



European Union (Withdrawal Agreement) Act 2020

2020 CHAPTER 1

PART 1 U.K.

IMPLEMENTATION PERIOD

Saved law for implementation period

2 Additional saving for implementation period U.K.

After section 1A of the European Union (Withdrawal) Act 2018 (saving for the European Communities Act 1972 for the implementation period) (for which see section 1 above) insert—

“1B Saving for EU-derived domestic legislation for implementation period

- (1) Subsections (2) to (5) have effect despite the repeal of the European Communities Act 1972 on exit day by section 1.
- (2) EU-derived domestic legislation, as it has effect in domestic law immediately before exit day, continues to have effect in domestic law on and after exit day, subject as follows.
- (3) Any enactment which continues to have effect by virtue of subsection (2) is to be read, on and after exit day and so far as the context permits or requires, as if—
 - (a) any reference to an expression which is to be read in accordance with Schedule 1 to the Interpretation Act 1978 and is an expression defined by section 1 of, or Part 2 of Schedule 1 to, the European Communities Act 1972 were a reference to that expression as defined by that section or that Part of that Schedule as it continues to have effect by virtue of section 1A(2) to (4) of this Act,

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- (b) any reference (however expressed and subject to paragraph (a) above) to—
 - (i) EU law,
 - (ii) any particular EU Treaty or any part of it,
 - (iii) any EU instrument, or other document of an EU entity or of the EU, or any part of any such instrument or document,
 - (iv) any part of EU law not falling within sub-paragraph (ii) or (iii),
 - (v) any tax, duty, levy or interests of the EU, or
 - (vi) any arrangement involving, or otherwise relating to, the EU of a kind not falling within sub-paragraph (i), (ii), (iii), (iv) or (v),
 were a reference to any such thing so far as it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
 - (c) any reference (however expressed and subject to paragraph (a) above) to the European Communities Act 1972 were or (as the case may be) included a reference to the Act of 1972 as it continues to have effect by virtue of section 1A(2) to (4) of this Act,
 - (d) any reference (however expressed) to the area of the EU or of the EEA included the United Kingdom,
 - (e) any reference (however expressed) to a citizen of the EU or a national of the EEA included a United Kingdom national (within the meaning given by Article 2(d) of the withdrawal agreement), and
 - (f) such other modifications were made as—
 - (i) are provided for by regulations under section 8A or Part 1A of Schedule 2, or
 - (ii) so far as not so provided, are necessary for any purpose of Part 4 of the withdrawal agreement and are capable of being ascertained from any such purpose or otherwise from that Part of that agreement.
- (4) Any EU-derived domestic legislation which is an enactment passed or made on or after exit day and before IP completion day is, unless the contrary intention appears, to be read in accordance with subsection (3) (and anything done or omitted to be done in connection with any such enactment is to be understood, and has effect, accordingly).
- (5) Subsections (2) to (4) are subject to any regulations made under section 8A or 23 or Part 1A of Schedule 2 or otherwise under this Act or under the European Union (Withdrawal Agreement) Act 2020.
- (6) Subsections (1) to (5) are repealed on IP completion day.
- (7) In this Act “EU-derived domestic legislation” means any enactment so far as—
- (a) made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972,
 - (b) passed or made, or operating, for a purpose mentioned in section 2(2) (a) or (b) of that Act,
 - (c) relating to—
 - (i) anything which falls within paragraph (a) or (b), or
 - (ii) any rights, powers, liabilities, obligations, restrictions, remedies or procedures which are recognised and available

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in domestic law by virtue of section 2(1) of the European Communities Act 1972, or

(d) relating otherwise to the EU or the EEA,

but does not include any enactment contained in the European Communities Act 1972 or any enactment contained in this Act or the European Union (Withdrawal Agreement) Act 2020 or in regulations made under this Act or the Act of 2020.”

Commencement Information

II S. 2 in force at 31.1.2020 by S.I. 2020/75, reg. 4(b)

Changes to legislation:

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