European Union (Withdrawal) Act 2018

CHAPTER 16

EUROPEAN UNION (WITHDRAWAL) ACT 2018

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1 Repeal of the European Communities Act 1972

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13 Parliamentary approval of the outcome of negotiations with the EU
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14 No power to modify retained direct EU legislation etc.
15 Requirement for consultation in certain circumstances
16 Certain requirements for consent, joint exercise or consultation
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18 A provision is within the devolved competence of the Welsh...
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1. Scotland Act 1998

Part 2 — REPORTS IN CONNECTION WITH RETAINED EU LAW RESTRICTIONS

4. Reports on progress towards removing retained EU law restrictions
5. Interpretation

Part 3 — OTHER AMENDMENTS OF DEVOLUTION LEGISLATION

7. In section 2 (ordinary general elections), in subsection (2A), omit...
8. In section 12 (power of the Scottish Ministers to make...
9. (1) Section 12A (power of the Secretary of State to...
10. In section 32 (submission of Bills for Royal Assent), in...
11. Omit section 34 (ECJ references).
12. (1) Section 36 (stages of Bills) is amended as follows....
13. (1) Section 57 (EU law and Convention rights) is amended...
14. (1) Section 80D (Scottish taxpayers) is amended as follows.
15. In section 80DA (Scottish taxpayers: Welsh parliamentarians), in subsection (2)(a),...
16. (1) Section 82 (limits on salaries of members of the...
17. (1) Section 106 (power to adapt functions) is amended as...
18. In section 119 (Consolidated Fund etc.), omit subsection (4).
19. (1) Section 126 (interpretation) is amended as follows.
20. In section 127 (index of defined expressions), omit the entry...
21. (1) Schedule 4 (enactments etc. protected from modification) is amended...
22. In Part 2 of Schedule 5 (specific reservations), in section...
23. (1) Paragraph 1 of Schedule 6 (devolution issues) is amended...
24. (1) The table in paragraph 1(2) of Schedule 7 (procedure...
25. After paragraph 5 of Schedule 7 (procedure for subordinate legislation:...
26. In Schedule 8 (modifications of enactments), omit paragraph 15 and...
28. In section 3 (ordinary general elections), in subsection (1A), omit...
29. In section 13(5) (power of the Welsh Ministers to make...
30. (1) Section 13A (power of the Secretary of State to...
31. In section 16(3) (disqualification from being Assembly member) omit “(other..."
32. (1) Section 21 (limit on salaries of Assembly members) is...
33. In section 58A (executive ministerial functions), in subsection (4)(d), for...
34. Omit section 58B (implementation of EU law: general).
35. (1) Section 59 (implementation of EU law: designation of Welsh...
36. In the heading before section 80 (EU law, human rights...
37. (1) Section 80 (EU law) is amended as follows.
38. In section 111 (proceedings on Bills)— (a) in subsection (6),...
39. Omit section 113 (ECJ references).
40. In section 115 (Royal Assent), in subsection (3), omit paragraph...
41. (1) Section 116E (Welsh taxpayers) is amended as follows.
42 In section 116F (Welsh taxpayers: Scottish parliamentarians), in subsection (2)(a),...
43 After section 157 (orders, regulations and directions) insert—
   Explanatory statements...
44 In section 158(1) (interpretation)— (a) omit the definition of “EU...
45 In section 159 (index of defined expressions), omit the entry...
46 In Schedule 3 (transfer etc. of functions: further provisions), omit...
47 In Part 2 of Schedule 7A (specific reservations), in section...
48 In paragraph 5(1) of Schedule 7B (protected enactments), in the...
49 In Schedule 11 (transitional provisions), omit paragraph 35A and the...
50 Northern Ireland Act 1998
51 (1) Section 7 (entrenched enactments) is amended as follows.
52 Omit section 12 (reconsideration where reference made to ECJ).
53 In section 13 (stages of Bills), omit subsection (5)(b),
54 In section 14 (submission of Bills by the Secretary of...
55 In the heading of section 24 (EU law, Convention rights...
56 (1) Section 27 (quotas for purposes of international etc. obligations)... 
57 After section 96(4) (orders and regulations) insert—
58 After section 96 (orders and regulations) insert— Explanatory 
   statements in...
59 In section 98(1) (interpretation)— (a) omit the definition of “EU...
60 (1) Schedule 2 (excepted matters) is amended as follows.
61 In Schedule 3 (reserved matters), in paragraph 38, for the...
62 In paragraph 1(c) of Schedule 10 (devolution issues) omit the...

SCHEDULE 4 — Powers in connection with fees and charges

Part 1 — CHARGING IN CONNECTION WITH CERTAIN NEW FUNCTIONS
1 Power to provide for fees or charges
2 Meaning of “appropriate authority”
3 Requirements for consent
4 Minister of the Crown power in relation to devolved authorities
5 Time limit for making certain provision
6 Relationship to other powers

Part 2 — MODIFYING PRE-EXIT FEES OR CHARGES
7 Power to modify pre-exit fees or charges
8 Meaning of “appropriate authority”
9 Restriction on exercise of power
10 Requirement for consent
11 Relationship to other powers

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Part 1 — PUBLICATION OF RETAINED DIRECT EU LEGISLATION ETC.
1 Things that must or may be published
2 Exceptions from duty to publish

Part 2 — RULES OF EVIDENCE
3 Questions as to meaning of EU law
4 Power to make provision about judicial notice and admissibility

SCHEDULE 6 — Instruments which are exempt EU instruments
1 EU decisions
2 EU regulations
3 EU tertiary legislation
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Part 1 — SCRUTINY OF POWERS TO DEAL WITH DEFICIENCIES

1 Scrutiny of regulations made by Minister of the Crown or devolved authority acting alone
2 Scrutiny of regulations made by Minister of the Crown and devolved authority acting jointly
3 Parliamentary committee to sift certain deficiencies regulations of a Minister of the Crown
4 Committee of the National Assembly for Wales to sift certain deficiencies regulations of Welsh Ministers
5 Scrutiny procedure in certain urgent deficiencies cases: Ministers of the Crown
6 Scrutiny procedure in certain urgent deficiencies cases: devolved authorities
7 (1) Sub-paragraph (2) applies to—(a) a statutory instrument to...
8 (1) This paragraph applies to—(a) regulations to which paragraph...

