

SCHEDULE 2

Regulation 3

Consequential Amendments

The Statutory Instruments Act 1946

1. After section 11A of the Statutory Instruments Act 1946(1) (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(2) 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(3) (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;”.

(1) 1946 c. 36; section 11A was inserted by the Government of Wales Act 2006 (c.32), Schedule 10 paragraph 3.

(2) 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).

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