



# European Union (Withdrawal Agreement) Act 2020

## CHAPTER 1

### EUROPEAN UNION (WITHDRAWAL AGREEMENT) ACT 2020

#### PART 1

##### IMPLEMENTATION PERIOD

###### *Saved law for implementation period*

- 1 Saving of ECA for implementation period
- 2 Additional saving for implementation period

###### *Supplementary powers*

- 3 Supplementary power in connection with implementation period
- 4 Powers corresponding to section 3 involving devolved authorities

#### PART 2

##### REMAINING IMPLEMENTATION OF WITHDRAWAL AGREEMENT ETC: GENERAL

###### *Withdrawal agreement*

- 5 General implementation of remainder of withdrawal agreement

###### *Related EEA EFTA and Swiss agreements*

- 6 General implementation of related EEA EFTA and Swiss agreements

#### PART 3

##### CITIZENS' RIGHTS

*Rights in relation to entry and residence*

- 7 Rights related to residence: application deadline and temporary protection
- 8 Frontier workers
- 9 Restrictions of rights of entry and residence
- 10 Retention of existing grounds for deportation
- 11 Appeals etc. against citizens' rights immigration decisions

*Professional qualifications*

- 12 Recognition of professional qualifications

*Co-ordination of social security systems*

- 13 Co-ordination of social security systems

*Equal treatment etc.*

- 14 Non-discrimination, equal treatment and rights of workers etc.

*Independent Monitoring Authority*

- 15 Independent Monitoring Authority for the Citizens' Rights Agreements

*General*

- 16 Regulations: supplementary
- 17 Interpretation: Part 3

**PART 4**

## OTHER SUBJECT AREAS

*Other separation issues*

- 18 Main power in connection with other separation issues
- 19 Powers corresponding to section 18 involving devolved authorities

*Main financial provision*

- 20 Financial provision

*Ireland/Northern Ireland Protocol*

- 21 Main power in connection with Ireland/Northern Ireland Protocol
- 22 Powers corresponding to section 21 involving devolved authorities
- 23 Protection for certain rights, safeguards etc. in Belfast Agreement
- 24 No alteration of North-South co-operation

*Relationship to EUWA 2018*

- 25 Retention of saved EU law at end of implementation period
- 26 Interpretation of retained EU law and relevant separation agreement law
- 27 Dealing with deficiencies in retained EU law
- 28 Ancillary fee-charging powers

*Parliamentary oversight*

- 29 Review of EU legislation during implementation period
- 30 Certain dispute procedures under withdrawal agreement
- 31 Repeal of section 13 of EUWA 2018
- 32 Requirements in Part 2 of CRAGA

*Other matters*

- 33 Prohibition on extending implementation period
- 34 Ministerial co-chairs of the Joint Committee
- 35 No use of written procedure in the Joint Committee
- 36 Repeal of unnecessary or spent enactments
- 37 Arrangements with EU about unaccompanied children seeking asylum

**PART 5**

GENERAL AND FINAL PROVISION

*Parliamentary sovereignty*

- 38 Parliamentary sovereignty

*Interpretation*

- 39 Interpretation

*Supplementary and final*

- 40 Regulations
- 41 Consequential and transitional provision etc.
- 42 Extent, commencement and short title

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SCHEDULES

SCHEDULE 1 — Powers of devolved authorities under sections 12, 13 and 14

- 1 No power to make provision outside devolved competence
- 2 A provision is within the devolved competence of the Scottish...
- 3 A provision is within the devolved competence of the Welsh...
- 4 A provision is within the devolved competence of a Northern...
- 5 Requirement for consent where it would otherwise be required
- 6 Requirement for joint exercise where it would otherwise be required
- 7 Requirement for consultation where it would otherwise be required
- 8 Interpretation

SCHEDULE 2 — Independent Monitoring Authority for the Citizens' Rights Agreements

PART 1 — CONSTITUTION, PROCEEDINGS ETC.

- 1 Status
- 2 Membership
- 3 Interim chief executive
- 4 Requirements relating to appointment
- 5 Procedure for appointing members with knowledge of conditions in devolved areas etc.
- 6 Non-executive members: terms of appointment and tenure etc.