Part 2 — SCRUTINY OF OTHER POWERS UNDER ACT

9 Power to enable challenges to validity of retained EU law
10 Power to implement withdrawal agreement
11 Power to repeal provisions relating to retained EU law restrictions
12 Powers in connection with fees and charges
13 Power to make provision about judicial notice and admissibility
14 Power to amend the definition of “exit day”
15 Power to make consequential provision
16 Power to make transitional, transitory or saving provision
17 Parliamentary committee to sift certain implementation or consequential regulations of a Minister of the Crown
18 Committee of the National Assembly for Wales to sift certain implementation regulations of Welsh Ministers
19 Scrutiny procedure for certain powers to which this Part applies in urgent cases

Part 3 — GENERAL PROVISION ABOUT POWERS UNDER ACT

20 Scope and nature of powers: general
21 Any power to make regulations under this Act—
22 The fact that a power to make regulations is conferred...
23 Scope of consequential and transitional powers
24 Anticipatory exercise of powers in relation to retained EU law
25 Scope of appointed day powers
26 Effect of certain provisions in Schedule 8 on scope of powers
27 Disapplication of certain review provisions
28 Explanatory statements for certain powers: appropriateness, equalities etc.
29 (1) This paragraph applies where—(a) a Scottish statutory instrument...
30 Further explanatory statements in certain sub-delegation cases
31 (1) This paragraph applies where—(a) a Scottish statutory instrument...
32 Annual reports in certain sub-delegation cases
33 (1) Each person by whom a relevant sub-delegated power is...
34 Further explanatory statements in urgency cases
35 (1) This paragraph applies where regulations are to be made...
36 Hybrid instruments
37 Procedure on re-exercise of certain powers
38 Combinations of instruments
SCHEDULE 8 — Consequential, transitional, transitory and saving provision

Part 1 — GENERAL CONSEQUENTIAL PROVISION

1 Existing ambulatory references to retained direct EU legislation
2 Other existing ambulatory references
3 Existing powers to make subordinate legislation etc.
4 (1) Any subordinate legislation which— (a) is, or is to...
5 (1) This paragraph applies to any power to make, confirm...
6 Any subordinate legislation which is, or is to be, made,...
7 Any power to make, confirm or approve subordinate legislation which,...
8 (1) Paragraphs 3 to 7 and this paragraph—
9 Review provisions in existing subordinate legislation
10 Future powers to make subordinate legislation
11 (1) Sub-paragraph (2) applies to any power to make, confirm...
12 (1) Paragraphs 10 and 11 and this paragraph—
13 Affirmative procedure for instruments which amend or revoke subordinate legislation made under section 2(2) of the ECA (including subordinate legislation implementing EU directives)
14 Enhanced scrutiny procedure for instruments which amend or revoke subordinate legislation under section 2(2) of the ECA (including subordinate legislation implementing EU directives)
15 Explanatory statements for instruments amending or revoking regulations etc. under section 2(2) of the ECA
16 (1) This paragraph applies where, on or after exit day——

Part 2 — SPECIFIC CONSEQUENTIAL PROVISION

17 Finance Act 1973
18 Interpretation Act 1978
19 In section 21(1) (meaning of “subordinate legislation”) after “any Act”...
20 After section 23 (application to other instruments) insert— Retained direct...
21 In section 24 (application to Northern Ireland), in subsection (4)—...
22 In Schedule 1 (words and expressions defined)—
23 European Economic Area Act 1993
24 Omit section 1 (EEA agreement to be an EU Treaty)....
25 (1) Section 2 (consistent application of law to the whole...
26 (1) Section 3 (general implementation of the EEA agreement) is...
27 Omit section 4 (modification of section 3 of the European...
28 In section 6 (interpretation), in subsection (1), in the definition...
29 Criminal Procedure (Scotland) Act 1995
30 Human Rights Act 1998
31 Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)
32 (1) Section 1 (application of Part 1 of the Act)...
33 In section 30 (other instruments laid before the Scottish Parliament),...
34 In section 37 (interpretation of Part 2 of the Act)—...
35 In Schedule 1 (definitions of words and expressions)—
36 Small Business, Enterprise and Employment Act 2015

Part 3 — GENERAL TRANSITIONAL, TRANSITORY OR SAVING PROVISION

37 Continuation of existing acts etc.

Part 4 — SPECIFIC TRANSITIONAL, TRANSITORY AND SAVING PROVISION

38 Retention of existing EU law
39 (1) Subject as follows and subject to any provision made...
40 Main powers in connection with withdrawal
41 Devolution
42 The amendments made by Part 1 of Schedule 3 do...
43 A consent decision of the Scottish Parliament, the National Assembly...
44 Other provision
45 (1) The amendment made by paragraph 17 does not affect...

SCHEDULE 9 — Additional repeals