



European Union (Withdrawal) Act 2018

2018 CHAPTER 16

Retention of ^[F1]saved EU law at end of implementation period

7 Status of ^[F1]assimilated] law

(1) Anything which—

- (a) was, immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind, and
- (b) continues to be domestic law on and after exit day by virtue of ^[F2]section 1A(2) or 1B(2)],

continues to be domestic law as an enactment of the same kind.

^[F3](1A) Anything which—

- (a) was, immediately before IP completion day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind, and
- (b) continues to be domestic law on and after IP completion day by virtue of section 2,

continues to be domestic law as an enactment of the same kind.]

^[F4](4A) ^[F5]Assimilated direct] legislation ^{F6}... may only be modified by—

- (a) primary legislation, or
- (b) subordinate legislation so far as it is made under a power which permits such a modification by virtue of—
 - (i) paragraph 3, 8(3), 11A, 11B or 12(3) of Schedule 8,
 - (ii) any other provision made by or under this Act,
 - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
 - (iv) any provision made on or after the passing of this Act by or under primary legislation.]

(5) For other provisions about the status of ^[F7]assimilated] law, see—

Changes to legislation: European Union (Withdrawal) Act 2018, Section 7 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) section 5 [^{F8}(A1) to (A3)][^{F9}and (7)] (status of [^{F7}assimilated] law in relation to other enactments or rules of law),
- (b) section 6 (status of [^{F10}assimilated] case law ^{F11}...),
- [^{F12}(ba) section 7C (status of case law of European Court etc. in relation to [^{F7}assimilated] law which is relevant separation agreement law),]
- (c) section 15(2) and Part 2 of Schedule 5 (status of [^{F7}assimilated] law for the purposes of the rules of evidence),
- [^{F13}(d) paragraph 16 of Schedule 8 (information about Scottish instruments which amend or revoke subordinate legislation under section 2(2) of the European Communities Act 1972),]
- (e) paragraphs 19 and 20 of that Schedule (status of certain [^{F14}assimilated direct] legislation for the purposes of the Interpretation Act 1978), and
- (f) paragraph 30 of that Schedule (status of [^{F15}assimilated direct] legislation for the purposes of the Human Rights Act 1998).

^{F16}(6)

Textual Amendments

- F1** Word in s. 7 heading substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(a)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F2** Words in s. 7(1)(b) substituted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 40(2)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xv)
- F3** S. 7(1A) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 40(3)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F4** S. 7(4A) substituted for s. 7(2)-(4) (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 13**
- F5** Words in s. 7(4A) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F6** Words in s. 7(4A) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 89(3)**
- F7** Word in s. 7(5) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(c)(i)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F8** Words in s. 7(5)(a) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 3(3)(b)**, 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)
- F9** Words in s. 7(5)(a) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 40(4)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F10** Word in s. 7(5)(b) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(c)(ii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F11** Words in s. 7(5)(b) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(4)**, 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F12** S. 7(5)(ba) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 40(4)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F13** S. 7(5)(d) substituted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 10(2)(a)**, 22(1)(d) (with s. 10(3))
- F14** Words in s. 7(5)(e) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(c)(iii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F15** Words in s. 7(5)(f) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(c)(iii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F16** S. 7(6) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(d)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

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Modifications etc. (not altering text)

- C1** S. 7(2)(3) applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), ss. 2(3)-(5), 9(3)

Commencement Information

- I1** S. 7(2)(3) in force at 30.1.2020 for specified purposes by [2020 c. 2](#), s. 2(11)(a)(b)
I2 S. 7(1)(6) in force at 31.1.2020 by [S.I. 2020/74](#), **reg. 2(a)**
I3 S. 7(4)(5) in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(f)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(4\)](#)
- s. 6(6B) inserted by [2023 c. 28 s. 6\(6\)](#)
- s. 6A-6C inserted by [2023 c. 28 s. 6\(8\)](#)
- s. 6A word substituted by [2023 c. 28 Sch. 2 para. 8\(4\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)