- 7 Remuneration of non-executive members
- 8 Staffing of the IMA
- 9 Procedure
- 10 Discharge of functions
- 11 Seal and evidence
- 12 Funding
- 13 Operational independence
- 14 Accounts and audit
- 15 Annual plan
- 16 Public records
- 17 Investigation by the Parliamentary Commissioner
- 18 House of Commons disqualification
- 19 Northern Ireland Assembly disqualification
- 20 Freedom of information
- 21 Public sector equality duty
  - PART 2 — FUNCTIONS OF THE IMA ETC.
- 22 General duties
- 23 (1) The IMA must promote the adequate and effective implementation...
- 24 In exercising its functions, the IMA must have regard to...
- 25 Inquiries
- 26 (1) The IMA must publish its intention to carry out...
- 27 Reports following an inquiry
- 28 (1) Where a report under paragraph 27 includes recommendations to...
- 29 Complaints
- 30 Applying for review or intervening in legal proceedings
- 31 Annual reports for specialised committee etc.
- 32 Guidance
- 33 Gibraltar
- 34 Supplementary power
- 35 Cooperation by relevant public authorities
  - PART 3 — FURTHER PROVISIONS
- 36 Disclosure of HMRC's information
- 37 Data protection and disclosure of information
- 38 Disclosure of information to IMA: national security
- 39 Transfer of IMA's functions and abolition
- 40 (1) The Secretary of State may by regulations—
- 41 Interpretation

#### SCHEDULE 3 — Protection for certain rights, safeguards etc. in Belfast Agreement

- 1 The Northern Ireland Act 1998 is amended as follows.
- 2 In section 6(2) (legislative competence), after paragraph (c), insert—
- 3 In section 24(1) (restrictions on powers of Northern Ireland Ministers...
- 4 In section 69 (functions of the Northern Ireland Human Rights...
- 5 In section 71 of the Northern Ireland Act 1998 (restrictions...
- 6 In section 74 (principal functions of the Equality Commission for...
- 7 After section 78 insert— Protections deriving from EU withdrawal agreement...
- 8 In Schedule 3 (reserved matters), in paragraph 42, after paragraph...

#### SCHEDULE 4 — Regulations under this Act

##### PART 1 — PROCEDURE

- 1 Rights in relation to entry and residence

- 2 (1) A statutory instrument containing the first regulations under section...
- 3 Powers under sections 12, 13 and 14: sole exercise
- 4 Powers under sections 12, 13 and 14: joint exercise
- 5 Power to amend definition of “IP completion day”
- 6 Consequential provision
- 7 The IMA
- 8 Power under paragraph 1(3) of Schedule 5: sole exercise
- 9 Power under paragraph 1(3) of Schedule 5: joint exercise
- 10 Power under paragraph 3(2) of Schedule 5
- PART 2 — GENERAL PROVISION ABOUT POWERS UNDER ACT
- 11 Scope and nature of powers: general
- 12 Any power to make regulations under this Act—
- 13 The fact that a power to make regulations is conferred...
- 14 Anticipatory exercise of powers in relation to withdrawal agreement etc.
- 15 Scope of appointed day power
- 16 Hybrid instruments
- 17 Combinations of instruments

SCHEDULE 5 — Consequential and transitional provision etc.

