
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations are made in exercise of the powers conferred by sections 8(1) and 23(1) and (2) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the Withdrawal Act”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (d) and (g)) arising from the withdrawal of the UK from the European Union (“the EU”). Part 14 of these Regulations (extradition) is also made in part in reliance on various powers in the Extradition Act 2003 (c. 41) (“the 2003 Act”).

Part 2 of these regulations amends the provisions of the Council Decision 2000/375/JHA of 29 May 2000 to combat child pornography on the internet which remain appropriate for the UK after the date and time on which these Regulations come into force (“commencement day”) and revokes those which provide for continued cooperation between member States after commencement day. In Part 3, regulation 5 makes amendments to the Terrorism Act 2000 (c.11) (“TACT”). Minor amendments are made to sections 21E and 21F to reflect the fact that the UK will not be an EEA state after commencement day. Amendments are made to Schedule 3A which mirror those made by Part 20 of these Regulations to Schedule 9 to the Proceeds of Crime Act 2002 (c. 29) (“POCA”), to amend the definition of businesses in the “regulated sector” to appropriate domestic law-defined categories. Paragraphs 11A to 11G, 25A to 25G and 41A to 41G of Schedule 4 to TACT are omitted; these paragraphs collectively provide a mechanism to allow freezing orders to be sent to, and received from, Member States under Framework Decision 2003/577/JHA of 22nd July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003 p.45-55) (“Framework Decision 2003/577/JHA”) (see below), and transitional provision is made to preserve these paragraphs in respect of any requests sent or received prior to commencement day. The definition of “financial institution” in paragraph 6 of Schedule 6 to TACT is amended to replace reference to certain EU definitions with domestic definitions. Amendments are also made to Schedule 8A to TACT, to maintain certain exemptions to liability for the section 58A offence (eliciting, publishing or communicating information about members of the armed forces etc) for information service providers where those exemptions would otherwise have been required to be in place had the “E-Commerce Directive” (Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce in the Internal Market) continued to bind the UK. Similar amendment is made by regulation 7 to the Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007 (S.I. 2007/1550), to preserve those liability exemptions in relation to the offences of encouraging terrorism and disseminating terrorist publications. Provisions in Schedule 8A and the 2007 Regulations which implemented requirements in Article 3 of the E-Commerce Directive to extend domestic courts' jurisdiction to service providers engaged in conduct in other EEA states have been omitted because such requirement represents a reciprocal arrangement which no longer works in a no-deal scenario.

Part 4 makes changes to retained EU law governing reciprocal arrangements for carrying out cross-border surveillance, including the limited circumstances under which law enforcement officers from another Member State can carry out surveillance here without prior authority. The principal source of EU law in this area is the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (“the 1990 Schengen Convention”), applicable in part in the United Kingdom under Protocol 22 to the Treaties, and under Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (which was made under Article 4 of that

Protocol). In the absence of an agreement with the EU providing for continued cooperation under these instruments, on commencement day the UK will no longer need these arrangements. Chapter 1 of Part 5 amends retained EU law which relates to, or was enacted to implement, the requirements of Regulation (EC) 273/2004 and (EC) 111/2005, which establishes processes and rules governing trade in drug precursors within the European Union (intra-community trade) and between the European Union and third countries (extra-community trade). Amendments deal with deficiencies arising in legislation, in particular by adjusting references to the UK as a Member State and to transfer powers from the Commission to the Secretary of State to amend annexes containing regulated drug precursors and to set out requirements and conditions relating to trade in the same. In the absence of an agreement with the EU providing for continued participation of the UK in intra-community trade, on commencement day differing rules governing trade with EU Member States are no longer appropriate and are amended so that trade in drug precursors with all countries is treated in the same way.

In Chapter 2 of Part 5, regulation 17(3) amends Schedule 4 to the Psychoactive Substances Act 2016 to remove the extension of liability in respect of the offences of supplying, of offering to supply, a psychoactive substance. Certain exemptions from liability for the offences are maintained where those exemptions would otherwise have been required to be in place had the E-Commerce Directive continued to bind the UK. Amendments are made to remove the extension of liability in respect of the offence of failing to comply with a prohibition order or premises. The restriction on a person's ability to impose conditions in a prohibition notice or order which is inconsistent with the liability exemptions in that Directive will also be maintained.

