

SCHEDULE 1

Regulation 2

Repeals and Transitional Provisions

PART 1

Repeals

Table

<i>Short Title</i>	<i>Extent of Repeal</i>
The Constitutional Reform and Governance Act 2010 ⁽¹⁾	Section 23(1)
European Union (Croatian Accession and Irish Protocol) Act 2013 ⁽²⁾	Sections 1 and 2
European Union (Approvals) Act 2017 ⁽³⁾	The whole Act

PART 2

Transitional Provisions

Disapplication of section 20 of the Constitutional Reform and Governance Act 2010 to treaties already approved

1. Where, before the commencement date, a treaty has been approved in accordance with the requirements of either—

- (a) section 5 of the European Union (Amendment) Act 2008⁽⁴⁾, or
- (b) Part 1 of the European Union Act 2011⁽⁵⁾,

then that treaty will continue to be exempt from the requirements in section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) notwithstanding the repeal of section 23(1) of that Act.

Approvals under the European Union Act 2011

2. The repeals of sections 1 and 2 of the European Union (Croatian Accession and Irish Protocol) Act 2013 and the European Union (Approvals) Act 2017, which approved matters in accordance with the requirements of the European Union Act 2011, have no effect on the validity of anything done, or omitted to be done, in relation to the matters approved.

(1) [2010 c. 25](#); section 23(1) was amended by section 14(2) of the European Union Act [2011 \(c. 12\)](#).

(2) [2013 c. 5](#).

(3) [2017 c. 35](#).

(4) [2008 c. 7](#); section 5 was amended by section 14 of the European Union Act 2011 and repealed by [S.I. 2018/808](#).

(5) See relevant repeals in [S.I. 2018/808](#).

SCHEDULE 2

Regulation 3

Consequential Amendments

The Statutory Instruments Act 1946

1. After section 11A of the Statutory Instruments Act 1946(6) (application in relation to Wales) insert—

“11B Application in relation to retained direct EU legislation etc

(1) For the purposes of this Act, if any retained direct EU legislation confers a power, which is expressed to be exercisable by Order in Council or statutory instrument, to make, confirm or approve any orders, rules, regulations or other subordinate legislation, this Act applies in relation to any document by which that power is exercised as if the retained direct EU legislation were an Act passed after the commencement of this Act.

(2) For the purposes of this Act, if regulations under the European Union (Withdrawal) Act 2018 confer a power, which is expressed to be exercisable by Order in Council or statutory instrument, to make, confirm or approve any orders, rules, regulations or other subordinate legislation, this Act applies in relation to any document by which that power is exercised as if the regulations conferring the power were an Act passed after the commencement of this Act”.

The Laying of Documents before Parliament (Interpretation) Act 1948

2. In the Laying of Documents before Parliament (Interpretation) Act 1948(7) in section 1(1) (meaning of references to laying before Parliament)—

- (a) after “any Act of Parliament” insert “, retained direct EU legislation”, and
- (b) after “any such Act” insert “, retained direct EU legislation”.

The Statutory Rules (Northern Ireland) Order 1979

3. In Article 4(a) of the Statutory Rules (Northern Ireland) Order 1979(8) (meaning of “statutory rules”), after sub-paragraph (iv) insert—

- “(v) any retained direct EU legislation (within the meaning of the European Union (Withdrawal) Act 2018), if the power is expressed to be exercisable by statutory rule for the purposes of this Order;
- (vi) any regulations made under the European Union (Withdrawal) Act 2018, if the power is expressed to be exercisable by statutory rule for the purposes of this Order;”.

(6) 1946 c. 36; section 11A was inserted by the Government of Wales Act 2006 (c.32), Schedule 10 paragraph 3.

(7) 1948 c. 59; section 1 was amended by section 160 of, and paragraph 4 of Schedule 10 to the Government of Wales Act 2006 (c. 32).

(8) S.I. 1979/1573 (N.I. 12).