



# European Union (Withdrawal) Act 2018

## 2018 CHAPTER 16

### *Retention of existing EU law*

VALID FROM 31/12/2020

#### **3 Incorporation of direct EU legislation**

- (1) Direct EU legislation, so far as operative immediately before [<sup>F1</sup>IP completion day], forms part of domestic law on and after [<sup>F1</sup>IP completion day].
- (2) In this Act “direct EU legislation” means—
  - (a) any EU regulation, EU decision or EU tertiary legislation, as it has effect in EU law immediately before [<sup>F2</sup>IP completion day] and so far as—
    - [<sup>F3</sup>(ai) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
    - [<sup>F4</sup>(bi) it neither has effect nor is to have effect by virtue of section 7A or 7B,]
      - (i) it is not an exempt EU instrument (for which see section 20(1) and Schedule 6), [<sup>F5</sup>and]
      - [<sup>F6</sup>(ii) .....
      - (iii) its effect is not reproduced in an enactment to which section 2(1) applies,
  - (b) any Annex to the EEA agreement, as it has effect in EU law immediately before [<sup>F7</sup>IP completion day] and so far as—
    - [<sup>F8</sup>(ai) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
    - (bi) it neither has effect nor is to have effect by virtue of section 7A or 7B,]
      - (i) it refers to, or contains adaptations of, anything falling within paragraph (a), and
      - (ii) its effect is not reproduced in an enactment to which section 2(1) applies, or

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- (c) Protocol 1 to the EEA agreement (which contains horizontal adaptations that apply in relation to EU instruments referred to in the Annexes to that agreement), as it has effect in EU law immediately before [F9]IP completion day and so far as—
- (i) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement, and
  - (ii) it neither has effect nor is to have effect by virtue of section 7A or 7B].
- (3) For the purposes of this Act, any direct EU legislation is operative immediately before [F10]IP completion day] if—
- (a) in the case of anything which comes into force at a particular time and is stated to apply from a later time, it is in force and applies immediately before [F10]IP completion day],
  - (b) in the case of a decision which specifies to whom it is addressed, it has been notified to that person before [F10]IP completion day], and
  - (c) in any other case, it is in force immediately before [F10]IP completion day].
- (4) This section—
- (a) brings into domestic law any direct EU legislation only in the form of the English language version of that legislation, and
  - (b) does not apply to any such legislation for which there is no such version, but paragraph (a) does not affect the use of the other language versions of that legislation for the purposes of interpreting it.
- (5) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation) [F11] and section 5A (savings and incorporation: supplementary)].

### Textual Amendments

- F1** Words in s. 3(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(a)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F2** Words in s. 3(2)(a) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(b)(i)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F3** S. 3(2)(a)(ai)(bi) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(b)(ii)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F4** S. 3(2)(a)(bi) omitted for specified purposes (31.12.2020) by virtue of [Agriculture Act 2020 \(c. 21\)](#), **ss. 18**, 57(1)(a)
- F5** Word in s. 3(2)(a)(i) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(b)(iii)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F6** S. 3(2)(a)(ii) and word omitted (31.12.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(b)(iv)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F7** Words in s. 3(2)(b) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(c)(i)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F8** S. 3(2)(b)(ai)(bi) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(c)(ii)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F9** Words in s. 3(2)(c) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(d)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F10** Words in s. 3(3) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(2)(e)**, 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)

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**F11** Words in s. 3(5) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), **ss. 25(2)(f), 42(7)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)

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**Modifications etc. (not altering text)**

- C1** S. 3 modified (31.12.2020 immediately before IP completion day) by The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (S.I. 2020/1445), regs. 1, 2
- C2** S. 3 modified (31.12.2020) by virtue of Agriculture Act 2020 (c. 21), **ss. 18, 57(1)(a)**

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**Commencement Information**

- I1** S. 3 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(b)**

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