Regulation 18 revokes Regulation (EC) 1920/2006 of the European Parliament and of the Council of 12 December 2006 providing for the European Monitoring Centre for Drugs and Drug Addiction (recast) and Regulation (EU) 2017/2101 of the European Parliament and of the Council of 15 November 2007 amending Regulation (EC) No 1920/2006 as regards information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances. In the absence of an agreement with the EU providing for continued UK co-operation with, or participation in, the EMCDDA on commencement day the UK will no longer need these arrangements.

Part 6 of these Regulations revokes Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, subject to certain savings provisions relating to information received prior to commencement day. This measure establishes a unit, referred to as "Eurojust", as a body of the Union. Eurojust's objectives are: to stimulate and improve the coordination, between competent authorities of the Member States; to improve cooperation between the competent authorities of the Member States, in particular by facilitating the execution of requests for, and decisions on, judicial cooperation; and to further support the competent authorities of the Member States in order to render their investigations and prosecutions more effective. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will no longer need these reciprocal arrangements.

Part 7 of these Regulations revokes retained EU law concerning the European Police College ("CEPOL"), which was established to train senior officers of police forces of Member States. Regulation 23 revokes the European Police College (Immunities and Privileges) Order 2004, which remains uncommenced. Regulation 24 revokes Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will no longer need these arrangements.

Part 8 of these Regulations revokes retained EU law which relates to the European Criminal Records Information System ("ECRIS"), a system for the exchange of information extracted from criminal records between Member States. Chapter 1 of Part 8 revokes Part 6 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141) ("the CJDP Regulations"), which was enacted to implement the requirements of Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the

exchange of information extracted from the criminal record between Member States, and Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA. Chapter 1 also makes saving provision in relation to information provided to the UK Central Authority before commencement day and transitional provision in relation to requests for information made before commencement day. Chapter 2 of Part 8 revokes the Working with Children (Exchange of Criminal Conviction Information) (England and Wales and Northern Ireland) Regulations 2013 (S.I. 2013/2945), which was enacted to implement Article 10(3) of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA. This imposed additional information-sharing requirements via ECRIS. Chapter 2 also makes transitional provision in relation to requests for information made before commencement day. In the absence of an agreement with the EU providing for continued cooperation under ECRIS, on commencement day the UK will no longer need these arrangements.

Part 9 revokes Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network. This measure provides for a network of judicial contact points to improve judicial cooperation between EU Member States particularly in actions to combat forms of serious crime. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will no longer need these reciprocal arrangements. Part 10 revokes retained EU law relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will no longer need these arrangements.

Part 10 revokes retained EU law relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will no longer need these arrangements.

Part 11 revokes Regulation 2016/794/EU of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, subject to certain saving provisions relating to information provided prior to commencement day. This Part also revokes a number of previous Europol measures to the extent they still apply in UK law. Europol is mandated to support cooperation among law enforcement authorities in the Union. Its objectives include to support Member States in the fight against serious crime, terrorism and other forms of crime such as drug trafficking, trafficking in human beings and forgery. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will no longer need these reciprocal arrangements.

Chapter 1 of Part 12 revokes retained EU law which was originally enacted to implement Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union and Council Framework Decision of 13 June 2002 on joint investigation teams (2002/465/JHA). In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will no longer need these reciprocal arrangements.

Regulations 44 to 47 make transitional and saving provision. These regulations provide: for requests for information or intelligence received by a UK competent authority, but not responded to, before commencement day to be responded to after commencement day (regulation 44); for the UK competent authority to make representations concerning the use of information or intelligence provided before or after commencement day (regulation 45); for information and intelligence supplied to a UK competent authority before commencement day to remain subject

to existing conditions on use (regulation 46); and for information obtained by a UK member of an international joint investigation team to remain subject to conditions on use (regulation 47). Chapter 2 of Part 12 amends a provision in the Anti-terrorism, Crime and Security Act 2001 (c. 24) to ensure that certain disclosure in overseas proceedings will not be prohibited if required because of a retained EU obligation.

Part 13 of these Regulations makes amendments to deal with deficiencies arising in legislation regulating of access by members of the public to explosive precursors, in particular, by adjusting references to the UK as a Member State and to transfer a power for the Commission to amend annexes containing regulated explosive precursors to the Secretary of State for Northern Ireland (there is already a power for Ministers to amend such lists in the regime that applies to Great Britain).

