devolution issues) is amended as follows.
- ^{F33}(2)
- (3) In paragraph (e), omit “or with EU law”.
 - (4) In the second sentence for the words from “the compatibility” to the end substitute “ a compatibility issue (within the meaning given by section 288ZA(2) of the Criminal Procedure (Scotland) Act 1995) ”.

Textual Amendments

F33 Sch. 3 para. 23(2) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), [regs. 1\(1\), 6\(4\)\(c\)](#)

Commencement Information

I32 Sch. 3 para. 23 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(l)** (with [regs. 10, 22](#))

^{F34}24

Textual Amendments

F34 Sch. 3 para. 24 omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), [regs. 1\(1\), 6\(4\)\(c\)](#)

^{F35}25

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F35 Sch. 3 para. 25 omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(c)**

26 In Schedule 8 (modifications of enactments), omit paragraph 15 and the heading before it.

Commencement Information

I33 Sch. 3 para. 26 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with regs. 10, 22)

Government of Wales Act 2006

27 The Government of Wales Act 2006 is amended as follows.

Commencement Information

I34 Sch. 3 para. 27 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with reg. 10)

28 In section 3 (ordinary general elections), in subsection (1A), omit paragraph (b) and the “or” before it.

Commencement Information

I35 Sch. 3 para. 28 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with regs. 10, 22)

29 In section 13(5) (power of the Welsh Ministers to make provision about elections etc.)—

- (a) omit paragraph (c) but not the “and” at the end of it, and
- (b) in paragraph (d) omit “, European Parliamentary elections”.

Commencement Information

I36 Sch. 3 para. 29 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with regs. 10, 22)

30 (1) Section 13A (power of the Secretary of State to make provision about the combination of polls) is amended as follows.

(2) In subsection (2)—

- (a) insert “ and ” at the end of paragraph (a), and
- (b) omit paragraph (c) and the “and” before it.

(3) In subsection (3), omit paragraph (b) and the “and” before it.

Commencement Information

I37 Sch. 3 para. 30 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with regs. 10, 22)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 31 In section 16(3) (disqualification from being Assembly member) omit “(other than the United Kingdom)”.

Commencement Information

I38 Sch. 3 para. 31 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 32 (1) Section 21 (limit on salaries of Assembly members) is amended as follows.
- (2) In subsection (1)—
- (a) insert “ or ” at the end of paragraph (za), and
- (b) omit paragraph (b) and the “or” before it.
- (3) In subsection (2)(b), for “(1)(za), (a), or (b)” substitute “ (1)(za) or (a) ”.

Commencement Information

I39 Sch. 3 para. 32 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 33 In section 58A (executive ministerial functions), in subsection (4)(d), for “obligations under EU law” substitute “ retained EU obligations ”.

Commencement Information

I40 Sch. 3 para. 33 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 34 Omit section 58B (implementation of EU law: general).

Commencement Information

I41 Sch. 3 para. 34 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 35 (1) Section 59 (implementation of EU law: designation of Welsh Ministers etc.) is amended as follows.
- (2) For the heading substitute “ Fees and charges in relation to international law ”.
- (3) Omit subsections (1) to (4).
- (4) In subsection (5), for “in pursuance of an EU obligation etc” substitute “ in pursuance of an international obligation ”.

Commencement Information

I42 Sch. 3 para. 35 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 36 In the heading before section 80 (EU law, human rights and international obligations etc.), before “EU” insert “ Retained ”.

Commencement Information

I43 Sch. 3 para. 36 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- 37 (1) Section 80 (EU law) is amended as follows.
- (2) In the heading, before “EU” insert “ Retained ”.
- (3) In subsection (1), for “An EU obligation” substitute “ A retained EU obligation ”.
- (4) In subsection (2), for “an EU obligation” substitute “ a retained EU obligation ”.
- (5) In subsection (3)—
- (a) for “an EU obligation” substitute “ a retained EU obligation ”, and
- (b) for “the EU obligation” substitute “ the retained EU obligation ”.
- (6) In subsection (7)—
- (a) for “an EU obligation” substitute “ a retained EU obligation ”, and
- (b) for “the EU obligation” substitute “ the retained EU obligation ”.
- ^{F36}(7)

Textual Amendments

F36 Sch. 3 para. 37(7) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(c)**

Commencement Information

I44 Sch. 3 para. 37 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [reg. 10](#))

- 38 In section 111 (proceedings on Bills)—
- (a) in subsection (6), omit paragraph (b) but not the “or” at the end of it, and
- (b) in subsection (7)(a), omit “, (b)”.

Commencement Information

I45 Sch. 3 para. 38 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [regs. 10, 14, 22](#))

- 39 Omit section 113 (ECJ references).

Commencement Information

I46 Sch. 3 para. 39 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [regs. 10, 14, 22](#))

- 40 In section 115 (Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

Commencement Information

I47 Sch. 3 para. 40 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [regs. 10, 14, 22](#))

- 41 (1) Section 116E (Welsh taxpayers) is amended as follows.
- (2) In subsection (4)—
- (a) insert “ or ” at the end of paragraph (a), and
- (b) omit paragraph (b) and the “or” at the end of it.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) In subsection (6), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I48 Sch. 3 para. 41 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 15 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

42 In section 116F (Welsh taxpayers: Scottish parliamentarians), in subsection (2)(a), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I49 Sch. 3 para. 42 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 15 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with reg. 10)

^{F37}43

Textual Amendments

F37 Sch. 3 para. 43 omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

44 In section 158(1) (interpretation)—
 (a) omit the definition of “EU law”, and
 (b) in the definition of “international obligations” omit “EU law or”.

Commencement Information

I50 Sch. 3 para. 44 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

45 In section 159 (index of defined expressions), omit the entry for EU law.

Commencement Information

I51 Sch. 3 para. 45 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

46 In Schedule 3 (transfer etc. of functions: further provisions), omit paragraph 5 and the heading before it (EU obligations).

Commencement Information

I52 Sch. 3 para. 46 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

47 In Part 2 of Schedule 7A (specific reservations), in section C7 (product standards, safety and liability), for paragraph 77 substitute—

“77 The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law.”

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I53 Sch. 3 para. 47 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 48 In paragraph 5(1) of Schedule 7B (protected enactments), in the table—
- (a) omit the entry for the European Communities Act 1972, and
 - (b) after the entry for the Energy Act 2008 insert—

“The European Union (Withdrawal) Act 2018 The whole Act.”

Commencement Information

I54 Sch. 3 para. 48(b) in force at Royal Assent, see s. 25(1)(b)

I55 Sch. 3 para. 48(a) in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 49 In Schedule 11 (transitional provisions), omit paragraph 35A and the heading before it (instrument containing provisions under transferred power and provision under power in section 2(2) of the European Communities Act 1972: Assembly procedure).

Commencement Information

I56 Sch. 3 para. 49 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

Northern Ireland Act 1998

- 50 The Northern Ireland Act 1998 is amended as follows.

Commencement Information

I57 Sch. 3 para. 50 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 51 (1) Section 7 (entrenched enactments) is amended as follows.
- (2) In subsection (1)—
- (a) for “subsection (2)” substitute “ subsection (2A) ”,
 - (b) omit paragraph (a),
 - (c) omit “and” at the end of paragraph (c), and
 - (d) after paragraph (d) insert “; and
 - (e) the European Union (Withdrawal) Act 2018”.
- (3) Omit subsection (2).
- (4) Before subsection (3) insert—
- “(2A) Subsection (1) does not prevent an Act of the Assembly or subordinate legislation modifying—
- (a) paragraph 1(11) or (12) or 2(12) or (13) of Schedule 7 to the European Union (Withdrawal) Act 2018,
 - (b) paragraph 21 of Schedule 8 to that Act, or

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(c) any regulations made under that Act.”

Commencement Information

I58 Sch. 3 para. 51(2)(c)(d)(4) in force at Royal Assent, see s. 25(1)(b)

I59 Sch. 3 para. 51(1)(2)(a)(b)(3) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [regs. 10, 22](#))

52 Omit section 12 (reconsideration where reference made to ECJ).

Commencement Information

I60 [Sch. 3 para. 52](#) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [regs. 10, 16, 22](#))

53 In section 13 (stages of Bills), omit subsection (5)(b).

Commencement Information

I61 [Sch. 3 para. 53](#) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [regs. 10, 16, 22](#))

54 In section 14 (submission of Bills by the Secretary of State for Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

Commencement Information

I62 [Sch. 3 para. 54](#) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [regs. 10, 16, 22](#))

55 In the heading of section 24 (EU law, Convention rights etc.)—

(a) omit “EU law,” and

^{F38}(b)

Textual Amendments

F38 [Sch. 3 para. 55\(b\)](#) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), [regs. 1\(1\), 6\(4\)\(c\)](#)

Commencement Information

I63 [Sch. 3 para. 55](#) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(I)** (with [regs. 10, 22](#))

56 (1) Section 27 (quotas for purposes of international etc. obligations) is amended as follows.

(2) In subsection (1)(a), for “an obligation under EU law” substitute “ a retained EU obligation ”.

(3) In subsection (2), for “obligation under EU law” substitute “ retained EU obligation ”.

(4) In subsection (4), omit “or an obligation under EU law”.

(5) After that subsection insert—

“(4A) Where an order under subsection (1) is in force in relation to a retained EU obligation, the Minister or Northern Ireland department must (in the exercise

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

of the Minister's or the department's functions) achieve so much of the result to be achieved under the obligation as is specified in the order by the time or times so specified.”

Commencement Information

I64 Sch. 3 para. 56 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

F39 57

Textual Amendments

F39 Sch. 3 para. 57 omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

F40 58

Textual Amendments

F40 Sch. 3 para. 58 omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)

59 In section 98(1) (interpretation)—
(a) omit the definition of “EU law”, and
(b) in the definition of “international obligations” omit “EU law or”.

Commencement Information

I65 Sch. 3 para. 59 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

60 (1) Schedule 2 (excepted matters) is amended as follows.
(2) In paragraph 3(c), for “, obligations under the Human Rights Convention and obligations under EU law” substitute “ and obligations under the Human Rights Convention ”.
(3) In paragraph 12(1), omit “, the European Parliament”.

Commencement Information

I66 Sch. 3 para. 60 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

61 In Schedule 3 (reserved matters), in paragraph 38, for the words from “Technical” to “not” substitute “ The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law, other than ”.

Commencement Information

I67 Sch. 3 para. 61 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 62 In paragraph 1(c) of Schedule 10 (devolution issues) omit the words from “, any obligation” to “such an obligation”.

Commencement Information

I68 Sch. 3 para. 62 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

SCHEDULE 4 **U.K.**

Section 14(1)

POWERS IN CONNECTION WITH FEES AND CHARGES

PART 1 **U.K.**

CHARGING IN CONNECTION WITH CERTAIN NEW FUNCTIONS

Power to provide for fees or charges

- 1 (1) An appropriate authority may by regulations make provision for, or in connection with, the charging of fees or other charges in connection with the exercise of a function (“the relevant function”) which a public authority has by virtue of provision made under—
- (a) section 8 or Part 1 of Schedule 2 (powers to deal with deficiencies arising from withdrawal),^{F41} . . .
 - ^{F42}(aa) section 8B or Part 1B of Schedule 2 (powers in connection with Part 3 of the withdrawal agreement and Part 3 of the EEA EFTA separation agreement), or
 - (ab) section 8C or Part 1C of Schedule 2 (powers in connection with the Ireland/Northern Ireland Protocol in the withdrawal agreement)]
 - ^{F41}(b)
- (2) Where there is more than one appropriate authority in relation to the relevant function, two or more of the appropriate authorities may make regulations under this paragraph jointly.
- (3) Regulations under this paragraph may (among other things)—
- (a) prescribe the fees or charges or make provision as to how they are to be determined;
 - (b) provide for the recovery or disposal of any sums payable under the regulations;
 - (c) confer power on the public authority to make, by subordinate legislation, any provision that the appropriate authority may make under this paragraph in relation to the relevant function.

Textual Amendments

F41 Sch. 4 para. 1(1)(b) and word omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(viii), [Sch. 5 para. 47\(2\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F42 Sch. 4 para. 1(1)(aa)(ab) inserted (19.5.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), ss. 28(a), 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(m)

Meaning of “appropriate authority”

- 2 (1) A Minister of the Crown is an “appropriate authority” for the purposes of paragraph 1.
- (2) The Scottish Ministers are an “appropriate authority” for the purposes of paragraph 1—
- (a) if the Scottish Ministers (whether acting jointly or alone) made the provision, as mentioned in paragraph 1(1), by virtue of which the public authority has the relevant function,
 - (b) if the relevant function is a function of the Scottish Ministers, the First Minister or the Lord Advocate, or
 - (c) if the provision by virtue of which the public authority has the relevant function, if it were included in an Act of the Scottish Parliament, would be within the legislative competence of that Parliament (ignoring section 29(2) (d) of the Scotland Act 1998 so far as relating to EU law and retained EU law).
- (3) The Welsh Ministers are an “appropriate authority” for the purposes of paragraph 1—
- (a) if the Welsh Ministers (whether acting jointly or alone) made the provision, as mentioned in paragraph 1(1), by virtue of which the public authority has the relevant function,
 - (b) if the relevant function is a function of the Welsh Ministers, or
 - (c) if the provision by virtue of which the public authority has the relevant function, if it were included in an Act of the National Assembly for Wales, would be within the legislative competence of that Assembly (ignoring section 108A(2)(e) of the Government of Wales Act 2006 so far as relating to EU law and retained EU law but including any provision that could be made only with consent of a Minister of the Crown).
- (4) A Northern Ireland department is an “appropriate authority” for the purposes of paragraph 1—
- (a) if a Northern Ireland department (whether acting jointly or alone) made the provision, as mentioned in paragraph 1(1), by virtue of which the public authority has the relevant function,
 - (b) if the relevant function is a function of a Northern Ireland devolved authority, or
 - (c) if the provision by virtue of which the public authority has the relevant function, if it were included in an Act of the Northern Ireland Assembly—
 - (i) would be within the legislative competence of that Assembly (ignoring section 6(2)(d) of the Northern Ireland Act 1998), and
 - (ii) would not require the consent of the Secretary of State.

Requirements for consent

- 3 (1) A Minister of the Crown may only make regulations under paragraph 1 with the consent of the Treasury.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) A devolved authority may only make regulations under paragraph 1 with the consent of a Minister of the Crown if—
- (a) the relevant function is a function of a Minister of the Crown, or
 - (b) the public authority that has the relevant function—
 - (i) in the case of the Scottish Ministers, has any functions that can be exercised otherwise than in or as regards Scotland,
 - (ii) in the case of the Welsh Ministers, has any functions that can be exercised otherwise than in relation to Wales or the Welsh zone, or
 - (iii) in the case of a Northern Ireland department, has any functions that can be exercised otherwise than in or as regards Northern Ireland and is not an implementation body.
- (3) In sub-paragraph (2)(b)(iii) “implementation body” has the same meaning as in section 55 of the Northern Ireland Act 1998 (see subsection (3) of that section).

Minister of the Crown power in relation to devolved authorities

- 4 A Minister of the Crown may by regulations—
- (a) prescribe circumstances in which, or functions in relation to which, a devolved authority is to be regarded as being an appropriate authority for the purposes of paragraph 1;
 - (b) provide that a devolved authority that is regarded as being an appropriate authority under regulations made under paragraph (a) may only make regulations under paragraph 1, by virtue of being so regarded, with the consent of a Minister of the Crown;
 - (c) prescribe circumstances in which, or functions in relation to which, a devolved authority may, despite paragraph 3(2), make regulations under paragraph 1 without the consent of a Minister of the Crown.

Time limit for making certain provision

- 5 (1) Subject to [^{F43}sub-paragraphs (2) and (2A)], no regulations may be made under paragraph 1 after the end of the period of two years beginning with [^{F44}IP completion day].
- (2) After the end of that period, regulations may be made under paragraph 1 for the purposes of—
- (a) revoking any provision made under that paragraph,
 - (b) altering the amount of any of the fees or charges that are to be charged under any provision made under that paragraph,
 - (c) altering how any of the fees or charges that are to be charged under any provision made under that paragraph are to be determined, or
 - (d) otherwise altering the fees or charges that may be charged in relation to anything in respect of which fees or charges may be charged under any provision made under that paragraph.
- [^{F45}(2A) This paragraph does not apply in relation to regulations made under paragraph 1(1) (aa) or (ab).]
- (3) This paragraph does not affect the continuation in force of any regulations made at or before the end of the period mentioned in sub-paragraph (1) (including the exercise

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

after the end of that period of any power conferred by regulations made under that paragraph at or before the end of that period).

Textual Amendments

- F43** Words in Sch. 4 para. 5(1) substituted (19.5.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 28(b)(i)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(m)
- F44** Words in Sch. 4 para. 5(1) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 47(3)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xx)
- F45** Sch. 4 para. 5(2A) inserted (19.5.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 28(b)(ii)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(m)

Relationship to other powers

- 6 This Part does not affect the powers under [^{F46}sections 8 to 8C] or Schedule 2, or any other power exercisable apart from this Part, to require the payment of, or to make other provision in relation to, fees or other charges.

