
STATUTORY INSTRUMENTS

2020 No. 1447

**The European Union Withdrawal (Consequential
Modifications) (EU Exit) Regulations 2020**

PART 4

Scotland

Amendment of Interpretation and Legislative Reform (Scotland) Act 2010

5.—(1) The Interpretation and Legislative Reform (Scotland) Act 2010^{M1} is amended as follows.

(2) In section 1 (application of Part 1 of the Act), after subsection (1) insert—

“(1A) Subsection (1) is subject to section 14(2A) and (3).”

(3) In section 12 (references to EU instruments), in the heading, after “to” insert “ certain ”.

(4) In section 14 (references to other legislative provisions)—

(a) after subsection (2), insert—

“(2A) Where—

(a) there is a reference in—

(i) an Act of the Scottish Parliament the Bill for which received Royal Assent on or after IP completion day, or

(ii) a Scottish instrument made on or after IP completion day,

to any treaty relating to the EU or any instrument or other document of an EU entity, and

(b) the treaty, instrument or document referred to has effect by virtue of section 7A or 7B of the European Union (Withdrawal) Act 2018 (general implementation of remainder of EU withdrawal agreement etc.),

the reference, so far as required for the purposes of relevant separation agreement law, is a reference to the treaty, instrument or document as it so has effect (including, so far as so required, as it has effect from time to time).”

(b) in subsection (3), at the beginning insert “ Subject to subsection (2A), ”,

(c) in subsection (5)—

(i) for “subsection (3) or” substitute “ subsections (2A) to ”, and

(ii) for “that subsection” substitute “ the subsection concerned ”,

(d) after subsection (5) insert—

“(6) In this section, “treaty” includes any international agreement (and any protocol or annex to a treaty or international agreement).”

Commencement Information

I1 Reg. 5 in force at 31.12.2020, see reg. 1(3)

Marginal Citations

M1 2010 asp 10. Section 14 is amended by regulation 4 of S.I. 2019/628 as amended by S.I. 2020/463. Schedule 1 is amended by S.I. 2019/628, **paragraph 37** of Schedule 5 to the [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#) and paragraph 4 of Schedule 1 to the [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#). There are other amendments not relevant to this instrument.

Interpretation of “the Treaties”, “the EU Treaties” and “the Communities”

6.—(1) The fact that by virtue of regulation 4(5) of the 2019 Regulations—

- (a) the definitions of “the Treaties” and “the EU Treaties” (as defined by section 1(2) of the European Communities Act 1972 ^{M2}) in Schedule 2 to the 1999 Order are treated as revoked, and
- (b) definitions of those expressions are treated as inserted into that Schedule,

does not affect the interpretation of those expressions on and after IP completion day in relation to a time before IP completion day.

(2) In its application to Acts of the Scottish Parliament the Bills for which received Royal Assent before 19th June 2008 or to Scottish subordinate legislation made before that date, the definition of “the Communities”, which by virtue of regulation 4(5) of the 2019 Regulations is treated as inserted into Schedule 2 to the 1999 Order, has effect on and after IP completion day, in its application in relation to a time before 19th June 2008, as if the words from “but” to the end were omitted.

(3) In this regulation—

“the 1999 Order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 ^{M3};

“Scottish subordinate legislation” has the same meaning as in the 1999 Order.

Commencement Information

I2 Reg. 6 in force at 31.12.2020, see reg. 1(3)

Marginal Citations

M2 The definition of “the Treaties” and “the EU Treaties” in section 1(2) of the [European Communities Act 1972 \(c. 68\)](#) was amended by the [European Communities \(Greek Accession\) Act 1979 \(c. 57\)](#), **section 1**; the [European Communities \(Spanish and Portuguese Accession\) Act 1985 \(c. 75\)](#), **section 1**; the [European Communities \(Amendment\) Act 1986 \(c. 58\)](#), **section 1**; the [European Communities \(Amendment\) Act 1993 \(c. 32\)](#), **section 1**; the [European Parliamentary Elections Act 1993 \(c. 41\)](#), **section 3**; the [European Economic Area Act 1993 \(c. 51\)](#), **section 1**; the [European Union \(Accessions\) Act 1994 \(c. 38\)](#), **section 1**; the [European Communities \(Amendment\) Act 1998 \(c. 21\)](#), **section 1**; the [European Communities \(Finance\) Act 2001 \(c. 22\)](#), **section 1**; the [European Communities \(Amendment\) Act 2002 \(c. 3\)](#), **section 1**; the [European Union \(Accessions\) Act 2003 \(c. 35\)](#), **section 1**; the [European Union \(Accessions\) Act 2006 \(c. 2\)](#), **section 1**; the [European Union \(Amendment\) Act 2008 \(c. 7\)](#), **paragraph 1**, the Schedule; the [European Union Act 2011 \(c. 12\)](#), **section 15**; the [European Union \(Croatian Accession and Irish Protocol\) Act 2013 \(c. 5\)](#), **section 3**; the [European Union \(Finance\) 2015 \(c. 2015 \(c. 32\)\)](#), section 1; S.I. 2011/1043.

Changes to legislation: *There are currently no known outstanding effects for the The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020, PART 4. (See end of Document for details)*

M3 [S.I. 1999/1379](#); revoked by article 8 of that Order but subject to savings specified in s. 55(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

Changes to legislation:

There are currently no known outstanding effects for the The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020, PART 4.