Part 14 amends legislation in the field of extradition. The provisions in this Part make changes to primary legislation, including the 2003 Act and to secondary legislation made under that Act, namely the Extradition Act 2003 (Designation of Part 1 Territories) Order 2003 (S.I. 2003/3333) (“the Part 1 Order”) and the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 (“the Part 2 Order”) (S.I. 2003/3334).

It is necessary to make changes to the domestic framework relating to extradition between the UK and other member States as, from commencement day, the UK will cease to participate in the European arrest warrant scheme (“EAW”), a reciprocal arrangement based on the mutual recognition of judicial decisions and governed by EU law. Accordingly, regulation 55 amends the Part 1 Order to remove member States as territories for the purposes of Part 1 of the 2003 Act, which implements the EAW scheme. Regulation 56 makes corresponding changes to the Part 2 Order necessary to designate the member States under Part 2 of the 2003 Act. Designation under Part 2 will enable the UK to comply with its obligations under the European Convention on Extradition 1957, which will provide the basis for extradition between the UK and the member States once the EAW scheme ceases to apply. Re-categorisation of the member States is subject to the transitional provision in regulation 57. That provision will mean, for example, in the case of a person arrested under a Part 1 warrant prior to commencement day, a decision will be taken by the courts on that person's extradition in accordance with the Part 1 regime.

Part 15 amends legislation in the field of firearms. Chapter 1 makes amendments to Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, in particular by amending references to member States, to reflect the fact that the UK will no longer be a member State after commencement day, and to make changes which ensure the continuation of deactivation standards and techniques through domestic legislation. The amendments also omit Articles 4, 6, 7 and 8 of that Regulation as they will no longer have practical application in the UK after commencement day.

Regulation 59 amends the Firearms Act 1968 (c. 27) to remove references to European Weapons Directive and authorisations which are dependent on complying with the law of a Member State. References to the European Firearms Pass have also been removed. Where appropriate, references to Member states have been amended to references to Great Britain. Firearms Law is devolved to Northern Ireland.

Regulation 60 creates a saving provision in relation to the amendment to section 5A(3) of the Firearms Act 1968. Section 5A(3) provides that the authority of the Secretary of State or Scottish Ministers under section 5 of the Firearms Act 1968 is not required for any person to have in his possession, or to purchase or acquire certain weapons and ammunition, etc. if that person is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons. The saving provision will mean that individuals in lawful possession of such items before commencement day are able to continue to be in lawful possession afterwards. It will not apply in relation to the purchase and acquisition of such items on or after commencement day.

Regulation 61 amends the Firearms (Amendment) Act 1988 (c. 45) to change references to EU to United Kingdom. Section 17 is amended to remove references to member States. Section 18

is amended to omit subsection (1A) which dealt with restrictions on the purchase of a firearm which falls within category B for the purposes of Annex I to the European weapons directive, as well as omitting references to that subsection. Section 18A is omitted as are references to it in section 18B.

Regulation 62 amends the Firearms Acts (Amendment) Regulations 1992 (S.I. 1992/2823) to omit regulation 10 concerning the exchange of information. Regulation 63 amends the Firearms (Amendment) Act 1988 (Amendment) Regulations 2011 (S.I. 2011/2175) to omit regulation 3 concerning review.

Chapter 3 of Part 15 makes amendments to deal with deficiencies arising in the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)) to reflect the fact that the UK will no longer be a member of the EU after commencement day. In particular it removes the provisions in relation to the European firearms pass and creates a saving provision in relation to the amendment to Article 46, similar to the saving provision made in respect of section 5A(3) of the Firearms Act 1968.

Part 16 of these Regulations revokes Council Decision 2002/348/JHA concerning security in connection with football matches with an international dimension and related legislation. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will no longer need these arrangements.

Part 17 of these Regulations revokes EU retained law relating to joint investigation teams. Regulations 67 to 69 revoke provisions in the laws of England and Wales, Northern Ireland and Scotland respectively which defined ‘international joint investigation team’ as teams formed in accordance with various EU instruments, namely under Article 34 of the Treaty on the European Union and the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (including the Protocol to that Convention). In the absence of an agreement with the EU providing for continued cooperation under these instruments, on commencement day the UK will no longer need these arrangements.