Textual Amendments

- F46** Words in [Sch. 4 para. 6](#) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(viii), **Sch. 5 para. 47(4)** (with s. 38(3), Sch. 5 para. 66)

PART 2 **U.K.**

MODIFYING PRE-EXIT FEES OR CHARGES

Power to modify pre-exit fees or charges

- 7 (1) Sub-paragraph (2) applies where any subordinate legislation contains provision (“the charging provision”) for, or in connection with, the charging of fees or other charges that—
- (a) was made under section 2(2) of the European Communities Act 1972, section 56 of the Finance Act 1973 or this Part, and
 - (b) forms part of [^{F47}assimilated] law.
- (2) Any appropriate authority may by regulations make provision (“the proposed modification”) modifying the subordinate legislation for the purposes of—
- (a) revoking the charging provision,
 - (b) altering the amount of any of the fees or charges that are to be charged,
 - (c) altering how any of the fees or charges are to be determined, or
 - (d) otherwise altering the fees or charges that may be charged in relation to anything in respect of which fees or charges may be charged under the charging provision.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F47 Word in Sch. 4 para. 7(1)(b) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), [Sch. 2 para. 8\(12\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

Meaning of “appropriate authority”

- 8 In this Part an “appropriate authority” means a Minister of the Crown, or devolved authority, that could have made the proposed modification—
- (a) under section 2(2) of the European Communities Act 1972 immediately before ^{F48}IP completion day], or
 - (b) under section 56 of the Finance Act 1973 immediately before the amendment of that section by paragraph 17 of Schedule 8.

Textual Amendments

F48 Words in Sch. 4 para. 8(a) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 47\(5\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xx)

Restriction on exercise of power

- 9 (1) Where the charging provision consists solely of 1972 Act provision, regulations under this Part may not impose or increase taxation.
- (2) In sub-paragraph (1) “1972 Act provision” means—
- (a) provision that is made under section 2(2) of the European Communities Act 1972 and not under section 56 of the Finance Act 1973, including such provision as modified under this Part, or
 - (b) provision that is made under this Part and is incidental to, or supplements or replaces, provision within paragraph (a).

Requirement for consent

- 10 If a Minister of the Crown—
- (a) is an appropriate authority, and
 - (b) immediately before the amendment of section 56 of the Finance Act 1973 by paragraph 17 of Schedule 8 could only have made the proposed modification under that section,
- the Minister may only make that modification under this Part with the consent of the Treasury.

Relationship to other powers

- 11 This Part does not affect the powers under ^{F49}sections 8 to 8C] or Schedule 2, or any other power exercisable apart from this Part, to require the payment of, or to make other provision in relation to, fees or other charges.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F49** Words in Sch. 4 para. 11 substituted (23.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(6)(e)(viii), Sch. 5 para. 47(6) (with s. 38(3), Sch. 5 para. 66)

SCHEDULE 5 U.K.

Section 15(1) and (2)

PUBLICATION AND RULES OF EVIDENCE

PART 1 U.K.

PUBLICATION OF RETAINED DIRECT EU LEGISLATION ETC.

Things that must or may be published

- 1 (1) The Queen's Printer must make arrangements for the publication of—
- (a) each relevant instrument that has been published before [F50IP completion day] by an EU entity, and
 - (b) the relevant international agreements.
- (2) In this paragraph—
- “relevant instrument” means—
 - (a) an EU regulation,
 - (b) an EU decision, and
 - (c) EU tertiary legislation;
 - “relevant international agreements” means—
 - (a) the Treaty on European Union,
 - (b) the Treaty on the Functioning of the European Union,
 - (c) the Euratom Treaty, and
 - (d) the EEA agreement.
- (3) The Queen's Printer may make arrangements for the publication of—
- (a) any decision of, or expression of opinion by, the European Court, or
 - (b) any other document published by an EU entity.
- (4) The Queen's Printer may make arrangements for the publication of anything which the Queen's Printer considers may be useful in connection with anything published under this paragraph.
- (5) This paragraph does not require the publication of—
- (a) anything repealed before [F51IP completion day], or
 - (b) any modifications made on or after [F52IP completion day].

Textual Amendments

- F50** Words in Sch. 5 para. 1(1)(a) substituted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 48(2) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F51 Words in Sch. 5 para. 1(5)(a) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 48\(2\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

F52 Words in Sch. 5 para. 1(5)(b) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 48\(2\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

Modifications etc. (not altering text)

C2 Sch. 5 para. 1(1) excluded (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\), ss. 4, 9\(3\)](#)

Commencement Information

I69 Sch. 5 para. 1 in force at 3.7.2019 by [S.I. 2019/1077, reg. 2\(a\)](#)

Exceptions from duty to publish

- 2 (1) A Minister of the Crown may create an exception from the duty under paragraph 1(1) in respect of a relevant instrument if satisfied that it has not become (or will not become, on [^{F53}IP completion day]) retained direct EU legislation.
- (2) An exception is created by giving a direction to the Queen's Printer specifying the instrument or category of instruments that are excepted.
- (3) A Minister of the Crown must publish any direction under this paragraph.
- (4) In this paragraph—
 “instrument” includes part of an instrument;
 “relevant instrument” has the meaning given by paragraph 1(2).

Textual Amendments

F53 Words in Sch. 5 para. 2(1) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 48\(2\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

Commencement Information

I70 Sch. 5 para. 2 in force at 4.7.2018 by [S.I. 2018/808, reg. 3\(d\)](#)

PART 2 U.K.

RULES OF EVIDENCE

Questions as to meaning of EU law

- 3 (1) Where it is necessary, [^{F54}in legal proceedings], to decide a question as to—
 (a) the meaning or effect in EU law of any of the EU Treaties or any other treaty relating to the EU, or
 (b) the validity, meaning or effect in EU law of any EU instrument,
 the question is to be treated ^{F55}... as a question of law.
- (2) In this paragraph—
 ^{F56}
 ...
 “treaty” includes—

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) any international agreement, and
- (b) any protocol or annex to a treaty or international agreement.

Textual Amendments

- F54** Words in Sch. 5 para. 3(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(3)(a)(i)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F55** Words in Sch. 5 para. 3(1) omitted (31.12.2020) by virtue of European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(3)(a)(ii)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F56** Words in Sch. 5 para. 3(2) omitted (31.12.2020) by virtue of European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(3)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Commencement Information

- I71** Sch. 5 para. 3 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(m)**

Power to make provision about judicial notice and admissibility

- 4 (1) A Minister of the Crown may by regulations—
- (a) make provision enabling or requiring judicial notice to be taken of a relevant matter, or
 - (b) provide for the admissibility in any legal proceedings of specified evidence of—
 - (i) a relevant matter, or
 - (ii) instruments or documents issued by or in the custody of an EU entity.
- (2) Regulations under sub-paragraph (1)(b) may provide that evidence is admissible only where specified conditions are met (for example, conditions as to certification of documents).
- (3) Regulations under this paragraph may modify any provision made by or under an enactment.
- (4) In sub-paragraph (3) “enactment” does not include primary legislation passed or made after [^{F57}IP completion day].
- (5) For the purposes of this paragraph each of the following is a “relevant matter”—
- [^{F58}(a) assimilated law,]
 - (b) EU law,
 - (c) the EEA agreement,
 - [^{F59}(ca) the EEA EFTA separation agreement,
 - (cb) the Swiss citizens' rights agreement,
 - (cc) the withdrawal agreement,] and
 - (d) anything which is specified in the regulations and which relates to a matter mentioned in paragraph (a), (b) [^{F60}, (c), (ca), (cb) or (cc)].

Textual Amendments

- F57** Words in Sch. 5 para. 4(4) substituted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(4)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F58** Sch. 5 para. 4(5)(a) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(13)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F59** Sch. 5 para. 4(5)(ca)-(cc) inserted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(4)(b)(i)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)
- F60** Words in Sch. 5 para. 4(5)(d) substituted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(4)(b)(ii)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

Commencement Information

- I72** Sch. 5 para. 4 in force at 4.7.2018 by S.I. 2018/808, **reg. 3(e)**

SCHEDULE 6 **U.K.**

Section 20(1)

INSTRUMENTS WHICH ARE EXEMPT EU INSTRUMENTS

EU decisions

- 1 ^{F61}(1)
- (2) If any decision under Title V or former Title V of the Treaty on European Union is a decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union (and accordingly falls within the definition of “EU decision” in section 20(1)), it is “an exempt EU instrument”.
- (3) In sub-paragraph (2), the reference to former Title V of the Treaty on European Union is a reference to that Title as it had effect at any time before the coming into force of the Treaty of Lisbon.

Textual Amendments

- F61** Sch. 6 para. 1(1) omitted (31.1.2020) by virtue of European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 49(2)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxii)

EU regulations

- ^{F62}2

Textual Amendments

- F62** Sch. 6 para. 2 omitted (31.1.2020) by virtue of European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 49(2)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxii)

EU tertiary legislation

- 3 EU tertiary legislation is “an exempt EU instrument” so far as it is made under—
 - (a) an EU decision ^{F63}... which is an exempt EU instrument, ^{F64}...
 - ^{F64}(b)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F63** Words in Sch. 6 para. 3(a) omitted (31.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 49\(3\)\(a\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxii)
- F64** Sch. 6 para. 3(b) and word omitted (31.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 49\(3\)\(b\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxii)

Interpretation

F65 4

Textual Amendments

- F65** Sch. 6 para. 4 omitted (31.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 49\(2\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxii)

SCHEDULE 7 **U.K.**

Section 22

REGULATIONS

PART 1 **U.K.**

SCRUTINY OF POWERS TO DEAL WITH DEFICIENCIES

Scrutiny of regulations made by Minister of the Crown or devolved authority acting alone

- 1 (1) A statutory instrument containing regulations under section 8(1) which contain provision falling within sub-paragraph (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Provision falls within this sub-paragraph if it—
- (a) provides for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead by a public authority in the United Kingdom,
 - (b) relates to a fee in respect of a function exercisable by a public authority in the United Kingdom,
 - (c) creates, or widens the scope of, a criminal offence, or
 - (d) creates or amends a power to legislate.
- (3) Any other statutory instrument containing regulations under section 8(1) is (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) See paragraph 3 for restrictions on the choice of procedure under sub-paragraph (3).

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) A statutory instrument containing regulations under section 8 (3)(b) (including as applied by paragraph 1(3) of Schedule 2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Regulations under Part 1 of Schedule 2 of the Scottish Ministers which contain provision falling within sub-paragraph (2) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (7) Any other regulations under Part 1 of Schedule 2 of the Scottish Ministers are (if they have not been subject to the affirmative procedure) subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (8) A statutory instrument containing regulations under Part 1 of Schedule 2 of the Welsh Ministers which contain provision falling within sub-paragraph (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (9) Any other statutory instrument containing regulations under Part 1 of Schedule 2 of the Welsh Ministers is (if a draft of the instrument has not been laid before, and approved by a resolution of, the National Assembly for Wales) subject to annulment in pursuance of a resolution of the Assembly.
- (10) See paragraph 4 for restrictions on the choice of procedure under sub-paragraph (9).
- (11) Regulations under Part 1 of Schedule 2 of a Northern Ireland department which contain provision falling within sub-paragraph (2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (12) Any other regulations under Part 1 of Schedule 2 of a Northern Ireland department are (if a draft of the regulations has not been laid before, and approved by a resolution of, the Northern Ireland Assembly) subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (13) This paragraph—
 - (a) does not apply to regulations to which paragraph 2 applies, and
 - (b) is subject to paragraphs 5 to 8.

Scrutiny of regulations made by Minister of the Crown and devolved authority acting jointly

- 2 (1) This paragraph applies to regulations under Part 1 of Schedule 2 of a Minister of the Crown acting jointly with a devolved authority.
- (2) The procedure provided for by sub-paragraph (3) or (4) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument containing regulations to which this paragraph applies which contain provision falling within paragraph 1(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) Any other statutory instrument containing regulations to which this paragraph applies is (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers and contain provision falling within paragraph 1(2) are subject to the affirmative procedure.
- (6) Any other regulations to which this paragraph applies which are made jointly with the Scottish Ministers are (if they have not been subject to the affirmative procedure) subject to the negative procedure.
- (7) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (affirmative procedure) applies in relation to regulations to which sub-paragraph (5) or (6) applies and which are subject to the affirmative procedure as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (8) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (6) applies and which are subject to the negative procedure as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (9) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (5) or (6) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (10) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers and contain provision falling within paragraph 1(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Any other statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is (if a draft of the instrument has not been laid before, and approved by a resolution of, the National Assembly for Wales) subject to annulment in pursuance of a resolution of the Assembly.
- (12) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department and contain provision falling within paragraph 1(2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (13) Any other regulations to which this paragraph applies which are made jointly with a Northern Ireland department are (if a draft of the regulations has not been laid before, and approved by a resolution of, the Northern Ireland Assembly) subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (14) If in accordance with sub-paragraph (4), (6), (11) or (13)—

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
 - (b) a relevant devolved legislature resolves that an instrument be annulled,
- nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (15) In sub-paragraph (14) “relevant devolved legislature” means—
- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
 - (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
 - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (16) Sub-paragraph (14) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (17) Sub-paragraphs (14) [^{F66}to (16)] apply in place of provision made by any other enactment about the effect of such a resolution.

Textual Amendments

F66 Words in [Sch. 7 para. 2\(17\)](#) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(viii), [Sch. 5 para. 50\(a\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

Parliamentary committee to sift certain deficiencies regulations of a Minister of the Crown

- 3 (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 1(3) applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) The Minister may not make the instrument so that it is subject to that procedure unless—
- (a) condition 1 is met, and
 - (b) either condition 2 or 3 is met.
- (3) Condition 1 is that a Minister of the Crown—
- (a) has made a statement in writing to the effect that in the Minister's opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and
 - (b) has laid before each House of Parliament—
 - (i) a draft of the instrument, and
 - (ii) a memorandum setting out the statement and the reasons for the Minister's opinion.
- (4) Condition 2 is that a committee of the House of Commons charged with doing so and a committee of the House of Lords charged with doing so have, within the relevant period, each made a recommendation as to the appropriate procedure for the instrument.
- (5) Condition 3 is that the relevant period has ended without condition 2 being met.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) Sub-paragraph (7) applies if—
- (a) a committee makes a recommendation as mentioned in sub-paragraph (4) within the relevant period,
 - (b) the recommendation is that the appropriate procedure for the instrument is for a draft of it to be laid before, and approved by a resolution of, each House of Parliament before it is made, and
 - (c) the Minister who is to make the instrument is nevertheless of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Before the instrument is made, the Minister must make a statement explaining why the Minister does not agree with the recommendation of the committee.
- (8) If the Minister fails to make a statement required by sub-paragraph (7) before the instrument is made, a Minister of the Crown must make a statement explaining why the Minister has failed to do so.
- (9) A statement under sub-paragraph (7) or (8) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (10) In this paragraph “the relevant period” means the period—
- (a) beginning with the first day on which both Houses of Parliament are sitting after the day on which the draft instrument was laid before each House as mentioned in sub-paragraph (3)(b)(i), and
 - (b) ending with whichever of the following is the later—
 - (i) the end of the period of 10 Commons sitting days beginning with that first day, and
 - (ii) the end of the period of 10 Lords sitting days beginning with that first day.
- (11) For the purposes of sub-paragraph (10)—
- (a) where a draft of an instrument is laid before each House of Parliament on different days, the later day is to be taken as the day on which it is laid before both Houses,
 - ^{F67}(b)
 - ^{F67}(c)
 - ^{F67} ...
- (12) Nothing in this paragraph prevents a Minister of the Crown from deciding at any time before a statutory instrument to which paragraph 1(3) applies is made that another procedure should apply in relation to the instrument (whether under paragraph 1(3) or 5).
- (13) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid in draft before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies.

Textual Amendments

F67 Sch. 7 para. 3(11)(b)(c) and words omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(viii), [Sch. 5 para. 50\(b\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Committee of the National Assembly for Wales to sift certain deficiencies regulations of Welsh Ministers

- 4 (1) Sub-paragraph (2) applies if the Welsh Ministers are to make a statutory instrument to which paragraph 1(9) applies and are of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (2) The Welsh Ministers may not make the instrument so that it is subject to that procedure unless—
- (a) condition 1 is met, and
 - (b) either condition 2 or 3 is met.
- (3) Condition 1 is that the Welsh Ministers—
- (a) have made a statement in writing to the effect that in their opinion the instrument should be subject to annulment in pursuance of a resolution of the National Assembly for Wales, and
 - (b) have laid before the Assembly—
 - (i) a draft of the instrument, and
 - (ii) a memorandum setting out the statement and the reasons for the Welsh Ministers' opinion.
- (4) Condition 2 is that a committee of the National Assembly for Wales charged with doing so has made a recommendation as to the appropriate procedure for the instrument.
- (5) Condition 3 is that the period of 14 days beginning with the first day after the day on which the draft instrument was laid before the National Assembly for Wales as mentioned in sub-paragraph (3) has ended without any recommendation being made as mentioned in sub-paragraph (4).
- (6) In calculating the period of 14 days, no account is to be taken of any time during which the National Assembly for Wales is—
- (a) dissolved, or
 - (b) in recess for more than four days.
- (7) Nothing in this paragraph prevents the Welsh Ministers from deciding at any time before a statutory instrument to which paragraph 1(9) applies is made that another procedure should apply to the instrument (whether under paragraph 1(9) or 7).
- (8) Section 6(1) of the Statutory Instruments Act 1946 as applied by section 11A of that Act (alternative procedure for certain instruments laid in draft before the Assembly) does not apply in relation to any statutory instrument to which this paragraph applies.

