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**Changes to legislation:** There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, Paragraph 53. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### CONSEQUENTIAL AND TRANSITIONAL PROVISION ETC.

#### PART 2

##### SPECIFIC CONSEQUENTIAL PROVISION ETC.

##### *European Union (Withdrawal) Act 2018*

- 53 (1) Part 3 of Schedule 7 (general provision about powers under Act) is amended as follows.
- (2) In paragraph 21—
- (a) in paragraph (a)(i) after “modify” insert “ anything which continues to be domestic law by virtue of section 1B(2) or any ”, and
  - (b) in paragraph (b) for “any retained EU law” substitute “ anything which continues to be domestic law by virtue of section 1B(2), or any retained EU law, ”.
- (3) In paragraph 23—
- (a) in sub-paragraph (1) for “sections 2” substitute “ sections 1A ”,
  - (b) in sub-paragraph (2) after “Accordingly,” insert “ anything which continues to be domestic law by virtue of section 1B(2) or ”,
  - (c) in sub-paragraph (3) for “sections 2” substitute “ sections 1A ”,
  - (d) in sub-paragraph (4)(b) for “sections 2” substitute “ sections 1A ”, and
  - (e) in sub-paragraph (5) for “retained EU law” substitute “ anything which continues to be domestic law by virtue of section 1B(2), or as retained EU law, ”.
- (4) After paragraph 23 insert—
- “Anticipatory exercise of powers in relation to section 1B(2) saved law*
- 23A Any power to make regulations under this Act which modify anything which continues to be domestic law by virtue of section 1B(2) is capable of being exercised before exit day so that the regulations come into force on or after exit day.”
- (5) In paragraph 24 for “exit day”, in both places where it appears, substitute “ IP completion day ”.
- (6) After paragraph 24 insert—

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*“Anticipatory exercise of powers in relation to the withdrawal agreement etc.*

24A Any power to make regulations under this Act in relation to the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens' rights agreement, or any modification of any of them which requires ratification, is capable of being exercised before the agreement or (as the case may be) modification concerned is ratified.”

(7) In paragraph 28—

- (a) in sub-paragraph (1)(a) omit “, 9” and “or 12(2)”, and
- (b) in sub-paragraph (6)(c) for “exit day” substitute “ IP completion day ”.

(8) In paragraph 29—

- (a) in sub-paragraph (1)(a), omit “or 2”, and
- (b) in sub-paragraph (6)(c) for “exit day” substitute “ IP completion day ”.

(9) In paragraph 30(1)(a) omit “or 9”.

(10) In paragraph 31(1)(a) omit “or 2”.

(11) In paragraph 32(1) omit “or 9”.

(12) In paragraph 33(1) omit “or 2”.

(13) In paragraph 35(1) omit “(whether or not as applied by paragraph 19(7))”.

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#### **Commencement Information**

- I1** Sch. 5 para. 53(1)-(4)(6)(7)(a)(8)(a)(9)-(13) in force at 23.1.2020, see s. 42(6)(e)(x)
- I2** Sch. 5 para. 53(5)(7)(b)(8)(b) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxiv)

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