



European Union (Withdrawal Agreement) Act 2020

2020 CHAPTER 1

PART 4

OTHER SUBJECT AREAS

Other separation issues

18 Main power in connection with other separation issues

After section 8A of the European Union (Withdrawal) Act 2018 (supplementary power in connection with implementation period) (for which see section 3 above) insert—

“8B Power in connection with certain other separation issues

- (1) A Minister of the Crown may by regulations make such provision as the Minister 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 may by regulations make such provision as the Minister 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

Status: This is the original version (as it was originally enacted).

- (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).
- (3) Regulations under this section may make any provision that could be made by an Act of Parliament.
- (4) Regulations under this section 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.
- (5) But regulations under this section 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).
- (6) In this section 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).”