^{F68}(9)

Textual Amendments

F68 Sch. 7 para. 4(9) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(viii), **Sch. 5 para. 50(c)** (with s. 38(3), Sch. 5 para. 66)

Scrutiny procedure in certain urgent deficiencies cases: Ministers of the Crown

- 5 (1) Sub-paragraph (2) applies to—

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) a statutory instrument to which paragraph 1(1) applies, or
 - (b) a statutory instrument to which paragraph 1(3) applies which would not otherwise be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.
- (2) The instrument may be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament if it contains a declaration that the Minister of the Crown concerned is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- (3) After an instrument is made in accordance with sub-paragraph (2), it must be laid before each House of Parliament.
- (4) Regulations contained in an instrument made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 1(3) applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Paragraph 3 does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.

Scrutiny procedure in certain urgent deficiencies cases: devolved authorities

- 6 (1) This paragraph applies to—
 - (a) regulations to which paragraph 1(6) applies, or
 - (b) regulations to which paragraph 1(7) applies which would not otherwise be made without being subject to the affirmative procedure.
- (2) The regulations may be made without being subject to the affirmative procedure if the regulations contain a declaration that the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without them being subject to that procedure.
- (3) After regulations are made in accordance with sub-paragraph (2), they must be laid before the Scottish Parliament.
- (4) Regulations made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which they are made

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

unless, during that period, the regulations are approved by resolution of the Scottish Parliament.

- (5) In calculating the period of 28 days, no account is to be taken of any time during which the Scottish Parliament is—
- (a) dissolved, or
 - (b) in recess for more than four days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- ^{F69}(7)

Textual Amendments

F69 Sch. 7 para. 6(7) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(viii), [Sch. 5 para. 50\(d\)](#) (with s. 38(3), Sch. 5 para. 66)

- 7 (1) Sub-paragraph (2) applies to—
- (a) a statutory instrument to which paragraph 1(8) applies, or
 - (b) a statutory instrument to which paragraph 1(9) applies which would not otherwise be made without a draft of the instrument being laid before, and approved by a resolution of, the National Assembly for Wales.
- (2) The instrument may be made without a draft of the instrument being laid before, and approved by a resolution of, the National Assembly for Wales if it contains a declaration that the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- (3) After an instrument is made in accordance with sub-paragraph (2), it must be laid before the National Assembly for Wales.
- (4) Regulations contained in an instrument made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which the National Assembly for Wales is—
- (a) dissolved, or
 - (b) in recess for more than four days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 1(9) applies where the Welsh Ministers are of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (8) Paragraph 4 does not apply in relation to the instrument if the instrument contains a declaration that the Welsh Ministers are of the opinion that, by reason of urgency,

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

it is necessary to make the regulations without meeting the requirements of that paragraph.

^{F70}(9)

Textual Amendments

F70 Sch. 7 para. 7(9) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(viii), **Sch. 5 para. 50(e)** (with s. 38(3), Sch. 5 para. 66)

- 8 (1) This paragraph applies to—
- (a) regulations to which paragraph 1(11) applies, or
 - (b) regulations to which paragraph 1(12) applies which would not otherwise be made without a draft of the regulations being laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (2) The regulations may be made without a draft of the regulations being laid before, and approved by a resolution of, the Northern Ireland Assembly if they contain a declaration that the Northern Ireland department concerned is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- (3) After regulations are made in accordance with sub-paragraph (2), they must be laid before the Northern Ireland Assembly.
- (4) Regulations made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by a resolution of the Northern Ireland Assembly.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which the Northern Ireland Assembly is—
- (a) dissolved,
 - (b) in recess for more than four days, or
 - (c) adjourned for more than six days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.

^{F71}(7)

Textual Amendments

F71 Sch. 7 para. 8(7) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(viii), **Sch. 5 para. 50(f)** (with s. 38(3), Sch. 5 para. 66)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F72}PART 1A U.K.]

SCRUTINY OF SPECIFIC POWERS RELATING TO WITHDRAWAL AGREEMENT ETC.

Textual Amendments

F72 Sch. 7 Pt. 1A inserted (23.1.2020 for specified purposes, 31.1.2020 for specified purposes, 19.5.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(ix), [Sch. 5 para. 51](#) (with s. 38(3), [Sch. 5 para. 66](#)); S.I. 2020/75, reg. 4(n)(xxiii); S.I. 2020/518, reg. 2(p)(i)

Powers in connection with Part 4 of the withdrawal agreement

- 8A A statutory instrument containing regulations under section 1A(3)(a)(ii) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- 8B (1) A statutory instrument containing regulations under section 8A which amend, repeal or revoke—
- (a) primary legislation, ^{F73} ...
^{F73}
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Any other statutory instrument containing regulations under section 8A is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations under Part 1A of Schedule 2 of the Scottish Ministers acting alone which amend, repeal or revoke—
- (a) primary legislation, ^{F74} ...
^{F74}
- are subject to the affirmative procedure (see section 29 of the [Interpretation and Legislative Reform \(Scotland\) Act 2010 \(asp 10\)](#)).
- (4) Any other regulations under Part 1A of Schedule 2 of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the [Interpretation and Legislative Reform \(Scotland\) Act 2010](#)).
- (5) A statutory instrument containing regulations under Part 1A of Schedule 2 of the Welsh Ministers acting alone which amend, repeal or revoke—
- (a) primary legislation, ^{F75} ...
^{F75}
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (6) Any other statutory instrument containing regulations under Part 1A of Schedule 2 of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) Regulations under Part 1A of Schedule 2 of a Northern Ireland department acting alone which amend, repeal or revoke—

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) primary legislation, ^{F76} ...

^{F76}

may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

- (8) Any other regulations under Part 1A of Schedule 2 of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

Textual Amendments

F73 Sch. 7 para. 8B(1)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(a\)](#)

F74 Sch. 7 para. 8B(3)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(a\)](#)

F75 Sch. 7 para. 8B(5)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(a\)](#)

F76 Sch. 7 para. 8B(7)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(a\)](#)

- 8C (1) This paragraph applies to regulations under Part 1A of Schedule 2 of a Minister of the Crown acting jointly with a devolved authority.

(2) The procedure provided for by sub-paragraph (3) or (4) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.

(3) A statutory instrument containing regulations to which this paragraph applies which amend, repeal or revoke—

(a) primary legislation, ^{F77} ...

^{F77}

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(4) Any other statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers and amend, repeal or revoke—

(a) primary legislation, ^{F78} ...

^{F78}

are subject to the affirmative procedure.

(6) Any other regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.

(7) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (5) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

as if references to a Scottish statutory instrument were references to a statutory instrument).

- (8) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (6) applies as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (9) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (5) or (6) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (10) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers and amend, repeal or revoke—
- (a) primary legislation, ^{F79} ...
^{F79}
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Any other statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department and amend, repeal or revoke—
- (a) primary legislation, ^{F80} ...
^{F80}
- may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (13) Any other regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (14) If in accordance with sub-paragraph (4), (6), (11) or (13)—
- (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
- (b) a relevant devolved legislature resolves that an instrument be annulled,
- nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (15) In sub-paragraph (14) “relevant devolved legislature” means—
- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
- (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
- (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (16) Sub-paragraph (14) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (17) Sub-paragraphs (14) to (16) apply in place of provision made by any other enactment about the effect of such a resolution.

Textual Amendments

- F77** Sch. 7 para. 8C(3)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(b\)](#)
- F78** Sch. 7 para. 8C(5)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(b\)](#)
- F79** Sch. 7 para. 8C(10)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(b\)](#)
- F80** Sch. 7 para. 8C(12)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(b\)](#)

Textual Amendments

- F73** Sch. 7 para. 8B(1)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(a\)](#)
- F74** Sch. 7 para. 8B(3)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(a\)](#)
- F75** Sch. 7 para. 8B(5)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(a\)](#)
- F76** Sch. 7 para. 8B(7)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(a\)](#)
- F77** Sch. 7 para. 8C(3)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(b\)](#)
- F78** Sch. 7 para. 8C(5)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(b\)](#)
- F79** Sch. 7 para. 8C(10)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(b\)](#)
- F80** Sch. 7 para. 8C(12)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(b\)](#)

Powers in connection with other separation issues in the withdrawal agreement etc.

- 8D (1) A statutory instrument containing regulations under section 8B which amend, repeal or revoke—
- (a) primary legislation, ^{F81}...
- ^{F81}(b)
may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Any other statutory instrument containing regulations under section 8B is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations under Part 1B of Schedule 2 of the Scottish Ministers acting alone which amend, repeal or revoke—

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) primary legislation, ^{F82} ...
- ^{F82}(b)
are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (4) Any other regulations under Part 1B of Schedule 2 of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (5) A statutory instrument containing regulations under Part 1B of Schedule 2 of the Welsh Ministers acting alone which amend, repeal or revoke—
 - (a) primary legislation, ^{F83} ...
 - ^{F83}(b)
may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (6) Any other statutory instrument containing regulations under Part 1B of Schedule 2 of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) Regulations under Part 1B of Schedule 2 of a Northern Ireland department acting alone which amend, repeal or revoke—
 - (a) primary legislation, ^{F84} ...
 - ^{F84}(b)
may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (8) Any other regulations under Part 1B of Schedule 2 of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

Textual Amendments

F81 Sch. 7 para. 8D(1)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 3(2)(c)**

F82 Sch. 7 para. 8D(3)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 3(2)(c)**

F83 Sch. 7 para. 8D(5)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 3(2)(c)**

F84 Sch. 7 para. 8D(7)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 3(2)(c)**

- 8E (1) This paragraph applies to regulations under Part 1B of Schedule 2 of a Minister of the Crown acting jointly with a devolved authority.
- (2) The procedure provided for by sub-paragraph (3) or (4) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument containing regulations to which this paragraph applies which amend, repeal or revoke—

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) primary legislation,^{F85} ...
- ^{F85}(b)
may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any other statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers and amend, repeal or revoke—
 - (a) primary legislation,^{F86} ...
 - ^{F86}(b)
are subject to the affirmative procedure.
- (6) Any other regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.
- (7) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (5) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (8) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (6) applies as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (9) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (5) or (6) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (10) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers and amend, repeal or revoke—
 - (a) primary legislation,^{F87} ...
 - ^{F87}(b)
may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Any other statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department and amend, repeal or revoke—
 - (a) primary legislation,^{F88} ...
 - ^{F88}(b)
may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Northern Ireland Executive.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

- (13) Any other regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (14) If in accordance with sub-paragraph (4), (6), (11) or (13)—
- (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
 - (b) a relevant devolved legislature resolves that an instrument be annulled,
- nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (15) In sub-paragraph (14) “relevant devolved legislature” means—
- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
 - (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
 - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (16) Sub-paragraph (14) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (17) Sub-paragraphs (14) to (16) apply in place of provision made by any other enactment about the effect of such a resolution.

Textual Amendments

- F85** Sch. 7 para. 8E(3)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(d\)](#)
- F86** Sch. 7 para. 8E(5)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(d\)](#)
- F87** Sch. 7 para. 8E(10)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(d\)](#)
- F88** Sch. 7 para. 8E(12)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(d\)](#)

Textual Amendments

- F81** Sch. 7 para. 8D(1)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(c\)](#)
- F82** Sch. 7 para. 8D(3)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(c\)](#)
- F83** Sch. 7 para. 8D(5)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(c\)](#)
- F84** Sch. 7 para. 8D(7)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(c\)](#)
- F85** Sch. 7 para. 8E(3)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(1\)\(d\), Sch. 3 para. 3\(2\)\(d\)](#)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F86** Sch. 7 para. 8E(5)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(1)(d), [Sch. 3 para. 3\(2\)\(d\)](#)
- F87** Sch. 7 para. 8E(10)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(1)(d), [Sch. 3 para. 3\(2\)\(d\)](#)
- F88** Sch. 7 para. 8E(12)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(1)(d), [Sch. 3 para. 3\(2\)\(d\)](#)

Powers in connection with the Ireland/Northern Ireland Protocol in the withdrawal agreement

- 8F (1) A statutory instrument containing regulations under section 8C(1) which contain provision falling within sub-paragraph (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Provision falls within this sub-paragraph if it—
- (a) amends, repeals or revokes primary legislation ^{F89} ...,
 - (b) establishes a public authority,
 - (c) relates to a fee in respect of a function exercisable by a public authority in the United Kingdom,
 - (d) creates, or widens the scope of, a criminal offence,
 - (e) creates or amends a power to legislate, or
 - (f) facilitates the access to the market within Great Britain of qualifying Northern Ireland goods.
- (3) Any other statutory instrument containing regulations under section 8C(1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing regulations under section 8C(6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Regulations under Part 1C of Schedule 2 of the Scottish Ministers acting alone which contain provision falling within sub-paragraph (2) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (6) Any other regulations under Part 1C of Schedule 2 of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (7) A statutory instrument containing regulations under Part 1C of Schedule 2 of the Welsh Ministers acting alone which contain provision falling within sub-paragraph (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) Any other statutory instrument containing regulations under Part 1C of Schedule 2 of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (9) Regulations under Part 1C of Schedule 2 of a Northern Ireland department acting alone which contain provision falling within sub-paragraph (2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (10) Any other regulations under Part 1C of Schedule 2 of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

Textual Amendments

F89 Words in [Sch. 7 para. 8F\(2\)\(a\)](#) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(1)(d), [Sch. 3 para. 3\(3\)](#)

- 8G (1) This paragraph applies to regulations under Part 1C of Schedule 2 of a Minister of the Crown acting jointly with a devolved authority.
- (2) The procedure provided for by sub-paragraph (3) or (4) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument containing regulations to which this paragraph applies which contain provision falling within paragraph 8F(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any other statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers and contain provision falling within paragraph 8F(2) are subject to the affirmative procedure.
- (6) Any other regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.
- (7) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (5) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (8) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (6) applies as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (9) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (5) or (6) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (10) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers and contain provision falling within

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

paragraph 8F(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

- (11) Any other statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department and contain provision falling within paragraph 8F(2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (13) Any other regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (14) If in accordance with sub-paragraph (4), (6), (11) or (13)—
 - (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
 - (b) a relevant devolved legislature resolves that an instrument be annulled,nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (15) In sub-paragraph (14) “relevant devolved legislature” means—
 - (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
 - (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
 - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (16) Sub-paragraph (14) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (17) Sub-paragraphs (14) to (16) apply in place of provision made by any other enactment about the effect of such a resolution.]

Textual Amendments

F89 Words in [Sch. 7 para. 8F\(2\)\(a\)](#) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(1)(d), [Sch. 3 para. 3\(3\)](#)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 2 U.K.

SCRUTINY OF OTHER POWERS UNDER ACT

Power to enable challenges to validity of [F90 assimilated] law

Textual Amendments

F90 Word in Sch. 7 para. 9 cross-heading substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(14)(a) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

- 9 (1) A statutory instrument containing regulations under paragraph 1(2)(b) of Schedule 1 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) This paragraph is subject to paragraph 19.

[F91 Power in relation to interpretation of retained EU law

Textual Amendments

F91 Sch. 7 para. 9A and cross-heading inserted (19.5.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 52(2) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(p)(ii)

- 9A A statutory instrument containing regulations under section 6(5A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]

F92 ...

Textual Amendments

F92 Sch. 7 para. 10 and cross-heading omitted (23.1.2020) by virtue of European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(6)(e)(x), Sch. 5 para. 52(3) (with s. 38(3), Sch. 5 para. 66)

F92¹⁰

Power to repeal provisions relating to retained EU law restrictions

- 11 A statutory instrument containing regulations under section 12(9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Powers in connection with fees and charges

- 12 (1) A statutory instrument containing regulations of a Minister of the Crown under Schedule 4 which contain provision which does not relate to altering the amount of a fee or charge to reflect changes in the value of money may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) Any other statutory instrument containing regulations under Schedule 4 of a Minister of the Crown is (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Paragraphs 1(6) to (13)(a) and 2 apply to regulations under Schedule 4 as they apply to regulations under Part 1 of Schedule 2 except that any reference to provision falling within paragraph 1(2) is to be read as a reference to any provision made under Schedule 4 which does not relate to altering the amount of a fee or charge to reflect changes in the value of money.
- (4) This paragraph is subject to paragraph 19.