Regulation 70 makes similar provision in relation to the Crime and Courts Act 2013 (c. 22) amending the definition of ‘international joint investigation team’ for the purpose of that legislation. Regulation 71 makes consequential amendments revoking an Order specifying the Convention Implementing the Schengen Agreement for the purposes of section 88(7)(c) of the Police Act 1996 (c. 16). Regulation 72 makes saving provision with respect to regulations 67 to 69 and 71, so that they continue to apply in relation to investigation teams operating in the UK after commencement day pursuant to regulation 10 in Part 4 of these Regulations.

Part 18 makes amendments to deal with deficiencies in retained EU law relating to mutual legal assistance in criminal matters and some aspects of police cooperation. Chapter 2 revokes the Criminal Justice (European Investigation Order) Regulations 2017 (S.I. 2017/730), which transpose Directive 2014/41/EU on the European investigation order. The Directive creates a system for the mutual recognition of judicial decisions relating to evidence gathering for the purposes of criminal investigations and prosecutions. On commencement day, in the absence of an agreement with the EU providing for continued cooperation in relation to the European investigation order, the UK will no longer be obliged to recognise such decisions issued by other member States (and vice versa) and it is therefore no longer appropriate to maintain domestic law implementing the regime. Other regulations in this Part make consequential amendments to primary legislation (Chapter 3) and save aspects of the regime in order to allow the UK to give effect to orders received from other member States before commencement day and to allow UK courts to continue to revoke orders transmitted to other member States before commencement day (Chapter 4).

Chapter 5 of Part 18 makes amendments to parts of the Crime (International Co-operation) Act 2003 (c. 32) which implement existing EU law obligations in the field of mutual legal assistance and are therefore retained EU law for the purposes of the Withdrawal Act. The obligations include the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (Council Act of 29 May 2000) (“the 2000 EU MLA Convention”), the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Member States of

the European Union (Council Act of 16 October 2001) (“the 2001 Protocol”), provisions of the 1990 Schengen Convention and Council Framework Decision 2003/577/JHA. Whilst these measures have to a large extent been replaced by the EIO Directive, they continue to apply, in some circumstances, to member States which do not participate in the Directive and to third countries to whom they have been extended by international agreement between the EU and the country concerned. All of these arrangements involve reciprocal rights and obligations which will no longer apply to the UK after commencement day. Accordingly, it is no longer appropriate to retain the relevant provision in domestic law. Regulations in Chapter 6 amend subordinate legislation made under the 2003 Act designating countries for the purposes of specific provisions in the Act. Where a member State has been designated solely on the basis of the UK's participation in one of the measures referred to above, the designations have been removed. Chapter 7 makes saving provision for various types of requests for assistance which may have been received, but not responded to, prior to commencement day.

Chapter 8 of Part 18 revokes retained EU law applying provisions of the 1990 Schengen Convention relating to mutual legal assistance and police cooperation to the United Kingdom, and any provisions of the 2000 EU MLA Convention or the 2001 Protocol which may, under the Withdrawal Act, be retained EU law. Regulation 101 removes the designation of the EU MLA Convention for the purposes of the Investigatory Powers Act 2016 (c. 25), subject to the saving provision in regulation 102.

Part 19 amends retained EU law which relates to, or was enacted to implement, the requirements of Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record data for the prevention, detection investigation and prosecution of terrorist offences and serious crime. This Directive establishes processes and rules for the processing of passenger name record data. In the absence of an agreement with the EU providing for the continued operation of this instrument, on commencement day, data sharing obligations with EU Member States are no longer appropriate and are amended so that data sharing with all countries is treated in the same way.

In Part 20, regulation 107 makes the following amendments to POCA: the term “EEA Firms” is removed from the definition of “bank” in sections 67, 131ZA and 303Z7 of, and in paragraph 6 of Schedule 3 to, POCA. In sections 282D, 375A and 408A, which relate to the procedure by which assistance can be requested from overseas countries, references to individuals authorised under “EU Treaties” to receive such requests are removed. In sections 333B and 333C, which provide a defence to the offence of “tipping off” under section 333A, amendments are made to references to groups of companies to ensure that the defence will capture companies in the UK after commencement day. In sections 362B and 396B, which make provision for unexplained wealth orders, minor amendments are made to reflect the fact that the UK will not be an “EEA state” after commencement day. The amendments made to Schedule 9 to POCA are all made to ensure that the definition of a business operating in the “regulated sector” (which are subject to the offence in section 330 of failing to report suspicions of money laundering) cross-refers, where possible, to categories of business defined in domestic law rather than categories defined in EU law which will remain frozen in their meaning as of commencement day.

