



# United Kingdom Internal Market Act 2020

## 2020 CHAPTER 27

### PART 8

#### FINAL PROVISIONS

#### **54 Protection of Act against modification**

- (1) In Schedule 4 to the Scotland Act 1998 (enactments etc. protected from modification), after paragraph 1(2)(g) insert “, and
  - (h) the United Kingdom Internal Market Act 2020.”
- (2) In paragraph 5(1) of Schedule 7B to the Government of Wales Act 2006 (protected enactments), in the table after the entry for the European Union (Withdrawal) Act 2018 insert—

“The United Kingdom Internal Market Act 2020	The whole Act.”
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- (3) In section 7(1) of the Northern Ireland Act 1998 (entrenched enactments)—
  - (a) omit the “and” at the end of paragraph (d), and
  - (b) after paragraph (e) insert “; and
    - (f) the United Kingdom Internal Market Act 2020.”
- (4) No power to make subordinate legislation contained in primary legislation passed or made before this section comes into force may be exercised so as to amend, repeal or otherwise modify the operation of this Act.

#### **55 Further provision in connection with the Northern Ireland Protocol**

- (1) The following provisions cease to have effect when Articles 5 to 10 of the Northern Ireland Protocol cease to apply—
  - (a) section 11 and Part 5, and
  - (b) section 8C(5A) of the European Union (Withdrawal) Act 2018 (as inserted by subsection (3)).

- (2) Nothing in this Act except the amendment made by subsection (3) (including, in particular, section 54(4)) limits—
- (a) the power to make provision under section 8C of the European Union (Withdrawal) Act 2018 (regulations in connection with the Protocol (including as that power may be used to modify this Act), or
  - (b) the effect of any regulations under that section.
- (3) In section 8C of the European Union (Withdrawal) Act 2018, after subsection (5) insert—
- “(5A) Regulations under subsection (1) may not amend, repeal or otherwise modify the operation of section 47 of the United Kingdom Internal Market Act 2020 (“the 2020 Act”), except by making—
- (a) provision of the sort that is contemplated by section 47(2) of the 2020 Act (permitted checks);
  - (b) provision under subsection (6);
  - (c) provision of the sort described in paragraph 21(b) of Schedule 7 (supplementary and transitional provision etc) in connection with—
    - (i) provision within either of the preceding paragraphs;
    - (ii) Articles 5 to 10 of the Northern Ireland Protocol ceasing to apply (and the resulting operation of section 55(1) of the 2020 Act).”

## 56 Regulations: general

- (1) Any power to make regulations under this Act is exercisable by statutory instrument.
- (2) Any power to make regulations under this Act includes power—
- (a) to amend, repeal or otherwise modify legislation;
  - (b) to make different provision for different purposes;
  - (c) to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision made in reliance on paragraph (a)).
- (3) This section does not apply to regulations under section 59(3).

## 57 Regulations: references to parliamentary procedures

- (1) Where regulations under this Act are subject to affirmative resolution procedure, the regulations may not be made unless a draft of the statutory instrument containing them has been laid before and approved by a resolution of each House of Parliament.
- (2) Where regulations under this Act are subject to made affirmative procedure—
- (a) the statutory instrument containing them must be laid before Parliament as soon as reasonably practicable after being made; and
  - (b) the regulations cease to have effect at the end of the period of 40 days beginning with the day on which they are made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (3) In calculating the period of 40 days, no account is to be taken of any time during which—
- (a) Parliament is dissolved or prorogued, or

- (b) both Houses of Parliament are adjourned for more than 4 days.
- (4) Where regulations cease to have effect as a result of subsection (3) that does not—
  - (a) affect anything previously done under or by virtue of the regulations, or
  - (b) prevent the making of new regulations.
- (5) Subsections (2) to (4) do not apply to regulations if a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Where regulations under this Act are subject to negative resolution procedure the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Any provision that may be made by regulations under this Act subject to negative resolution procedure may be made in regulations subject to affirmative resolution procedure or made affirmative procedure.

## **58 Interpretation: general**

In this Act—

“affirmative resolution procedure” is to be construed in accordance with section 57(1);

“legislation” means primary legislation, subordinate legislation and retained direct EU legislation;

“made affirmative resolution procedure” is to be construed in accordance with section 57(2);

“Minister of the Crown” has the same meaning as the Ministers of the Crown Act 1975 (see section 8(1) of that Act);

“negative resolution procedure” is to be construed in accordance with section 57(6);

“Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

“part of the United Kingdom” means England, Wales, Scotland or Northern Ireland;

“primary legislation” means—

- (a) an Act of Parliament;
- (b) an Act of the Scottish Parliament;
- (c) an Act or Measure of Senedd Cymru; or
- (d) Northern Ireland legislation;

“subordinate legislation” means an instrument made under primary legislation or retained direct EU legislation.

## **59 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This section comes into force on the day on which this Act is passed.
- (3) The other provisions of this Act come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.

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

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- (4) Regulations under subsection (3) may—
- (a) appoint different days for different purposes;
  - (b) make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (5) This Act may be cited as the United Kingdom Internal Market Act 2020.