Power to make provision about judicial notice and admissibility

- 13 A statutory instrument containing regulations under paragraph 4 of Schedule 5 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Power to amend the definition of “exit day”

- 14 A statutory instrument containing regulations under section 20(4) [F93 is subject to annulment in pursuance of a resolution of either] House of Parliament.

Textual Amendments

F93 Words in Sch. 7 para. 14 substituted (8.4.2019) by [European Union \(Withdrawal\) Act 2019 \(c. 16\)](#), ss. 2, 3(2)

Power to make consequential provision

- 15 (1) A statutory instrument containing regulations under section 23(1) is (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) See paragraph 17 for restrictions on the choice of procedure under sub-paragraph (1).

Power to make transitional, transitory or saving provision

- 16 (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make regulations under section 23(6) considers that—
- (a) it is not appropriate for the statutory instrument containing them to be subject to no parliamentary procedure, and
 - (b) it is appropriate for that statutory instrument to be subject to the parliamentary procedure in sub-paragraph (2).
- (2) The statutory instrument containing the regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) Sub-paragraph (4) applies if a Minister of the Crown who is to make regulations under section 23(6) considers that—
- (a) it is not appropriate for the statutory instrument containing them to be subject to no parliamentary procedure, and
 - (b) it is appropriate for that statutory instrument to be subject to the parliamentary procedure in sub-paragraph (4).
- (4) The statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

Parliamentary committee to sift ^{F94}... consequential regulations of a Minister of the Crown

Textual Amendments

F94 Words in Sch. 7 para. 17 cross-heading omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 52\(4\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

- 17 (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph ^{F95}... 15 applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) The Minister may not make the instrument so that it is subject to that procedure unless—
- (a) condition 1 is met, and
 - (b) either condition 2 or 3 is met.
- (3) Condition 1 is that a Minister of the Crown—
- (a) has made a statement in writing to the effect that in the Minister's opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and
 - (b) has laid before each House of Parliament—
 - (i) a draft of the instrument, and
 - (ii) a memorandum setting out the statement and the reasons for the Minister's opinion.
- (4) Condition 2 is that a committee of the House of Commons charged with doing so and a committee of the House of Lords charged with doing so have, within the relevant period, each made a recommendation as to the appropriate procedure for the instrument.
- (5) Condition 3 is that the relevant period has ended without condition 2 being met.
- (6) Sub-paragraph (7) applies if—
- (a) a committee makes a recommendation as mentioned in sub-paragraph (4) within the relevant period,
 - (b) the recommendation is that the appropriate procedure for the instrument is for a draft of it to be laid before, and approved by a resolution of, each House of Parliament before it is made, and

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) the Minister who is to make the instrument is nevertheless of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Before the instrument is made, the Minister must make a statement explaining why the Minister does not agree with the recommendation of the committee.
- (8) If the Minister fails to make a statement required by sub-paragraph (7) before the instrument is made, a Minister of the Crown must make a statement explaining why the Minister has failed to do so.
- (9) A statement under sub-paragraph (7) or (8) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (10) In this paragraph “the relevant period” means the period—
 - (a) beginning with the first day on which both Houses of Parliament are sitting after the day on which the draft instrument was laid before each House of Parliament as mentioned in sub-paragraph (3)(b)(i), and
 - (b) ending with whichever of the following is the later—
 - (i) the end of the period of 10 Commons sitting days beginning with that first day, and
 - (ii) the end of the period of 10 Lords sitting days beginning with that first day.
- (11) For the purposes of sub-paragraph (10)—
 - (a) where a draft of an instrument is laid before each House of Parliament on different days, the later day is to be taken as the day on which it is laid before both Houses,
 - ^{F96}(b)
 - ^{F96}(c)
 - ^{F96} ...
- (12) Nothing in this paragraph prevents a Minister of the Crown from deciding at any time before a statutory instrument to which paragraph ^{F97}... 15 applies is made that another procedure should apply in relation to the instrument (whether under that paragraph or paragraph 19).
- (13) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid in draft before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies.

Textual Amendments

- F95** Words in Sch. 7 para. 17(1) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 52(5)(a)** (with s. 38(3), Sch. 5 para. 66)
- F96** Sch. 7 para. 17(11)(b)(c) and words omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 52(5)(b)** (with s. 38(3), Sch. 5 para. 66)
- F97** Words in Sch. 7 para. 17(12) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 52(5)(c)** (with s. 38(3), Sch. 5 para. 66)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F98 ...

Textual Amendments

F98 Sch. 7 para. 18 and cross-heading omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 52(6)** (with s. 38(3), Sch. 5 para. 66)

^{F98}18

Scrutiny procedure for certain powers to which this Part applies in urgent cases

- 19 (1) Sub-paragraph (2) applies to—
 - (a) a statutory instrument to which paragraph 9(1) ^{F99}... or 12(1) applies, or
 - (b) a statutory instrument to which paragraph ^{F100}... 12(2) or 15 applies which would not otherwise be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.
- (2) The instrument may be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament if it contains a declaration that the Minister of the Crown concerned is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- (3) After an instrument is made in accordance with sub-paragraph (2), it must be laid before each House of Parliament.
- (4) Regulations contained in an instrument made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- ^{F101}(7)
- (8) Sub-paragraph (9) applies to a statutory instrument to which paragraph ^{F102}... 15 applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Paragraph 17 does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F99** Word in Sch. 7 para. 19(1)(a) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 52(7)(a)(i)** (with s. 38(3), Sch. 5 para. 66)
- F100** Word in Sch. 7 para. 19(1)(b) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 52(7)(a)(ii)** (with s. 38(3), Sch. 5 para. 66)
- F101** Sch. 7 para. 19(7) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 52(7)(b)** (with s. 38(3), Sch. 5 para. 66)
- F102** Words in Sch. 7 para. 19(8) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 52(7)(c)** (with s. 38(3), Sch. 5 para. 66)

PART 3 U.K.

GENERAL PROVISION ABOUT POWERS UNDER ACT

Scope and nature of powers: general

- 20 (1) Any power to make regulations under this Act—
- so far as exercisable by a Minister of the Crown or by a Minister of the Crown acting jointly with a devolved authority, is exercisable by statutory instrument,
 - so far as exercisable by the Welsh Ministers or by the Welsh Ministers acting jointly with a Minister of the Crown, is exercisable by statutory instrument, and
 - so far as exercisable by a Northern Ireland department (other than when acting jointly with a Minister of the Crown), is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (SI 1979/1573 (NI 12)) (and not by statutory instrument).
- (2) For regulations made under this Act by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).
- 21 Any power to make regulations under this Act—
- may be exercised so as to—
 - modify [^{F103}anything which continues to be domestic law by virtue of section 1B(2) or any][^{F104}assimilated] law, or
 - make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas, and
 - includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision re-stating [^{F105}anything which continues to be domestic law by virtue of section 1B(2), or any [^{F104}assimilated] law,] in a clearer or more accessible way).

Textual Amendments

- F103** Words in Sch. 7 para. 21(a)(i) inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 53(2)(a)** (with s. 38(3), Sch. 5 para. 66)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F104 Word in Sch. 7 para. 21 substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(3), [Sch. 2 para. 8\(14\)\(b\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F105 Words in Sch. 7 para. 21(b) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(x), [Sch. 5 para. 53\(2\)\(b\)](#) (with s. 38(3), Sch. 5 para. 66)

Modifications etc. (not altering text)

C3 Sch. 7 para. 21 applied (with modifications) (26.10.2018) by [The Financial Regulators Powers \(Technical Standards etc.\) \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1115), regs. 1(2), [3\(3\)](#)

C4 Sch. 7 para. 21 applied (31.12.2020) by Regulation (EC) No. 714/2009, Art. 6(7) (as substituted by [The Electricity and Gas \(Powers to Make Subordinate Legislation\) \(Amendment\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1286), regs. 1(2)(b), [4](#); 2020 c. 1, Sch. 5 para. 1(1))

C5 Sch. 7 para. 21 applied (31.12.2020) by Regulation (EC) No. 715/2009, Art. 6(7) (as substituted by [The Electricity and Gas \(Powers to Make Subordinate Legislation\) \(Amendment\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1286), regs. 1(2)(b), [10](#); 2020 c. 1, Sch. 5 para. 1(1))

22 The fact that a power to make regulations is conferred by this Act does not affect the extent of any other power to make regulations under this Act.

Scope of consequential and transitional powers

23 (1) The fact that anything continues to be, or forms part of, domestic law by virtue of any provision of ^{F106}sections 1A] to 6 or Schedule 1 does not prevent it from being modified by regulations made under section 23(1) in consequence of any other provision made by or under this Act.

(2) Accordingly, ^{F107}anything which continues to be domestic law by virtue of section 1B(2) or] any ^{F108}assimilated] law may, for example, be modified by regulations made under section 23(1) in consequence of the repeal of any enactment contained in the European Communities Act 1972.

(3) The power to make regulations under section 23(6) includes the power to make transitional, transitory or saving provision in connection with—

- (a) the repeal of any enactment contained in the European Communities Act 1972, or
- (b) the withdrawal of the United Kingdom from the EU,

which is additional to that made by any provision of ^{F109}sections 1A] to 6 or Schedule 1 or alters its effect in particular cases or descriptions of case.

(4) The power to make regulations under section 23(1) includes the power to make transitional, transitory or saving provision which—

- (a) is in connection with any repeal or revocation made by any such regulations of an enactment in consequence of—
 - (i) the repeal of any enactment contained in the European Communities Act 1972, or
 - (ii) the withdrawal of the United Kingdom from the EU, and
- (b) is additional to that made by any provision of ^{F110}sections 1A] to 6 or Schedule 1 or alters its effect in particular cases or descriptions of case.

(5) Provision of the kind mentioned in sub-paragraph (3) or (4) may (among other things) include further provision treating any provision of that kind as ^{F111}anything which continues to be domestic law by virtue of section 1B(2), or as ^{F108}assimilated] law,] for particular purposes or all purposes.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F106** Words in Sch. 7 para. 23(1) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(x\)](#), [Sch. 5 para. 53\(3\)\(a\)](#) (with s. 38(3), Sch. 5 para. 66)
- F107** Words in Sch. 7 para. 23(2) inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(x\)](#), [Sch. 5 para. 53\(3\)\(b\)](#) (with s. 38(3), Sch. 5 para. 66)
- F108** Word in Sch. 7 para. 23 substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(3\)](#), [Sch. 2 para. 8\(14\)\(b\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F109** Words in Sch. 7 para. 23(3) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(x\)](#), [Sch. 5 para. 53\(3\)\(c\)](#) (with s. 38(3), Sch. 5 para. 66)
- F110** Words in Sch. 7 para. 23(4)(b) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(x\)](#), [Sch. 5 para. 53\(3\)\(d\)](#) (with s. 38(3), Sch. 5 para. 66)
- F111** Words in Sch. 7 para. 23(5) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(x\)](#), [Sch. 5 para. 53\(3\)\(e\)](#) (with s. 38(3), Sch. 5 para. 66)

[^{F112}Anticipatory exercise of powers in relation to section 1B(2) saved law

Textual Amendments

- F112** [Sch. 7 para. 23A](#) and cross-heading inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(x\)](#), [Sch. 5 para. 53\(4\)](#) (with s. 38(3), Sch. 5 para. 66)

- 23A Any power to make regulations under this Act which modify anything which continues to be domestic law by virtue of section 1B(2) is capable of being exercised before exit day so that the regulations come into force on or after exit day.]

Anticipatory exercise of powers in relation to retained EU law

- 24 Any power to make regulations under this Act which modify retained direct EU legislation, anything which is retained EU law by virtue of section 4 or any other retained EU law is capable of being exercised before [^{F113}IP completion day] so that the regulations come into force on or after [^{F113}IP completion day].

Textual Amendments

- F113** Words in [Sch. 7 para. 24](#) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\)](#), [Sch. 5 para. 53\(5\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxiv)

[^{F114}Anticipatory exercise of powers in relation to the withdrawal agreement etc.

Textual Amendments

- F114** [Sch. 7 para. 24A](#) and cross-heading inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(x\)](#), [Sch. 5 para. 53\(6\)](#) (with s. 38(3), Sch. 5 para. 66)

- 24A Any power to make regulations under this Act in relation to the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens' rights agreement, or any modification of any of them which requires ratification,

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

is capable of being exercised before the agreement or (as the case may be) modification concerned is ratified.]

Scope of appointed day powers

- 25 Any power of a Minister of the Crown under this Act to appoint a day includes a power to appoint a time on that day if the Minister considers it appropriate to do so.

Effect of certain provisions in Schedule 8 on scope of powers

- 26 The modifications made by Part 1 of Schedule 8 and paragraphs 18 to 22 and 31 to 35 of that Schedule do not prevent or otherwise limit the making of different provision, in particular cases or descriptions of case, in regulations under section 23(1) or in any other regulations under this Act.

Disapplication of certain review provisions

- 27 Section 28 of the Small Business, Enterprise and Employment Act 2015 (duty to review regulatory provisions in secondary legislation) does not apply in relation to any power to make regulations conferred by this Act.

Modifications etc. (not altering text)

- C6 Sch. 7 para. 27 applied (31.12.2020) by Regulation (EC) No. 714/2009, Art. 6(7) (as substituted by [The Electricity and Gas \(Powers to Make Subordinate Legislation\) \(Amendment\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1286), regs. 1(2)(b), 4; 2020 c. 1, Sch. 5 para. 1(1))
- C7 Sch. 7 para. 27 applied (31.12.2020) by Regulation (EC) No. 715/2009, Art. 6(7) (as substituted by [The Electricity and Gas \(Powers to Make Subordinate Legislation\) \(Amendment\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1286), regs. 1(2)(b), 10; 2020 c. 1, Sch. 5 para. 1(1))

Explanatory statements for certain powers: appropriateness, equalities etc.

- 28 (1) This paragraph applies where—
- (a) a statutory instrument containing regulations under section 8(1)^{F115} ... or 23(1) or paragraph 1(2)^{F115} ... of Schedule 2, or
 - (b) a draft of such an instrument,
- is to be laid before each House of Parliament.
- (2) Before the instrument or draft is laid, the relevant Minister must make a statement to the effect that in the Minister's opinion the instrument or draft does no more than is appropriate.
- (3) Before the instrument or draft is laid, the relevant Minister must make a statement as to why, in the Minister's opinion—
- (a) there are good reasons for the instrument or draft, and
 - (b) the provision made by the instrument or draft is a reasonable course of action.
- (4) Before the instrument or draft is laid, the relevant Minister must make a statement—
- (a) as to whether the instrument or draft amends, repeals or revokes any provision of equalities legislation, and
 - (b) if it does, explaining the effect of each such amendment, repeal or revocation.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) Before the instrument or draft is laid, the relevant Minister must make a statement to the effect that, in relation to the instrument or draft, the Minister has, so far as required to do so by equalities legislation, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- (6) Before the instrument or draft is laid, the relevant Minister must make a statement otherwise explaining—
 - (a) the instrument or draft,
 - (b) its purpose,
 - (c) the law before [^{F116}IP completion day] which is relevant to it, and
 - (d) its effect (if any) on [^{F117}assimilated] law.
- (7) Where an instrument or draft creates a criminal offence, the statement required by sub-paragraph (3) must (among other things) include an explanation of why, in the relevant Minister's opinion, there are good reasons for creating the offence and for the penalty provided in respect of it.
- (8) If the relevant Minister fails to make a statement required by sub-paragraph (2), (3), (4), (5) or (6) before the instrument or draft is laid, a Minister of the Crown must make a statement explaining why the relevant Minister has failed to do so.
- (9) A statement under sub-paragraph (2), (3), (4), (5), (6) or (8) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (10) For the purposes of this paragraph, where an instrument or draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- (11) This paragraph does not apply in relation to any laying before each House of Parliament of an instrument or draft instrument where an equivalent draft instrument (ignoring any differences relating to procedure) has previously been laid before both Houses.
- (12) In this paragraph—

“equalities legislation” means the Equality Act 2006, the Equality Act 2010 or any subordinate legislation made under either of those Acts;

“the relevant Minister” means the Minister of the Crown who makes, or is to make, the instrument.

