
STATUTORY INSTRUMENTS

2019 No. 628

**The European Union (Withdrawal) Act 2018
(Consequential Modifications and Repeals
and Revocations) (EU Exit) Regulations 2019**

PART 2

Interpretation of references to EU instruments etc.

Interpretation of non-ambulatory references to direct EU legislation etc.

2.—(1) Any reference which, immediately before exit 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 of the Act, and

(b) is a reference to any of the following as it has effect at a particular time which is earlier than exit day—

(i) any EU regulation, EU decision or EU tertiary legislation,

(ii) any provision of the EEA agreement,

(iii) any of the EU Treaties,

(iv) any other EU instrument or other document of an EU entity, or

(v) any part of anything falling within paragraph (i), (ii), (iii) or (iv),

is to be read, on or after exit day, in accordance with paragraph (2) or (3) as the case may be.

(2) If—

(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 paragraph (i) or (ii),

(b) there has been no relevant modification after the particular time of what has been referred to (“the subject law”), and

(c) the subject law is to form part of domestic law by virtue of section 3 of the Act,

the reference is to be read, on or after exit day, as a reference to the subject law as it forms part of domestic law by virtue of section 3 of the Act.

(3) In any other case, the reference is to be read, on or after exit day, as a reference to the subject law as it had effect in EU law at the particular time.

(4) Paragraph (2) does not determine whether, where the subject law is modified by domestic law on or after exit day, the reference is to be read as a reference to the subject law as modified.

(5) This regulation is subject to any provision made by or under the Act or any other enactment.

(6) In this regulation—

“relevant modification” means any modification in EU law which—

(a) is to form part of domestic law by virtue of section 3 of the Act, 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);

“the subject law” has the meaning given by paragraph (2)(b).

Interpretation of references created on or after exit day to EU regulations etc.

3.—(1) The Interpretation Act 1978⁽¹⁾ is amended as follows.

(2) In section 20 (references to other enactments), after subsection (2), insert—

“(3) Where an Act passed on or after exit day refers to any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement, the reference, unless the contrary intention appears, is 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 of the European Union (Withdrawal) Act 2018.

(4) Subsection (3) does not determine any question as to whether the reference is to be read as a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as modified by domestic law (and, accordingly, is without prejudice to subsection (2)).

(5) Any expression in subsection (3) or (4) which is defined in the European Union (Withdrawal) Act 2018 has the same meaning in that subsection as in that Act.”

(3) In section 22(1) (application to Acts and Measures) after “subject” insert “, in the case of section 20(3) to (5), to the provision made in section 20(3) and”.

(1) 1978 c. 30.