PART 1 — GENERAL CONSEQUENTIAL PROVISION

- 1 Subordinate legislation with commencement by reference to exit day
- 2 (1) No provision may be made by a devolved authority...
- 3 Devolved preparatory legislation of a kind mentioned in paragraph 41(3) to (5) of Schedule 8 to EUWA 2018
- 4 Power to make consequential regulations under EUWA 2018
- PART 2 — SPECIFIC CONSEQUENTIAL PROVISION ETC.
- 5 Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))
- 6 In section 11 (references in enactments), in subsections (1C), (1D)...
- 7 In section 44A (definitions relating to the United Kingdom’s withdrawal...
- 8 Interpretation Act 1978
- 9 In section 20(3) (references to other enactments) for “exit day”...
- 10 In section 21(1) (meaning of “subordinate legislation”) for “exit day”...
- 11 In section 23ZA(4)(a)(ii) (retained direct EU legislation) for “exit day”...
- 12 In Schedule 1 (words and expressions defined), under the italic...
- 13 European Economic Area Act 1993
- 14 In section 2 (consistent application of law to the whole...
- 15 In section 3 (general implementation of the EEA agreement), in...
- 16 In section 6(1) (interpretation), in the definition of “the 1972...
- 17 Scotland Act 1998
- 18 In section 30A(2) (legislative competence: restriction relating to retained EU...
- 19 In section 57(5)(b) (exception to section 57(4)) for “Schedule 2...
- 20 (1) Paragraph 1 of Schedule 4 (enactments etc. protected from...
- 21 In Part 2 of Schedule 5 (specific reservations), in section...
- 22 Northern Ireland Act 1998
- 23 In section 6A(2) (restriction relating to retained EU law) for...
- 24 (1) Section 7 (entrenched enactments) is amended as follows.
- 25 In section 24(4)(b) (exception to section 24(3)) for “Schedule 2...
- 26 In Schedule 3 (reserved matters), in paragraph 38, for “exit...
- 27 Government of Wales Act 2006

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- 28 In section 80(8A)(b) (exception to section 80(8)) for “Schedule 2...
- 29 In section 109A(2) (legislative competence: restriction relating to retained EU...
- 30 In Part 2 of Schedule 7A (specific reservations), in section...
- 31 (1) Paragraph 5 of Schedule 7B (protected enactments) is amended...
- 32 Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)
- 33 In section 1(1)(ba) (application of Part 1 of the Act)...
- 34 In section 14(3) (references to other legislative provisions) for “exit...
- 35 In section 30(7) (other instruments laid before the Scottish Parliament)...
- 36 In section 55(2B)(d) (transitional Orders: revocation and savings)—
- 37 In Schedule 1 (definitions of words and expressions)—
- 38 European Union (Withdrawal) Act 2018
- 39 In the italic heading before section 2, for “existing EU...
- 40 (1) Section 7 (status of retained EU law) is amended...
- 41 (1) Section 10 (continuation of North-South co-operation and the prevention...
- 42 In section 11 (powers involving devolved authorities corresponding to sections...
- 43 In the italic cross-heading before section 13, for “approval of...
- 44 (1) Section 20 (interpretation) is amended as follows.
- 45 In the table in section 21(1) (index of defined expressions)—...
- 46 (1) Section 23 (consequential and transitional provision) is amended as...
- 47 (1) Schedule 4 (powers in connection with fees and charges)...
- 48 (1) Schedule 5 (publication and rules of evidence) is amended...
- 49 (1) Schedule 6 (instruments which are exempt EU instruments) is...
- 50 In Part 1 of Schedule 7 (scrutiny of powers to...
- 51 After Part 1 of Schedule 7 insert— PART 1A Scrutiny...
- 52 (1) Part 2 of Schedule 7 (scrutiny of other powers...
- 53 (1) Part 3 of Schedule 7 (general provision about powers...
- 54 (1) Part 1 of Schedule 8 (general consequential provision) is...
- 55 (1) Part 3 of Schedule 8 (general transitional, transitory or...
- 56 (1) Part 4 of Schedule 8 (specific transitional, transitory and...
- 57 The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018
- 58 Legislation (Wales) Act 2019 (anaw 4)
- 59 In section 24 (references to direct EU legislation retained in...
- 60 In section 26 (references to EU instruments), in subsection (3)—...
- 61 In the Table in Schedule 1 (definitions of words and...
- 62 In the Table in Schedule 1 (definitions of words and...  
PART 3 — TRANSITIONAL, TRANSITORY AND SAVING PROVISION
- 63 Retention of existing grounds for deportation
- 64 Certain powers of devolved authorities in relation to EU law
- 65 Savings in connection with section 36
- 66 Regulations under EUWA 2018 etc.
- 67 Time-limited powers
- 68 Power to make transitional, transitory or saving regulations under EUWA 2018