Textual Amendments

- F115** Words in Sch. 7 para. 28(1)(a) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), **Sch. 5 para. 53(7)(a)** (with s. 38(3), Sch. 5 para. 66)
- F116** Words in Sch. 7 para. 28(6)(c) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 53(7)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxiv)
- F117** Word in Sch. 7 para. 28 substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), **Sch. 2 para. 8(14)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

- 29 (1) This paragraph applies where—
- (a) a Scottish statutory instrument containing regulations under Part 1 ^{F118}... of Schedule 2, or

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) a draft of such an instrument,
is to be laid before the Scottish Parliament.
- (2) Before the instrument or draft is laid, the Scottish Ministers must make a statement to the effect that in the Scottish Ministers' opinion the instrument or draft does no more than is appropriate.
- (3) Before the instrument or draft is laid, the Scottish Ministers must make a statement as to why, in the Scottish Ministers' opinion—
- (a) there are good reasons for the instrument or draft, and
 - (b) the provision made by the instrument or draft is a reasonable course of action.
- (4) Before the instrument or draft is laid, the Scottish Ministers must make a statement—
- (a) as to whether the instrument or draft amends, repeals or revokes any provision of equalities legislation, and
 - (b) if it does, explaining the effect of each such amendment, repeal or revocation.
- (5) Before the instrument or draft is laid, the Scottish Ministers must make a statement to the effect that, in relation to the instrument or draft, the Scottish Ministers have, so far as required to do so by equalities legislation, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- (6) Before the instrument or draft is laid, the Scottish Ministers must make a statement otherwise explaining—
- (a) the instrument or draft,
 - (b) its purpose,
 - (c) the law before [^{F119}IP completion day] which is relevant to it, and
 - (d) its effect (if any) on retained EU law.
- (7) Where an instrument or draft creates a criminal offence, the statement required by sub-paragraph (3) must (among other things) include an explanation of why, in the Scottish Ministers' opinion, there are good reasons for creating the offence and for the penalty provided in respect of it.
- (8) If the Scottish Ministers fail to make a statement required by sub-paragraph (2), (3), (4), (5) or (6) before the instrument or draft is laid, the Scottish Ministers must make a statement explaining why they have failed to do so.
- (9) A statement under sub-paragraph (2), (3), (4), (5), (6) or (8) must be made in writing and be published in such manner as the Scottish Ministers consider appropriate.
- (10) In this paragraph “equalities legislation” means the Equality Act 2006, the Equality Act 2010 or any subordinate legislation made under either of those Acts.

Textual Amendments

F118 Words in Sch. 7 para. 29(1)(a) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 53\(8\)\(a\)](#) (with s. 38(3), Sch. 5 para. 66)

F119 Words in Sch. 7 para. 29(6)(c) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 53\(8\)\(b\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxiv)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Further explanatory statements in certain sub-delegation cases

- 30 (1) This paragraph applies where—
- (a) a statutory instrument containing regulations under section 8(1) ^{F120}... or paragraph 1 of Schedule 4 which create a relevant sub-delegated power, or
 - (b) a draft of such an instrument,
- is to be laid before each House of Parliament.
- (2) Before the instrument or draft is laid, the relevant Minister must make a statement explaining why it is appropriate to create a relevant sub-delegated power.
- (3) If the relevant Minister fails to make a statement required by sub-paragraph (2) before the instrument or draft is laid, a Minister of the Crown must make a statement explaining why the relevant Minister has failed to do so.
- (4) A statement under sub-paragraph (2) or (3) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (5) Sub-paragraphs (10) and (11) of paragraph 28 apply for the purposes of this paragraph as they apply for the purposes of that paragraph.
- (6) For the purposes of this paragraph references to creating a relevant sub-delegated power include (among other things) references to—
- (a) amending a power to legislate which is exercisable by statutory instrument by a relevant UK authority so that it becomes a relevant sub-delegated power, or
 - (b) providing for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead as a relevant sub-delegated power by a public authority in the United Kingdom.
- (7) In this paragraph—
- “the relevant Minister” means the Minister of the Crown who makes, or is to make, the instrument;
 - “relevant sub-delegated power” means a power to legislate which—
 - (a) is not exercisable by any of the following—
 - (i) statutory instrument,
 - (ii) Scottish statutory instrument, or
 - (iii) statutory rule, or
 - (b) is so exercisable by a public authority other than a relevant UK authority;
 - “relevant UK authority” means a Minister of the Crown, a member of the Scottish Government, the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or a Northern Ireland devolved authority.

Textual Amendments

F120 Words in Sch. 7 para. 30(1)(a) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 53\(9\)](#) (with s. 38(3), Sch. 5 para. 66)

- 31 (1) This paragraph applies where—

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) a Scottish statutory instrument containing regulations under Part 1 ^{F121}... of Schedule 2 or paragraph 1 of Schedule 4 which create a relevant sub-delegated power, or
 - (b) a draft of such an instrument,
- is to be laid before the Scottish Parliament.
- (2) Before the instrument or draft is laid, the Scottish Ministers must make a statement explaining why it is appropriate to create a relevant sub-delegated power.
 - (3) If the Scottish Ministers fail to make a statement required by sub-paragraph (2) before the instrument or draft is laid, the Scottish Ministers must make a statement explaining why they have failed to do so.
 - (4) A statement under sub-paragraph (2) or (3) must be made in writing and be published in such manner as the Scottish Ministers consider appropriate.
 - (5) For the purposes of this paragraph references to creating a relevant sub-delegated power include (among other things) references to—
 - (a) amending a power to legislate which is exercisable by Scottish statutory instrument by a member of the Scottish Government so that it becomes a relevant sub-delegated power, or
 - (b) providing for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead as a relevant sub-delegated power by a public authority in the United Kingdom.
 - (6) In this paragraph “relevant sub-delegated power” means a power to legislate which—
 - (a) is not exercisable by Scottish statutory instrument, or
 - (b) is so exercisable by a public authority other than a member of the Scottish Government.

Textual Amendments

F121 Words in [Sch. 7 para. 31\(1\)\(a\)](#) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 53\(10\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

Annual reports in certain sub-delegation cases

- 32 (1) Each person by whom a relevant sub-delegated power is exercisable by virtue of regulations made by a Minister of the Crown under section 8(1) ^{F122}... or paragraph 1 of Schedule 4 must—
- (a) if the power has been exercised during a relevant year, and
 - (b) as soon as practicable after the end of the year,
- prepare a report on how the power has been exercised during the year.
- (2) The person must—
 - (a) lay the report before each House of Parliament, and
 - (b) once laid—
 - (i) provide a copy of it to a Minister of the Crown, and
 - (ii) publish it in such manner as the person considers appropriate.
 - (3) In this paragraph—

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- “relevant sub-delegated power” has the same meaning as in paragraph 30;
“relevant year” means—
- (a) in the case of a person who prepares an annual report, the year by reference to which the report is prepared, and
 - (b) in any other case, the calendar year.

Textual Amendments

F122 Words in [Sch. 7 para. 32\(1\)](#) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 53\(11\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

- 33 (1) Each person by whom a relevant sub-delegated power is exercisable by virtue of regulations made by the Scottish Ministers by Scottish statutory instrument under Part 1^{F123} ... of Schedule 2 or paragraph 1 of Schedule 4 must—
- (a) if the power has been exercised during a relevant year, and
 - (b) as soon as practicable after the end of the year,
- prepare a report on how the power has been exercised during the year.
- (2) The person must—
- (a) lay the report before the Scottish Parliament, and
 - (b) once laid—
 - (i) send a copy of it to the Scottish Ministers, and
 - (ii) publish it in such manner as the person considers appropriate.
- (3) In this paragraph—
- “relevant sub-delegated power” has the same meaning as in paragraph 31;
“relevant year” means—
- (a) in the case of a person who prepares an annual report, the year by reference to which the report is prepared, and
 - (b) in any other case, the calendar year.

Textual Amendments

F123 Words in [Sch. 7 para. 33\(1\)](#) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 53\(12\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

Further explanatory statements in urgency cases

- 34 (1) This paragraph applies where a statutory instrument containing regulations under this Act is to be made by virtue of paragraph 5(2) or 19(2).
- (2) The Minister of the Crown who is to make the instrument must make a statement in writing explaining the reasons for the Minister's opinion that, by reason of urgency, it is necessary to make the regulations without a draft of the instrument containing them being laid before, and approved by a resolution of, each House of Parliament.
- (3) A statement under sub-paragraph (2) must be published before, or at the same time as, the instrument as made is laid before each House of Parliament.
- (4) If the Minister—

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) fails to make the statement required by sub-paragraph (2) before the instrument is made, or
- (b) fails to publish it as required by sub-paragraph (3),
- a Minister of the Crown must make a statement explaining the failure.
- (5) A statement under sub-paragraph (4) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (6) For the purposes of this paragraph, where an instrument is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- 35 (1) This paragraph applies where regulations are to be made by the Scottish Ministers under this Act by virtue of paragraph 6(2) ^{F124}....
- (2) The Scottish Ministers must make a statement in writing explaining the reasons for the Scottish Ministers' opinion that, by reason of urgency, it is necessary to make the regulations without them being subject to the affirmative procedure.
- (3) A statement under sub-paragraph (2) must be published before, or at the same time as, the regulations as made are laid before the Scottish Parliament.
- (4) If the Scottish Ministers—
- (a) fail to make the statement required by sub-paragraph (2) before the regulations are made, or
- (b) fail to publish it as required by sub-paragraph (3),
- they must make a statement explaining the failure.
- (5) A statement under sub-paragraph (4) must be made in writing and be published in such manner as the Scottish Ministers consider appropriate.

Textual Amendments

F124 Words in Sch. 7 para. 35(1) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 53\(13\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

Hybrid instruments

- 36 If an instrument, or a draft of an instrument, containing regulations under this Act would, apart from this paragraph, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.

Modifications etc. (not altering text)

- C8** Sch. 7 para. 36 applied (31.12.2020) by Regulation (EC) No. 714/2009, Art. 6(7) (as substituted by [The Electricity and Gas \(Powers to Make Subordinate Legislation\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1286\)](#), regs. 1(2)(b), [4](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- C9** Sch. 7 para. 36 applied (31.12.2020) by Regulation (EC) No. 715/2009, Art. 6(7) (as substituted by [The Electricity and Gas \(Powers to Make Subordinate Legislation\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1286\)](#), regs. 1(2)(b), [10](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Procedure on re-exercise of certain powers

- 37 (1) A power to make regulations which, under this Schedule, is capable of being exercised subject to different procedures may (in spite of section 14 of the Interpretation Act 1978) be exercised, when revoking, amending or re-enacting an instrument made under the power, subject to a different procedure from the procedure to which the instrument was subject.
- (2) For the purposes of sub-paragraph (1) in its application to regulations under section 23(6) no procedure is also a procedure.

Combinations of instruments

- 38 (1) Sub-paragraph (2) applies to a statutory instrument containing regulations under this Act which is subject to a procedure before Parliament for the approval of the instrument in draft before it is made or its approval after it is made.
- (2) The statutory instrument may also include regulations under this Act or another enactment which are made by statutory instrument which is subject to a procedure before Parliament that provides for the annulment of the instrument after it has been made.
- (3) Where regulations are included as mentioned in sub-paragraph (2), the procedure applicable to the statutory instrument is the procedure mentioned in sub-paragraph (1) and not the procedure mentioned in sub-paragraph (2).
- (4) Sub-paragraphs (1) to (3) apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before the National Assembly for Wales as they apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before Parliament but as if the references to Parliament were references to the National Assembly for Wales.
- (5) Sub-paragraphs (1) to (3) apply in relation to a statutory rule as they apply in relation to a statutory instrument but as if the references to Parliament were references to the Northern Ireland Assembly.
- (6) Sub-paragraphs (1) to (3) apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly as well as a procedure before Parliament as they apply to a statutory instrument containing regulations under this Act which is subject to a procedure before Parliament but as if the references to Parliament were references to Parliament and the Scottish Parliament, the National Assembly for Wales or (as the case may be) the Northern Ireland Assembly.
- (7) This paragraph does not prevent the inclusion of other regulations in a statutory instrument or statutory rule which contains regulations under this Act (and, accordingly, references in this Schedule to an instrument containing regulations are to be read as references to an instrument containing (whether alone or with other provision) regulations).

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 8 U.K.

Section 23(5) and (7)

CONSEQUENTIAL, TRANSITIONAL, TRANSITORY AND SAVING PROVISION

PART 1 U.K.

GENERAL CONSEQUENTIAL PROVISION

Existing ambulatory references to ^{F125}assimilated direct] legislation

Textual Amendments

F125 Words in Sch. 8 para. 1 cross-heading substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(a) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

- 1 (1) Any reference [^{F126}so far as it], immediately before [^{F127}IP completion day]—
- (a) exists in—
 - (i) any enactment,
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, or
 - (iii) any document relating to anything falling within sub-paragraph (i) or (ii), and
 - (b) is a reference to (as it has effect from time to time) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3,
- is to be read, on or after [^{F127}IP completion day], 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 and, unless the contrary intention appears, as modified by domestic law from time to time.
- (2) Sub-paragraph (1) does not apply to any reference [^{F128}so far as it] forms part of a power to make, confirm or approve subordinate legislation so far as the power to make the subordinate legislation—
- (a) continues to be part of domestic law by virtue of section 2, and
 - (b) is subject to a procedure before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.
- (3) Sub-paragraphs (1) and (2) are subject to any other provision made by or under this Act or any other enactment.

Textual Amendments

F126 Words in Sch. 8 para. 1(1) substituted (31.12.2020) by The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 (S.I. 2020/1447), regs. 1(3), 3(2)(a)(i)

F127 Words in Sch. 8 para. 1(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 54(2) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

F128 Words in Sch. 8 para. 1(2) substituted (31.12.2020) by The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 (S.I. 2020/1447), regs. 1(3), 3(2)(a)(ii)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I73 Sch. 8 para. 1 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [reg. 19](#))

[^{F129}Existing ambulatory references to relevant separation agreement law

Textual Amendments

F129 Sch. 8 para. 1A and cross-heading inserted (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), [regs. 1\(3\), 3\(2\)\(b\)](#)

- 1A (1) Any reference which, immediately before IP completion day—
- (a) exists in—
 - (i) any enactment,
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, or
 - (iii) any document relating to anything falling within sub-paragraph (i) or (ii), and
 - (b) is a reference to (as it has effect from time to time) any of the EU Treaties, any EU instrument or any other document of an EU entity,
- is, if the treaty, instrument or document has effect on or after IP completion day by virtue of section 7A or 7B and so far as required for the purposes of relevant separation agreement law, to be read on or after that day as, or including, a reference to the treaty, instrument or document as it so has effect (including, so far as so required, as it has effect from time to time).
- (2) In sub-paragraph (1) “treaty” includes any international agreement (and any protocol or annex to a treaty or international agreement).
- (3) Sub-paragraphs (1) and (2) are subject to any other provision made by or under this Act or any other enactment.]

Other existing ambulatory references

- 2 (1) Any reference [^{F130}so far as it]—
- (a) exists, immediately before [^{F131}IP completion day], in—
 - (i) any enactment,
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, or
 - (iii) any document relating to anything falling within sub-paragraph (i) or (ii),
 - (b) is not a reference to which paragraph 1(1) applies, and
 - (c) is, immediately before [^{F131}IP completion day], a reference to (as it has effect from time to time) any of the EU Treaties, any EU instrument or any other document of an EU entity,
- is to be read, on or after [^{F131}IP completion day], as a reference to the EU Treaty, instrument or document as it has effect immediately before [^{F131}IP completion day].

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) Sub-paragraph (1) does not apply to any reference [^{F132}so far as it] forms part of a power to make, confirm or approve subordinate legislation so far as the power to make the subordinate legislation—
- (a) continues to be part of domestic law by virtue of section 2, and
 - (b) is subject to a procedure before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.
- [^{F133}(2A) Sub-paragraph (1) does not apply so far as any reference forms part of relevant separation agreement law.]
- (3) Sub-paragraphs (1) [^{F134}to (2A)] are subject to any other provision made by or under this Act or any other enactment.

Textual Amendments

- F130** Words in Sch. 8 para. 2(1) substituted (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), regs. 1(3), **3(2)(c)(i)**
- F131** Words in Sch. 8 para. 2(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 54(3)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F132** Words in Sch. 8 para. 2(2) substituted (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), regs. 1(3), **3(2)(c)(ii)**
- F133** Sch. 8 para. 2(2A) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 54(3)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F134** Words in Sch. 8 para. 2(3) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 54(3)(c)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Modifications etc. (not altering text)

- C10** Sch. 8 para. 2 excluded (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), s. 9(3), **Sch. 1 para. 2**

Commencement Information

- I74** Sch. 8 para. 2 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(n)** (with [reg. 19](#))

[^{F135}Existing non-ambulatory references

Textual Amendments

- F135** Sch. 8 para. 2A and cross-heading inserted (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), regs. 1(3), **3(2)(d)** (as amended by [S.I. 2020/1636](#), regs. 1(3), **4(2)**)

- 2A (1) Any reference which, immediately before IP completion day—
- (a) exists in—
 - (i) any enactment, or
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, and
 - (b) is a reference to any of the EU Treaties, any EU instrument or any other document of an EU entity as it has effect at a particular time which is earlier than IP completion day,

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

is to be read, on or after IP completion day, in accordance with one or more of sub-paragraphs (2) to (4).