Regulation 108 omits section 96 of the Serious Organised Crime and Police Act 2005 (c.15). That section provides a power to allow the Secretary of State to make provision to give effect to rights and obligations arising under Framework Decision 2003/577/JHA). The UK will not participate in that Framework Decision after commencement day. For the same reason, regulation 110 revokes Part 2 of, and Schedules 1 and 2 to, the CJDP Regulations, which contain provisions allowing for freezing orders and confiscation orders to be sent to Member States, and for such orders received from Member States to be given effect in the UK, under that Framework Decision and Framework Decision 2006/783/JHA of 6th October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59-78). After commencement day, the UK will not send or process any new requests under this mechanism, but transitional provision is made in Regulation 111 makes provision to ensure that the procedure in domestic law continues to apply where any request was sent or received prior to commencement day, or

received prior to commencement day (regardless of whether the overseas restraint or overseas confiscation order has been registered by a domestic court).

Regulation 109 amends section 1 of the Criminal Finances Act 2017 (c. 22) to reflect the fact that the UK will not be an “EEA state” after commencement day. In addition, references to “EEA Firms” are removed from the definitions of “bank” in sections 16 and 27 of that Act; those sections make amendments to POCA which have not yet been commenced in Northern Ireland. Regulation 113 revokes Council Decisions 2000/642/JHA concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information and 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime. Regulation 114 makes saving provision to ensure that the provisions relating to the use of information (including personal data) in those Council Decisions is preserved in respect of any information provided under those procedures prior to commencement day.

Part 21 of these Regulations revokes Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (“the Prüm Decision”) and related legislation. The Prüm Decision facilitates the exchange of DNA, fingerprints and vehicle registration data among EU Member States. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day these reciprocal arrangements will not be needed by the UK.

Part 22 revokes retained EU law relating to the Schengen information system, a real time system for circulating alerts relating to persons and objects of interest to law enforcement and other authorities in other states which participate in the system, subject to saving provisions. Most of the rules relating to the use of the Schengen information system are currently found in Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II), which is directly applicable in the UK. In the absence of an agreement with the EU providing for continued cooperation under this instrument, on commencement day the UK will cease to have access to the system and it is therefore no longer appropriate for rules governing its use to continue to form part of domestic law.

In Part 23, regulation 122 makes amendments to the Serious Crime Act 2007 (c. 27) to ensure that notwithstanding the fact that the E-Commerce Directive will not bind the UK upon commencement day, the courts cannot impose conditions in Serious Crime Prevention Orders that are inconsistent with the liability exemptions in that Directive had it continued to bind the UK. Amendments are also made so as to omit provisions which implement a requirement in Article 3 of the E-Commerce Directive to extend domestic courts' jurisdiction to service providers engaged in conduct in other EEA states. These provisions have been omitted because such requirement represents a reciprocal arrangement which no longer works in a no-deal scenario. Regulation 122 also ensures that an offence of disclosing information received from anti-fraud agencies is not committed if the disclosure was required by a retained EU obligation. Regulation 123 revokes an EU Regulation which establishes an exchange, assistance and training programme for the protection of the euro against counterfeiting. This EU Regulation has no practical application in relation to the UK in a no-deal scenario.

Chapters 1 and 2 of Part 24 of these Regulations make miscellaneous amendments to retained EU law relating to the police (Chapter 1) and investigatory powers (Chapter 2). Chapter 3 of Part 24 revokes rights and obligations in a number of international agreements in the law enforcement and security sphere, to the extent that these are retained by the Withdrawal Act. The international agreements in question involve reciprocal rights and obligations which will no longer apply to the UK after commencement day. Accordingly, to the extent that these rights and obligations are retained by the Withdrawal Act, it is no longer appropriate to retain them in domestic law. Regulation 135 of Chapter 3 has the effect of preserving any rights and obligations which correspond to rights preserved elsewhere in these Regulations.

Chapter 4 of Part 23 revokes Council Decision 2008/617/JHA on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (commonly referred to as “the Atlas Council Decision”). In the absence of an agreement

Changes to legislation: *There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)*

with the EU providing for continued cooperation under this instrument, on commencement day these reciprocal arrangements will no longer be needed by the UK. Regulations 138 and 139 make transitional provision with respect to requests for assistance made to and from the UK before commencement day.

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Home Office, 2 Marsham Street, London, SW1P 4DF and is published with the Explanatory Memorandum alongside this instrument at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019.