- (2) If the treaty, instrument or document has effect by virtue of section 7A or 7B on or after IP completion day and so far as required for the purposes of relevant separation agreement law, the reference is to be read on or after that day as, or as including, a reference to the treaty, instrument or document as it so has effect (including, so far as so required, as it has effect from time to time).
- (3) So far as—
- (a) the reference is a reference to—
 - (i) any EU regulation, EU decision or EU tertiary legislation,
 - (ii) any provision of the EEA agreement, or
 - (iii) any part of anything falling within sub-paragraph (i) or (ii),
 - (b) what has been referred to (“the subject law”) is to form part of domestic law by virtue of section 3 or forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, and
 - (c) there has been no relevant modification of the subject law after the particular time and before IP completion day (or, where the subject law forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, before exit day),
- the reference is to be read, on or after IP completion day, as a reference to the subject law as it forms part of domestic law by virtue of section 3 or (as the case may be) section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.
- (4) So far as the reference is not to be read in accordance with sub-paragraphs (2) and (3), the reference is to be read, on or after IP completion day, as a reference to the treaty, instrument or document as it had effect in EU law at the particular time.
- (5) Sub-paragraph (3) does not determine whether, where the subject law is modified by domestic law on or after IP completion day, the reference is to be read as a reference to the subject law as modified; but, where the subject law forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 and is modified by domestic law before IP completion day, the reference is to be read by virtue of sub-paragraph (3) as a reference to the subject law as so modified.
- (6) This paragraph is subject to any provision made by or under this Act or any other enactment.
- (6A) This paragraph does not apply to a reference in—
- (a) the Direct Payments to Farmers (Legislative Continuity) Act 2020 or any subordinate legislation made under that Act, or
 - (b) any [^{F136}assimilated direct] CAP legislation (within the meaning given by section 2(10) of that Act).
- (7) In this paragraph—
- “relevant modification” means any modification in EU law which—
- (a) is to form part of domestic law by virtue of section 3 or forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, and
 - (b) would, if the reference were to the subject law as modified, result in an alteration to the effect of the reference (ignoring any alteration which is irrelevant in the context concerned);

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“the subject law” has the meaning given by sub-paragraph (3)(b);
 “treaty” includes any international agreement (and any protocol or annex
 to a treaty or international agreement).]

Textual Amendments

F136 Words in Sch. 8 para. 2A(6A)(b) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

Modifications etc. (not altering text)

C11 Sch. 8 para. 2A(3) excluded (31.12.2020) by The European Union (Withdrawal) Act 2018 and European Union (Withdrawal Agreement) Act 2020 (Commencement, Transitional and Savings Provisions) Regulations 2020 (S.I. 2020/1622), regs. 1(2), **19(1)**

Existing powers to make subordinate legislation etc.

- 3 (1) Any power to make, confirm or approve subordinate legislation which—
- (a) was conferred before the day on which this Act is passed, ^{F137} ...
- ^{F137}(b)
- is to be read, so far as the context permits or requires, as being capable of being exercised to modify (or, as the case may be, result in the modification of) any [^{F138}assimilated direct] legislation ^{F139}....
- ^{F140}(2)

Textual Amendments

F137 Sch. 8 para. 3(1)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 9(2)(a)**, 22(1)(d)

F138 Words in Sch. 8 para. 3(1) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F139 Words in Sch. 8 para. 3(1) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 89(6)(a)**

F140 Sch. 8 para. 3(2) omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 9(2)(b)**, 22(1)(d)

Modifications etc. (not altering text)

C12 Sch. 8 paras. 3-8 applied (with modifications) (30.1.2020) by Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2), **ss. 2(3)-(5)**, 9(3)

Commencement Information

I75 Sch. 8 para. 3 in force at 30.1.2020 for specified purposes by 2020 c. 2, **s. 2(11)(a)(b)**

I76 Sch. 8 para. 3 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, **reg. 3(n)**

- 4 ^{F141}(1)
- ^{F141}(2)
- ^{F141}(3)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

^{F141}(4)

^{F141}(5)

[^{F142}(5A) Any subordinate legislation which is (or is to be) made, confirmed or approved by virtue of paragraph 3 is subject to the same procedure (if any) before Parliament, the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly as would apply to that legislation if it were amending or revoking an enactment contained in subordinate legislation made under a different power.]

(6) Any provision which may be made, confirmed or approved by virtue of paragraph 3 may be included in the same instrument as any other provision which may be so made, confirmed or approved.

(7) Where more than one procedure of a kind falling within sub-paragraph (8) would otherwise apply in the same legislature for an instrument falling within sub-paragraph (6), the higher procedure is to apply in the legislature concerned.

(8) The order of procedures is as follows (the highest first)—

- (a) a procedure which requires a statement of urgency before the instrument is made and the approval of the instrument after it is made to enable it to remain in force,
- (b) a procedure which requires the approval of the instrument in draft before it is made,
- (c) a procedure not falling within paragraph (a) which requires the approval of the instrument after it is made to enable it to come into, or remain in, force,
- (d) a procedure which provides for the annulment of the instrument after it is made,
- (e) a procedure not falling within any of the above paragraphs which provides for the laying of the instrument after it is made,
- (f) no procedure.

(9) The references in this paragraph to ^{F143}... amending or revoking an enactment contained in subordinate legislation do not include references to ^{F143}... amending or revoking an enactment contained in any Northern Ireland legislation which is an Order in Council.

^{F144}(10)

Textual Amendments

F141 Sch. 8 para. 4(1)–(5) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(3\)\(a\)](#), 22(1)(d)

F142 Sch. 8 para. 4(5A) inserted (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(3\)\(b\)](#), 22(1)(d)

F143 Words in Sch. 8 para. 4(9) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(3\)\(c\)](#), 22(1)(d)

F144 Sch. 8 para. 4(10) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(3\)\(d\)](#), 22(1)(d)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C12** Sch. 8 paras. 3-8 applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\), ss. 2\(3\)-\(5\), 9\(3\)](#)
- C13** Sch. 8 para. 4 excluded (29.6.2023) by 2006 c. 51, s. 12(3) (as inserted by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), ss. 16\(3\), 22\(1\)\(d\)](#))

Commencement Information

- I77** Sch. 8 para. 4 in force at 30.1.2020 for specified purposes by [2020 c. 2, s. 2\(11\)\(a\)\(b\)](#)
- I78** Sch. 8 para. 4 in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622, reg. 3\(n\)](#)

F1455

Textual Amendments

- F145** Sch. 8 para. 5 omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), ss. 9\(4\), 22\(1\)\(d\)](#)

F1466

Textual Amendments

- F146** Sch. 8 para. 6 omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), ss. 9\(4\), 22\(1\)\(d\)](#)

[^{F147} Any power to make, confirm or approve subordinate legislation which, immediately before exit day, is subject to an implied restriction that it is exercisable only compatibly with EU law is to be read—

- (a) on or after exit day, without that restriction, and
- (b) on or after IP completion day, without any corresponding restriction in relation to compatibility with [^{F148}assimilated] law,

so far as the restriction concerned is not applicable to and in the United Kingdom by virtue of the withdrawal agreement.]

Textual Amendments

- F147** Sch. 8 para. 7 substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(4\)](#) (with s. 38(3), Sch. 5 para. 66); [S.I. 2020/75, reg. 4\(n\)\(xxv\)](#)
- F148** Word in Sch. 8 para. 7 substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(3\), Sch. 2 para. 8\(15\)\(c\)](#) (with s. 22(6)); [S.I. 2023/1363, reg. 3\(e\)](#)

Modifications etc. (not altering text)

- C12** Sch. 8 paras. 3-8 applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\), ss. 2\(3\)-\(5\), 9\(3\)](#)

Commencement Information

- I79** Sch. 8 para. 7 in force at 30.1.2020 for specified purposes by [2020 c. 2, s. 2\(11\)\(a\)\(b\)](#)
- I80** Sch. 8 para. 7 in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622, reg. 3\(n\)](#)

8 (1) Paragraphs 3 to 7 and this paragraph—

- (a) do not prevent the conferral of wider powers,

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- ^{F149}(b) ... and
- (c) are subject to any other provision made by or under this Act or any other enactment.
- (2) For the purposes of paragraphs 3 and 5—
- (a) a power is conferred whether or not it is in force, and
- (b) a power in [^{F150}assimilated direct] legislation is not conferred before the day on which this Act is passed.
- (3) A power which, by virtue of paragraph 3 or 5 or any Act of Parliament passed before, and in the same Session as, this Act, is capable of being exercised to modify any retained EU law is capable of being so exercised before [^{F151}IP completion day] so as to come into force on or after [^{F151}IP completion day].

Textual Amendments

F149 Sch. 8 para. 8(1)(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **6(4)(c)**

F150 Words in Sch. 8 para. 8(2) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), **Sch. 2 para. 8(15)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F151 Words in Sch. 8 para. 8(3) substituted (30.1.2020 for specified purposes, 31.1.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 54(5)(b)** (with s. 38(3), Sch. 5 para. 66); 2020 c. 2, s. **2(11)(c)**; S.I. 2020/75, **reg. 4(n)(xxv)**

Modifications etc. (not altering text)

C12 Sch. 8 paras. 3-8 applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), **ss. 2(3)-(5)**, 9(3)

Commencement Information

I81 Sch. 8 para. 8 in force at 30.1.2020 for specified purposes by [2020 c. 2, s. 2\(11\)\(a\)\(b\)](#)

I82 Sch. 8 para. 8 in force at 31.1.2020 in so far as not already in force by [S.I. 2020/74](#), **reg. 2(c)(i)**

Review provisions in existing subordinate legislation

- 9 (1) In carrying out a review of a provision of subordinate legislation on or after [^{F152}IP completion day] (whether under provision made in accordance with section 28 of the Small Business, Enterprise and Employment Act 2015 or otherwise), a person is not required, by any [^{F153}pre-IP completion day] enactment, to have regard to how any former EU obligation is implemented elsewhere than in the United Kingdom.
- (2) In this paragraph—
- “former EU obligation” means an obligation by which the United Kingdom is, as a result of the United Kingdom's withdrawal from the EU, no longer bound at the time of the review;
- “[^{F154}pre-IP completion day] enactment” means an Act passed, or subordinate legislation made, before [^{F155}IP completion day];
- “subordinate legislation” does not include an instrument made under an Act of the Scottish Parliament, Northern Ireland legislation or a Measure or Act of the National Assembly for Wales.

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F152** Words in Sch. 8 para. 9(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(6\)\(a\)\(i\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F153** Words in Sch. 8 para. 9(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(6\)\(a\)\(ii\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F154** Words in Sch. 8 para. 9(2) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(6\)\(b\)\(i\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F155** Words in Sch. 8 para. 9(2) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(6\)\(b\)\(ii\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Commencement Information

- I83** Sch. 8 para. 9 in force at 31.12.2020 by [S.I. 2020/1622, reg. 3\(n\)](#)

Future powers to make subordinate legislation

F156¹⁰

Textual Amendments

- F156** [Sch. 8 para. 10](#) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), ss. 9\(5\), 22\(1\)\(d\)](#)

F157¹¹

Textual Amendments

- F157** [Sch. 8 para. 11](#) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), ss. 9\(5\), 22\(1\)\(d\)](#)

[^{F158}11A —

- (1) This paragraph applies to a power to make, confirm or approve subordinate legislation which is conferred—
 - (a) on or after the day on which this Act is passed, and
 - (b) before the day on which [section 9](#) of the [Retained EU Law \(Revocation and Reform\) Act 2023](#) comes into force.
- (2) The power is to be read, so far as the context permits or requires, as being capable of being exercised to modify (or, as the case may be, result in the modification of) any [^{F159}assimilated direct] legislation ^{F160}....
- (3) But [sub-paragraph \(2\)](#) enables a power in [^{F161}assimilated direct minor] legislation to be exercised to modify (or result in the modification of) any [^{F162}assimilated direct principal] legislation ^{F163}... only if—
 - (a) the modification is—
 - (i) consistent with any [^{F162}assimilated direct principal] legislation ^{F163}..., and
 - (ii) supplementary, incidental or consequential in connection with any modification of any [^{F161}assimilated direct minor] legislation, or

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) the power is a power to make, confirm or approve transitional, transitory or saving provision.]

Textual Amendments

- F158** Sch. 8 paras. 11A, 11B inserted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 9(6), 22(1)(d)
- F159** Words in Sch. 8 para. 11A(2) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(b) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F160** Words in Sch. 8 para. 11A(2) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 89(6)(b)
- F161** Words in Sch. 8 para. 11A(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(d)(i) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F162** Words in Sch. 8 para. 11A(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(d)(ii) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F163** Words in Sch. 8 para. 11A(3) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 89(6)(b)

[^{F158}11B —

- (1) This paragraph applies to a power to make, confirm or approve subordinate legislation which is conferred on or after the day on which section 9 of the Retained EU Law (Revocation and Reform) Act 2023 comes into force.
- (2) The power is to be read, so far as applicable and unless the contrary intention appears, as being capable of being exercised to modify (or, as the case may be, result in the modification of) any [^{F164}assimilated direct] legislation ^{F165}....
- (3) But sub-paragraph (2) enables a power in [^{F166}assimilated direct minor] legislation to be exercised to modify (or result in the modification of) any [^{F167}assimilated direct principal] legislation ^{F168}... only if—
 - (a) the modification is—
 - (i) consistent with any [^{F166}assimilated direct principal] legislation ^{F168}..., and
 - (ii) supplementary, incidental or consequential in connection with any modification of any [^{F166}assimilated direct minor] legislation, or
 - (b) the power is a power to make, confirm or approve transitional, transitory or saving provision.
- (4) For the purposes of sub-paragraph (2), there is no contrary intention merely because a power is expressed as being capable of being exercised—
 - (a) to modify all enactments or a particular category of enactments, or
 - (b) to make a particular category of modifications to all enactments or to a particular category of enactments.]

Textual Amendments

- F158** Sch. 8 paras. 11A, 11B inserted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 9(6), 22(1)(d)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F164** Words in Sch. 8 para. 11B(2) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F165** Words in Sch. 8 para. 11B(2) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 89(6)(c)**
- F166** Words in Sch. 8 para. 11B(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(d)(i)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F167** Words in Sch. 8 para. 11B(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(d)(ii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F168** Words in Sch. 8 para. 11B(3) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 89(6)(c)**

- 12 (1) Paragraphs ^{F169}11A and 11B] and this paragraph—
- (a) do not prevent the conferral of wider powers,
 - ^{F170}(b) ... and
 - (c) are subject to any other provision made by or under this Act or any other enactment.
- (2) For the purposes of paragraphs ^{F171}11A and 11B]—
- (a) a power is conferred whether or not it is in force,
 - (b) a power in ^{F172}assimilated direct] legislation is conferred on or after the day on which this Act is passed, and
 - (c) the references to powers conferred include powers conferred by regulations under this Act (but not powers conferred by this Act).
- (3) A power which, by virtue of paragraph 10 or 11 or any Act of Parliament passed after ^{F173}this Act and before IP completion day], is capable of being exercised to modify any retained EU law is capable of being so exercised before ^{F174}IP completion day] so as to come into force on or after ^{F174}IP completion day].
- ^{F175}(4) Sub-paragraph (5) applies in relation to a power if—
- (a) paragraph 11A applies in relation to the power, and
 - (b) immediately before the coming into force of section 9 of the Retained EU Law (Revocation and Reform) Act 2023, and by virtue of a combination of provision in the power and paragraph 10 or 11 as it then had effect, the power was capable of being exercised to modify (or, as the case may be, result in the modification of) any retained direct EU legislation ^{F176}....
- (5) The continued existence of the provision in the power does not prevent the context from permitting or requiring the power to be read in accordance with paragraph 11A so far as the reading provided for by that paragraph is not provided for by the provision concerned (and, accordingly, the power continues to be capable of being exercised as mentioned in sub-paragraph (4) on and after the coming into force of section 9 of the Retained EU Law (Revocation and Reform) Act 2023).]

Textual Amendments

- F169** Words in Sch. 8 para. 12(1) substituted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 9(7)(a), 22(1)(d)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F170** Sch. 8 para. 12(1)(b) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(4)(c)
- F171** Words in Sch. 8 para. 12(2) substituted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 9(7)(a), 22(1)(d)
- F172** Words in Sch. 8 para. 12(2)(b) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(b) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F173** Words in Sch. 8 para. 12(3) substituted (30.1. 2020 for specified purposes, 31.1.2020 in so far as not already in force) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 54(7)(b)(i) (with s. 38(3), Sch. 5 para. 66); 2020 c. 2, s. 2(11)(c); S.I. 2020/75, reg. 4(n)(xxv)
- F174** Words in Sch. 8 para. 12(3) substituted (30.1. 2020 for specified purposes, 31.1.2020 in so far as not already in force) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 54(7)(b)(ii) (with s. 38(3), Sch. 5 para. 66); 2020 c. 2, s. 2(11)(c); S.I. 2020/75, reg. 4(n)(xxv)
- F175** Sch. 8 para. 12(4)(5) inserted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 9(7)(b), 22(1)(d)
- F176** Words in Sch. 8 para. 12(4)(b) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 89(6)(d)

Modifications etc. (not altering text)

- C14** Sch. 8 paras. 10-12 applied (with modifications) (30.1.2020) by Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2), ss. 2(3)-(5), 9(3)

Commencement Information

- I84** Sch. 8 para. 12 in force at 30.1.2020 for specified purposes by 2020 c. 2, s. 2(11)(a)(b)
- I85** Sch. 8 para. 12 in force at 31.1.2020 in so far as not already in force by S.I. 2020/74, reg. 2(c)(ii)

F177 ...

Textual Amendments

- F177** Sch. 8 para. 13 cross-heading omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 10(1), 22(1)(d) (with s. 10(3))

F178 13

Textual Amendments

- F178** Sch. 8 para. 13 omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 10(1)(a), 22(1)(d) (with s. 10(3))

F179 ...

Textual Amendments

- F179** Sch. 8 para. 14 cross-heading omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 10(1), 22(1)(d) (with s. 10(3))

F180 14

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F180 Sch. 8 para. 14 omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), **ss. 10(1)(b), 22(1)(d)** (with s. 10(3))

*Explanatory statements for instruments amending or
 revoking regulations etc. under section 2(2) of the ECA*

F181 15

Textual Amendments

F181 Sch. 8 para. 15 omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), **ss. 10(1)(c), 22(1)(d)** (with s. 10(3))

- 16 (1) This paragraph applies where, on or after [^{F182}IP completion day]—
- (a) a Scottish statutory instrument which amends or revokes any subordinate legislation made under section 2(2) of the European Communities Act 1972, or
 - (b) a draft of such an instrument,
- is to be laid before the Scottish Parliament.
- (2) Before the instrument or draft is laid, the relevant authority must make a statement as to why, in the opinion of the relevant authority, there are good reasons for the amendment or revocation.
- (3) Before the instrument or draft is laid, the relevant authority must make a statement otherwise explaining—
- (a) the law which is relevant to the amendment or revocation, and
 - (b) the effect of the amendment or revocation on [^{F183}assimilated] law.
- (4) If the relevant authority fails to make a statement required by sub-paragraph (2) or (3) before the instrument or draft is laid, the relevant authority must make a statement explaining why the relevant authority has failed to make the statement as so required.
- (5) A statement under sub-paragraph (2), (3) or (4) must be made in writing and be published in such manner as the relevant authority considers appropriate.
- (6) This paragraph applies in relation to instruments whether the power to make them is conferred before, on or after [^{F184}IP completion day] including where the power is conferred by regulations under this Act (but not where it is conferred by this Act).
- [^{F185}(7) The references in this paragraph to subordinate legislation made under section 2(2) of the European Communities Act 1972—
- (a) do not include references to any provision of such legislation which is made (whether or not by way of amendment) otherwise than under section 2(2) of that Act, and
 - (b) do include references to subordinate legislation made otherwise than under section 2(2) of that Act so far as that legislation is amended by provision made under that section (but do not include references to any primary legislation so far as so amended).]

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (8) In this paragraph “the relevant authority” means—
- (a) in the case of a Scottish statutory instrument which is not made by the Scottish Ministers, other than an Order in Council, the person who makes, or is to make, the instrument, and
 - (b) in any other case, the Scottish Ministers.

[^{F186}(9) This paragraph does not apply where the amendment or revocation of subordinate legislation is for the purposes of—

- (a) the withdrawal agreement (other than Part 4 of that agreement),
- (b) the EEA EFTA separation agreement, ^{F187} ...
- (c) the Swiss citizens' rights agreement [^{F188}, or
- (d) a future relationship agreement].]

Textual Amendments

- F182** Words in Sch. 8 para. 16(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(11)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F183** Word in Sch. 8 para. 16(3)(b) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(c)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F184** Words in Sch. 8 para. 16(6) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(11)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F185** Sch. 8 para. 16(7) substituted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 10(2)(b)**, 22(1)(d) (with s. 10(3))
- F186** Sch. 8 para. 16(9) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(11)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F187** Word in Sch. 8 para. 16(9)(b) omitted (31.12.2020) by virtue of European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 6 para. 8(a)**; S.I. 2020/1662, reg. 2(ff)
- F188** Sch. 8 para. 16(9)(d) and word inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 6 para. 8(b)**; S.I. 2020/1662, reg. 2(ff)

Commencement Information

- I86** Sch. 8 para. 16 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)**

PART 2 U.K.

SPECIFIC CONSEQUENTIAL PROVISION

Finance Act 1973

- 17 In section 56 of the Finance Act 1973 (charges for services etc. by Government departments), in subsection (1), omit “any EU obligation or”.

Commencement Information

- I87** Sch. 8 para. 17 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with reg. 22)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Interpretation Act 1978

18 The Interpretation Act 1978 is amended as follows.

Commencement Information

I88 Sch. 8 para. 18 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(i)

19 In section 21(1) (meaning of “subordinate legislation”) after “any Act” insert “ or made or to be made on or after exit day under any retained direct EU legislation [^{F189}other than retained direct EU CAP legislation as so defined] ”.

Textual Amendments

F189 Words in Sch. 8 para. 19 inserted (30.4.2020) by The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 (S.I. 2020/463), regs. 1(1), 8

Commencement Information

I89 Sch. 8 para. 19 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n)

20 After section 23 (application to other instruments) insert—

“23ZA Retained direct EU legislation

- (1) The provisions of this Act (except sections 1 to 4, 13 and 19(2)) apply, so far as applicable and unless the contrary intention appears, to any retained direct EU legislation so far as it—
 - (a) is amended by an Act, subordinate legislation or devolution legislation, and
 - (b) is not subordinate legislation,
 as they apply to an Act passed at the corresponding time.
- (2) In their application by virtue of subsection (1)—
 - (a) section 10 has effect as if the reference to the passing of the Act were a reference to the corresponding time,
 - (b) section 11 has effect as if the second reference to an Act included a reference to the retained direct EU legislation so far as unamended (as well as a reference to that legislation so far as amended), and
 - (c) section 16(1) has effect as if the reference to the repealing Act not being passed were a reference to the repeal not having been made.
- (3) References in this Act to the repeal of an enactment are to be read, in the case of an enactment which is retained direct EU legislation, as references to the revocation of the enactment.
- (4) In Schedule 1—
 - (a) in the definition of “Commencement”, the references to an enactment do not include any retained direct EU legislation other than—
 - (i) any such legislation to which subsection (1) applies, or
 - (ii) any instrument made on or after exit day under any retained direct EU legislation, and

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) in the definitions of “The Corporation Tax Acts” and “The Income Tax Acts”, the references to an enactment do not include any retained direct EU legislation.
- (5) For the application of this Act to retained direct EU legislation which is subordinate legislation, see section 23(1) and (2).
- (6) In this section—
- “corresponding time” means the time when the amending Act, subordinate legislation or devolution legislation was passed or (as the case may be) made, and
- “devolution legislation” means—
- (a) an Act of the Scottish Parliament,
- (b) a Measure or Act of the National Assembly for Wales,
- (c) Northern Ireland legislation (for the meaning of which see section 24(5)), or
- (d) an instrument made under anything falling within paragraph (a), (b) or (c).”

Commencement Information

190 Sch. 8 para. 20 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(ii)

- 21 In section 24 (application to Northern Ireland), in subsection (4)—
- (a) omit “and related expressions”,
- (b) after “Corporation Tax Acts;” insert—
- “E.C.S.C. Treaty;
E.E.C. Treaty;”
- (c) after “state;” insert—
- “Entry date;
The EU or the European Union;
EU institution;
EU instrument;
Euratom, Economic Community and Coal and Steel Community;
Euratom Treaty;
European Court;”
- (d) after “Income Tax Acts;” insert— “ Member (in the expression “member State”); ”, and
- (e) after “The Tax Acts” insert “;
The Treaties or the EU Treaties”.

Commencement Information

191 Sch. 8 para. 21 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 22 In Schedule 1 (words and expressions defined)—
- (a) omit “ “The EU” or “the EU Treaties” and other expressions defined by section 1 of and Schedule 1 to the European Communities Act 1972 have the meanings prescribed by that Act.”,
 - (b) omit the definition of “EEA agreement”,
 - (c) omit the definition of “EEA state”,
 - (d) in the definition of “enactment”, before “does” insert “ includes any retained direct EU legislation but ”, and
 - (e) at the end insert—

“Definitions relating to the EU and the United Kingdom's withdrawal

“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. [8 January 2007]

“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. [8 January 2007]

“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.

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“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).

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

“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.

“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.”

Commencement Information

I92 Sch. 8 para. 22(d)(e) in force at 4.7.2018 for specified purposes by [S.I. 2018/808](#), [reg. 3\(g\)\(iii\)\(iv\)](#)

I93 Sch. 8 para. 22(a)-(c) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [regs. 7, 22](#))

I94 Sch. 8 para. 22(d)(e) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [reg. 7](#))

European Economic Area Act 1993

23 The European Economic Area Act 1993 is amended as follows.

Commencement Information

I95 [Sch. 8 para. 23](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(n\)](#)

24 Omit section 1 (EEA agreement to be an EU Treaty).

Commencement Information

I96 [Sch. 8 para. 24](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [reg. 22](#))

25 (1) Section 2 (consistent application of law to the whole of the EEA) is amended as follows.

(2) In subsection (3)—

- (a) in paragraph (a), after “Act” insert “ as at immediately before exit day ”, and
- (b) omit paragraph (b), the “or” before that paragraph and the words after that paragraph.

(3) After that subsection insert—

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“(3A) This section is subject to any amendment, repeal, revocation or other modification of retained EU law on or after exit day.”

(4) Omit subsections (4) to (6).

Commencement Information

I97 Sch. 8 para. 25 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

26 (1) Section 3 (general implementation of the EEA agreement) is amended as follows.

(2) In subsection (3)—

- (a) in paragraph (a), after “Act” insert “ as at immediately before exit day ”, and
- (b) omit paragraph (b), the “or” before that paragraph and the words after that paragraph.

(3) After subsection (4) insert—

“(4A) This section is subject to any amendment, repeal, revocation or other modification of retained EU law on or after exit day.”

Commencement Information

I98 Sch. 8 para. 26 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

27 Omit section 4 (modification of section 3 of the European Communities Act 1972).

Commencement Information

I99 Sch. 8 para. 27 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

28 In section 6 (interpretation), in subsection (1), in the definition of “the 1972 Act”, after “1972” insert (before its repeal by section 1 of the European Union (Withdrawal) Act 2018)“.

Commencement Information

I100 Sch. 8 para. 28 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n)

Criminal Procedure (Scotland) Act 1995

29 (1) Section 288ZA of the Criminal Procedure (Scotland) Act 1995 (right of Advocate General to take part in proceedings) is amended as follows.

^{F190}(2)

(3) In subsection (3), omit paragraph (c).

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F190 Sch. 8 para. 29(2) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **6(5)(b)**

Commencement Information

I101 Sch. 8 para. 29 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with reg. 22)

Human Rights Act 1998

- 30 (1) This paragraph has effect for the purposes of the Human Rights Act 1998.
- (2) Any [^{F191}assimilated direct principal] legislation is to be treated as primary legislation.
- (3) Any [^{F192}assimilated direct minor] legislation is to be treated as primary legislation so far as it amends any primary legislation but otherwise is to be treated as subordinate legislation.
- (4) In this paragraph “amend”, “primary legislation” and “subordinate legislation” have the same meaning as in the Human Rights Act 1998.

Textual Amendments

F191 Words in Sch. 8 para. 30 substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(d)(ii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F192 Words in Sch. 8 para. 30 substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(d)(i)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

Commencement Information

I102 Sch. 8 para. 30 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)**

Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)

- 31 The Interpretation and Legislative Reform (Scotland) Act 2010 is amended as follows.

Commencement Information

I103 Sch. 8 para. 31 in force at 4.7.2018 by S.I. 2018/808, **reg. 3(g)(v)**

- 32 (1) Section 1 (application of Part 1 of the Act) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), after “day” insert “, in the case of Scottish instruments made as mentioned in paragraph (a) or (b) of the definition of “Scottish instrument” in subsection (4), ”, and
- (b) after paragraph (b) (but before the “and” at the end of that paragraph) insert—
- “(ba) Scottish instruments made on or after exit day, in the case of Scottish instruments made as mentioned in paragraph (c)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

or (d) of the definition of “Scottish instrument” in subsection (4).”

(3) In subsection (4)—

- (a) omit the “or” at the end of paragraph (a), and
- (b) after paragraph (b) insert—
 - “(c) an Act of the Scottish Parliament (whenever passed) and any retained direct EU legislation (whenever made), or
 - (d) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed) and any retained direct EU legislation (whenever made).”

(4) After subsection (9) insert—

“(10) In this section “exit day” (and related expressions) and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).”

Commencement Information

I104 Sch. 8 para. 32 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

33 In section 30 (other instruments laid before the Scottish Parliament), after subsection (6), insert—

“(7) This section does not apply in relation to any regulations made in accordance with paragraph 6 of Schedule 7 to the European Union (Withdrawal) Act 2018 (including that paragraph as applied by paragraph 19(7) of that Schedule).”

Commencement Information

I105 Sch. 8 para. 33 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

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

- (a) in the definition of “enactment”, at the end insert “ and any retained direct EU legislation ”,
- (b) after that definition insert—
 - ““retained direct EU legislation” has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act),” and
- (c) at the end insert—

““subordinate legislation” includes an instrument made or to be made under any retained direct EU legislation on or after exit day (within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act)).”

Commencement Information

I106 Sch. 8 para. 34 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- 35 In Schedule 1 (definitions of words and expressions)—
- (a) omit from “the EU” to “meanings given by that Act”, and
 - (b) at the end insert—

“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.

“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 (within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act)).

“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 (within the meaning of that Act (see section 20(1) to (5) of that Act)).”

Commencement Information

I107 Sch. 8 para. 35 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with regs. 13, 22)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Small Business, Enterprise and Employment Act 2015

- 36 In section 30 of the Small Business, Enterprise and Employment Act 2015 (meaning of “provision for review”), in subsection (3)—
- (a) omit “EU obligation or any other”, and
 - (b) omit “Member States or”.

Commencement Information

I108 Sch. 8 para. 36 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(vi) (with reg. 5) (as amended (29.1.2020) by S.I. 2020/74, reg. 3(4))

PART 3 U.K.

GENERAL TRANSITIONAL, TRANSITORY OR SAVING PROVISION

Continuation of existing acts etc.

- [^{F193}36(1) Anything done—
- (a) in connection with anything which continues to be domestic law by virtue of section 1A(2) or 1B(2), or
 - (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA,
- if in force or effective immediately before exit day, continues to be in force or effective on and after exit day.
- (2) Anything done—
- (a) in connection with anything which continues to be domestic law by virtue of section 1A(2) or 1B(2), or
 - (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA,
- which, immediately before exit day, is in the process of being done continues to be done on and after exit day.
- (3) Sub-paragraphs (1) and (2) are subject to—
- (a) sections 1 to 1B and the withdrawal of the United Kingdom from the EU,
 - (b) any provision made under section 23(6) of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020, and
 - (c) any other provision made by or under this Act, the European Union (Withdrawal Agreement) Act 2020 or any other enactment.
- (4) References in this paragraph to anything done include references to anything omitted to be done.]

Textual Amendments

F193 Sch. 8 para. 36A inserted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 55(2) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxvi)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I109 Sch. 8 para. 36A in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 20)

- 37 (1) Anything done—
- (a) in connection with anything which continues to be, or forms part of, domestic law by virtue of section 2, 3, 4 or 6(3) or (6), or
 - (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA,
- if in force or effective immediately before [^{F194}IP completion day], continues to be in force or effective on and after exit day.
- (2) Anything done—
- (a) in connection with anything which continues to be, or forms part of, domestic law by virtue of section 2, 3, 4 or 6(3) or (6), or
 - (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA,
- which, immediately before exit day, is in the process of being done continues to be done on and after [^{F195}IP completion day].
- (3) Sub-paragraphs (1) and (2) are subject to—
- (a) [^{F196}sections 1 to 1B] and the withdrawal of the United Kingdom from the EU,
 - (b) sections 2 to [^{F197}7C] and Schedule 1,
 - (c) any provision made under section 23(6) [^{F198}of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020], and
 - (d) any other provision made by or under this Act [^{F199}, the European Union (Withdrawal Agreement) Act 2020] or any other enactment.
- (4) References in this paragraph to anything done include references to anything omitted to be done.

Textual Amendments

- F194** Words in Sch. 8 para. 37(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F195** Words in Sch. 8 para. 37(2) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F196** Words in Sch. 8 para. 37(3)(a) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F197** Word in Sch. 8 para. 37(3)(b) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(c)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F198** Words in Sch. 8 para. 37(3)(c) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(d)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F199** Words in Sch. 8 para. 37(3)(d) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(e)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Modifications etc. (not altering text)

- C15** Sch. 8 para. 37(1) excluded (31.12.2020) by The Central Counterparties (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2018 (S.I. 2018/1184), regs. 1(2), **10** (with arts. 11-20) (as

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

amended by: S.I. 2019/405, **reg. 8**; S.I. 2020/56, **reg. 7**; S.I. 2020/646, **reg. 4**; and S.I. 2020/1301, **reg. 3, Sch. para. 3(b)**; and with savings in S.I. 2019/680, **reg. 11**; 2020 c. 1, **Sch. 5 para. 1(1)**

Commencement Information

I110 Sch. 8 para. 37 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with **reg. 20**)

PART 4 U.K.

SPECIFIC TRANSITIONAL, TRANSITORY AND SAVING PROVISION

Retention of ^{F200} saved EU law at end of implementation period

Textual Amendments

F200 Words in Sch. 8 para. 38 cross-heading substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(2)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, **reg. 5(j)**

^{F201}37A The repeal of section 1A(1) to (4) by section 1A(5) and the repeal of section 1B(1) to (5) by section 1B(6) do not prevent an enactment to which section 2 applies from continuing to be read, on and after IP completion day and by virtue of section 2, in accordance with section 1B(3) or (4).]

Textual Amendments

F201 Sch. 8 para. 37A inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(3)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, **reg. 5(j)**

38 Section 4(2)(b) does not apply in relation to any rights, powers, liabilities, obligations, restrictions, remedies or procedures so far as they are of a kind recognised by a court or tribunal in the United Kingdom in a case decided on or after [^{F202}IP completion day] but begun before [^{F202}IP completion day] (whether or not as an essential part of the decision in the case).

Textual Amendments

F202 Words in Sch. 8 para. 38 substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(4)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, **reg. 5(j)**

Commencement Information

I111 Sch. 8 para. 38 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with **regs. 20, 21**)

39 (1) Subject as follows and subject to [^{F203}relevant separation agreement law (for which see section 7C) and] any provision made by regulations under section 23(6) [^{F204}of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020], section 5(4) and paragraphs [^{F205}1 and 4] of Schedule 1 apply in relation to anything occurring before [^{F206}IP completion day] (as well as anything occurring on or after [^{F206}IP completion day]).

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) Section 5(4) and paragraphs [F207 1 and 4] of Schedule 1 do not affect any decision of a court or tribunal made before [F206 IP completion day].
- (3) Section 5(4) and [F208 paragraph] 4 of Schedule 1 do not apply in relation to any proceedings begun, but not finally decided, before a court or tribunal in the United Kingdom before [F206 IP completion day].
- (4) Paragraphs [F209 1 and 4] of Schedule 1 do not apply in relation to any conduct which occurred before [F206 IP completion day] which gives rise to any criminal liability.
- F210 (5)
- F210 (6)
- (7) Paragraph 4 of Schedule 1 does not apply in relation to any proceedings begun within the period of two years beginning with [F206 IP completion day] so far as the proceedings relate to anything which occurred before [F206 IP completion day].

Textual Amendments

- F203** Words in Sch. 8 para. 39(1) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(b)(i)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F204** Words in Sch. 8 para. 39(1) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(b)(ii)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F205** Words in Sch. 8 para. 39(1) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(a), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F206** Words in Sch. 8 para. 39 substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F207** Words in Sch. 8 para. 39(2) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(b), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F208** Word in Sch. 8 para. 39(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(c), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F209** Words in Sch. 8 para. 39(4) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(d), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F210** Sch. 8 para. 39(5)(6) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(e), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

Commencement Information

- I112** Sch. 8 para. 39 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with regs. 20, 21)

Main powers in connection with withdrawal

- 40 The prohibition on making regulations under section [F211 6(5A),] 8, [F212 8A] F213 ... or 23(1) or [F214 Part 1 or 1A of] Schedule 2 after a particular time does not affect the continuation in force of regulations made at or before that time (including the exercise after that time of any power conferred by regulations made at or before that time).

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F211** Word in Sch. 8 para. 40 inserted (19.5.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), **Sch. 5 para. 56(6)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(p)(iii)
- F212** Word in Sch. 8 para. 40 inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(xi), **Sch. 5 para. 56(6)(b)** (with s. 38(3), Sch. 5 para. 66)
- F213** Word in Sch. 8 para. 40 omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(xi), **Sch. 5 para. 56(6)(c)** (with s. 38(3), Sch. 5 para. 66)
- F214** Words in Sch. 8 para. 40 inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(xi), **Sch. 5 para. 56(6)(d)** (with s. 38(3), Sch. 5 para. 66)

Commencement Information

- I113** Sch. 8 para. 40 in force at 4.7.2018 by [S.I. 2018/808](#), **reg. 3(h)**

Devolution

- 41 (1) The amendments made by section 12 and Part 1 of Schedule 3 do not affect the validity of—
- (a) any provision of an Act of the Scottish Parliament, Act of the National Assembly for Wales or Act of the Northern Ireland Assembly made before [F215IP completion day],
 - (b) any subordinate legislation which is subject to confirmation or approval and is made and confirmed or approved before [F215IP completion day], or
 - (c) any other subordinate legislation made before [F215IP completion day].
- (2) Accordingly and subject to sub-paragraphs (3) to (10), the validity of anything falling within sub-paragraph (1)(a), (b) or (c) is to be decided by reference to the law before [F215IP completion day].
- (3) Section 29(2)(d) of the Scotland Act 1998, so far as relating to EU law, does not apply to any provision of an Act of the Scottish Parliament made before [F215IP completion day] if the provision—
- (a) comes into force on or after [F215IP completion day] or comes into force before that day and is a power to make, confirm or approve subordinate legislation, and
 - (b) is made when there are no regulations under section 30A of the Scotland Act 1998 by virtue of which the provision would be in breach of the restriction in subsection (1) of that section when the provision comes into force (or, in the case of a provision which comes into force before [F215IP completion day], on or after [F215IP completion day]) if the provision were made and the regulations were in force at that time.
- (4) Section 108A(2)(e) of the Government of Wales Act 2006, so far as relating to EU law, does not apply to any provision of an Act of the National Assembly for Wales made before [F215IP completion day] if the provision—
- (a) comes into force on or after [F215IP completion day] or comes into force before that day and is a power to make, confirm or approve subordinate legislation, and
 - (b) is made when there are no regulations under section 109A of the Government of Wales Act 2006 by virtue of which the provision would be in breach of the

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

restriction in subsection (1) of that section when the provision comes into force (or, in the case of a provision which comes into force before [F215IP completion day], on or after [F215IP completion day]) if the provision were made and the regulations were in force at that time.

- (5) Section 6(2)(d) of the Northern Ireland Act 1998, so far as relating to EU law, does not apply to any provision of an Act of the Northern Ireland Assembly made before [F215IP completion day] if the provision—
- (a) comes into force on or after [F215IP completion day] or comes into force before that day and is a power to make, confirm or approve subordinate legislation, and
 - (b) is made when there are no regulations under section 6A of the Northern Ireland Act 1998 by virtue of which the provision would be in breach of the restriction in subsection (1) of that section when the provision comes into force (or, in the case of a provision which comes into force before [F215IP completion day], on or after [F215IP completion day]) if the provision were made and the regulations were in force at that time.
- (6) Section 57(2) of the Scotland Act 1998, so far as relating to EU law, does not apply to the making, confirming or approving before [F215IP completion day] of any subordinate legislation if the legislation—
- (a) comes into force on or after [F215IP completion day], and
 - (b) is made, confirmed or approved when there are no regulations under subsection (4) of section 57 of the Scotland Act 1998 by virtue of which the making, confirming or approving would be in breach of the restriction in that subsection when the legislation comes into force if—
 - (i) the making, confirming or approving had occurred at that time,
 - (ii) in the case of legislation confirmed or approved, the legislation was made at that time, and
 - (iii) the regulations were in force at that time.
- (7) Section 80(8) of the Government of Wales Act 2006, so far as relating to EU law, does not apply to the making, confirming or approving before [F215IP completion day] of any subordinate legislation if the legislation—
- (a) comes into force on or after [F215IP completion day], and
 - (b) is made, confirmed or approved when there are no regulations under subsection (8) of section 80 of the Government of Wales Act 2006 by virtue of which the making, confirming or approving would be in breach of the restriction in that subsection, so far as relating to retained EU law, when the legislation comes into force if—
 - (i) the making, confirming or approving had occurred at that time,
 - (ii) in the case of legislation confirmed or approved, the legislation was made at that time, and
 - (iii) the regulations were in force at that time.
- (8) Section 24(1)(b) of the Northern Ireland Act 1998, so far as relating to EU law, does not apply to the making, confirming or approving before [F215IP completion day] of any subordinate legislation if the legislation—
- (a) comes into force on or after [F215IP completion day], and

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) is made, confirmed or approved when there are no regulations under subsection (3) of section 24 of the Northern Ireland Act 1998 by virtue of which the making, confirming or approving would be in breach of the restriction in that subsection when the legislation comes into force if—
- (i) the making, confirming or approving had occurred at that time,
 - (ii) in the case of legislation confirmed or approved, the legislation was made at that time, and
 - (iii) the regulations were in force at that time.
- (9) For the purposes of sub-paragraphs (3) to (8) assume that the restrictions relating to retained EU law in—
- (a) sections 30A(1) and 57(4) of the Scotland Act 1998,
 - (b) sections 80(8) and 109A(1) of the Government of Wales Act 2006, and
 - (c) sections 6A(1) and 24(3) of the Northern Ireland Act 1998,
- come into force on [F215IP completion day].
- (10) Section 57(2) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 and section 24(1)(b) of the Northern Ireland Act 1998, so far as relating to EU law, do not apply to [F216the making of regulations under Schedule 2 or 4][F216—
- (a) the making of regulations before exit day under Part 1A of Schedule 2, or
 - (b) the making of regulations under—
 - (i) Part 1B or 1C of Schedule 2, or
 - (ii) Schedule 4.]

Textual Amendments

- F215** Words in [Sch. 8 para. 41](#) substituted (31.1.2020 for specified purposes, 31.12.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 56\(7\)\(a\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); S.I. 2020/75, reg. 4(n)(xxvii); S.I. 2020/1622, reg. 5(j)
- F216** [Sch. 8 para. 41\(10\)\(a\)\(b\)](#) substituted for words (23.1.2020 for specified purposes, 19.5.2020 for specified purposes) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(ix), [Sch. 5 para. 56\(7\)\(b\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); S.I. 2020/518, reg. 2(p)(iv)

Commencement Information

- I114** [Sch. 8 para. 41\(10\)](#) in force at Royal Assent, see s. 25(1)(g)
- I115** [Sch. 8 para. 41\(1\)\(2\)](#) in force at 31.12.2020 by S.I. 2020/1622, [reg. 3\(n\)](#) (with [regs. 10, 20, 21](#))
- I116** [Sch. 8 para. 41\(3\)-\(9\)](#) in force at 1.3.2019 by S.I. 2019/399, [reg. 2\(a\)](#)

- 42 The amendments made by Part 1 of Schedule 3 do not affect the validity of any act (other than the making, confirming or approving of subordinate legislation) done before [F217IP completion day] by a member of the Scottish Government, the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government, a Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland or a Northern Ireland department.

Textual Amendments

- F217** Words in [Sch. 8 para. 42](#) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 56\(8\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); S.I. 2020/1622, reg. 5(j)

Changes to legislation: *European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I117 Sch. 8 para. 42 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(n)** (with [regs. 10, 20, 21](#))

F218 43

Textual Amendments

F218 Sch. 8 para. 43 omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), [regs. 1\(1\), 6\(5\)\(c\)](#)

Other provision

- 44 (1) The definition of “relevant criminal offence” in section 20(1) is to be read, until the appointed day, as if for the words “the age of 18 (or, in relation to Scotland or Northern Ireland, 21)” there were substituted “ the age of 21 ”.
- (2) In sub-paragraph (1), “the appointed day” means the day on which the amendment made to section 81(3)(a) of the Regulation of Investigatory Powers Act 2000 by paragraph 211 of Schedule 7 to the Criminal Justice and Court Services Act 2000 comes into force.
- 45 (1) The amendment made by paragraph 17 does not affect whether the payment of any fees or other charges may be required under section 56 of the Finance Act 1973 in connection with a service or facilities provided, or an authorisation, certificate or other document issued, before that amendment comes into force.
- (2) Sub-paragraph (3) applies where—
- (a) immediately before the amendment made by paragraph 17 comes into force, the payment of fees or other charges could be required, under section 56 of the Finance Act 1973, in connection with the provision of a service or facilities, or issuing an authorisation, certificate or other document, in pursuance of an EU obligation, and
- (b) after the amendment made by paragraph 17 comes into force—
- (i) regulations made under that section (whether or not modified under Part 2 of Schedule 4 or otherwise) prescribing the fees or charges, or under which the fees or charges are to be determined, form part of [^{F219}assimilated] law, and
- (ii) the service or facilities are provided, or the authorisation, certificate or other document is issued, under or in connection with [^{F220}assimilated] law.
- (3) Despite the amendment made by paragraph 17, the payment of fees or other charges may be required, under that section and in accordance with the regulations, in connection with the provision of the service or facilities, or the issuing of the authorisation, certificate or other document.

Textual Amendments

F219 Word in [Sch. 8 para. 45\(2\)\(b\)\(i\)](#) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), [s. 22\(3\)](#), **Sch. 2 para. 8(15)(c)** (with [s. 22\(6\)](#)); [S.I. 2023/1363](#), [reg. 3\(e\)](#)

Changes to legislation: European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F220 Word in Sch. 8 para. 45(2)(b)(ii) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(c) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

Commencement Information

I118 Sch. 8 para. 45 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n)

SCHEDULE 9 U.K.

Section 23(8)

ADDITIONAL REPEALS

Commencement Information

I119 Sch. 9 in force at 4.7.2018 for specified purposes and for further specified purposes on exit day by S.I. 2018/808, regs. 3(i), 4(b) (with regs. 6-8)

I120 Sch. 9 in force at 31.12.2020 for specified purposes by S.I. 2018/808, reg. 4(b) (as amended by S.I. 2020/74, reg. 3(2)(3))

I121 Sch. 9 in force at 31.12.2020 for specified purposes by S.I. 2020/1622, reg. 2(b) (with reg. 22)

I122 Sch. 9 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 3(o) (with regs. 8, 9, 22)

<i>Short title</i>	<i>Extent of repeal</i>
European Parliamentary Elections Act 2002	The whole Act.
European Parliament (Representation) Act 2003	The whole Act.
European Union (Amendment) Act 2008	The whole Act.
European Union Act 2011	The whole Act.
European Union (Approval of Treaty Amendment Decision) Act 2012	The whole Act.
European Union (Approvals) Act 2013	The whole Act.
European Union (Approvals) Act 2014	The whole Act.
Serious Crime Act 2015	Section 82. Section 88(5)(c).
European Union (Finance) Act 2015	The whole Act.
European Union (Approvals) Act 2015	The whole Act.

Changes to legislation:

European Union (Withdrawal) Act 2018 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 6(2)-(6) excluded by 1998 c. 41, s. 60A(10) (as inserted) by [2023 c. 28 s. 6\(10\)](#)
- s. 6(4) words inserted by [2023 c. 28 s. 6\(2\)\(c\)](#)
- s. 6(4)(b)(i) words omitted by [2023 c. 28 s. 6\(2\)\(a\)\(i\)](#)
- s. 6(4)(b)(ii) words inserted by [2023 c. 28 s. 6\(2\)\(a\)\(ii\)](#)
- s. 6(4)(ba) substituted by [2023 c. 28 s. 6\(2\)\(b\)](#)
- s. 6(5) substituted by [2023 c. 28 s. 6\(3\)](#)
- s. 6(5A)-(5D) omitted by [2023 c. 28 s. 6\(5\)](#)
- s. 6(7) words inserted by [2023 c. 28 s. 6\(7\)](#)
- s. 21(1) Table words inserted by [2023 c. 28 s. 6\(9\)](#)
- Sch. 7 para. 21 applied by Regulation (EC) No. 714/2009, Art. 6(7) (as substituted) by [S.I. 2018/1286 reg. 4](#) (This amendment not applied to legislation.gov.uk. Pt. 2 Ch. 1 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 2(4))
- Sch. 7 para. 27 applied by Regulation (EC) No. 714/2009, Art. 6(7) (as substituted) by [S.I. 2018/1286 reg. 4](#) (This amendment not applied to legislation.gov.uk. Pt. 2 Ch. 1 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 2(4))
- Sch. 7 para. 36 applied by Regulation (EC) No. 714/2009, Art. 6(7) (as substituted) by [S.I. 2018/1286 reg. 4](#) (This amendment not applied to legislation.gov.uk. Pt. 2 Ch. 1 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 2(4))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(4\)](#)
- s. 6(6B) inserted by [2023 c. 28 s. 6\(6\)](#)
- s. 6A-6C inserted by [2023 c. 28 s. 6\(8\)](#)
- s. 6A word substituted by [2023 c. 28 Sch. 2 para. 8\(4\)](#)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#)