



Law Derived from the European Union (Wales) Act 2018

2018 anaw 3

General

18 Continuing effect of regulations

The prohibitions on making regulations under this Act after a particular time does not affect the continuation in force of regulations made at or before that time (including the exercise after that time of any power conferred by regulations made at or before that time).

19 Regulations

- (1) A power to make regulations under this Act is to be exercised by statutory instrument.
- (2) A power to make regulations under this Act includes power to make—
 - (a) different provision for different purposes, different cases or different areas;
 - (b) incidental, supplementary, consequential, transitory, transitional or saving provision.
- (3) Schedule 2 provides for the procedures that apply to the making of regulations.

20 General interpretation

- (1) In this Act—

“Charter of Fundamental Rights” (“*Siarter Hawliau Sylfaenol*”) means the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg on 12 December 2007;

“the EEA” (“*yr AEE*”) means the European Economic Area;

“devolved competence” (“*cymhwysedd datganoledig*”) has the meaning given by section 17;

“enactment” (“*deddfiad*”) means a provision contained in any of the following (whenever enacted or made)—

Status: This is the original version (as it was originally enacted).

- (a) an Act of the Parliament of the United Kingdom;
- (b) a Measure or an Act of the National Assembly for Wales;
- (c) subordinate legislation made under an Act of the Parliament of the United Kingdom or a Measure or an Act of the National Assembly for Wales;

“EU decision” (“*penderfyniad gan yr UE*”) means—

- (a) a decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union, or
- (b) a decision under former Article 34(2)(c) of the Treaty on European Union;

“EU directive” (“*cyfarwydddeb gan yr UE*”) means a directive within the meaning of Article 288 of the Treaty on the Functioning of the European Union;

“EU entity” (“*endid o’r UE*”) means an EU institution or any office, body or agency of the EU;

“EU law” (“*cyfraith yr UE*”) means—

- (a) all the rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the EU Treaties, and
- (b) all the remedies and procedures from time to time provided for by or under the EU Treaties;

“EU reference” (“*cyfeiriad at yr UE*”) means—

- (a) any reference to the EU, an EU entity or a member State,
- (b) any reference to an EU directive or any other EU law, or
- (c) any other reference that relates to the EU;

“EU regulation” (“*rheoliad gan yr UE*”) means a regulation within the meaning of Article 288 of the Treaty on the Functioning of the European Union;

“EU tertiary legislation” (“*deddfwriaeth drydyddol yr UE*”) means—

- (a) any provision made under—
 - (i) an EU regulation,
 - (ii) a decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union, or
 - (iii) an EU directive,

by virtue of Article 290 or 291(2) of the Treaty on the Functioning of the European Union or former Article 202 of the Treaty establishing the European Community, or

- (b) any measure adopted in accordance with former Article 34(2)(c) of the Treaty on European Union to implement decisions under former Article 34(2)(c), but does not include any such provision or measure that is an EU directive;

“exit day” (“*diwrnod ymadael*”) means a day or a time on a day appointed in regulations made by the Welsh Ministers in accordance with subsection (4);

“member State” (“*Aelod-wladwriaeth*”) (except in the definition of “EU reference”) does not include the United Kingdom;

“Minister of the Crown” (“*un o Weinidogion y Goron*”) has the meaning given by the Ministers of the Crown Act 1975 and also includes the Commissioners for Her Majesty’s Revenue and Customs;

“modify” (“*addasu*”) includes amend, repeal or revoke (and related expressions are to be read accordingly);

“pre-commencement function” (“*swyddogaeth cyn cychwyn*”) has the meaning given by Schedule 7 to the Government of Wales Act 2006 (see paragraph 1(3) of Part 2 of that Schedule);

“primary legislation” (“*deddfwriaeth sylfaenol*”) means—

- (a) an Act of the Parliament of the United Kingdom,
- (b) a Measure or Act of the National Assembly for Wales;

“public authority” (“*awdurdod cyhoeddus*”) means a public authority within the meaning of section 6 of the Human Rights Act 1998;

“relevant criminal offence” (“*trosedd berthnasol*”) means an offence for which an individual who has reached the age of 18 is capable of being sentenced to imprisonment for a term of more than 2 years (ignoring any enactment prohibiting or restricting the imprisonment of individuals who have no previous convictions);

“retrospective provision” (“*darpariaeth ôl-weithredol*”), in relation to provision made by regulations, means provision taking effect from a date earlier than the date on which the regulations are made;

“tribunal” (“*tribiwnlys*”) means any tribunal in which legal proceedings may be brought;

“Wales” (“*Cymru*”) has the meaning given by the Government of Wales Act 2006 (see section 158 of that Act);

“withdrawal agreement” (“*cytundeb ymadael*”) means an agreement (whether or not ratified) between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union that sets out the arrangements for the United Kingdom’s withdrawal from the EU.

- (2) In this Act—
 - (a) where the Welsh Ministers appoint a time as well as a day as exit day, references to before, after or on that day, or to beginning with that day, are accordingly to be read as references to before, after or at that time on that day or (as the case may be) to beginning with that time on that day, and
 - (b) where the Welsh Ministers do not appoint a time as well as a day as exit day, a reference to exit day is to be read as a reference to the beginning of that day.
- (3) For the purposes of sections 14 and 15, a modification can be express or implied and includes a requirement to comply with EU law no longer applying to the exercise of the function.
- (4) In making regulations under subsection (1) for the purposes of the definition of “exit day”, the Welsh Ministers—
 - (a) must have regard to any day or any time on a day appointed for the same or similar purposes in or under an Act of the Parliament of the United Kingdom to give effect to the withdrawal of the United Kingdom from the European Union;
 - (b) must not appoint a day or a time on a day that occurs before the moment that the Treaties cease to apply to the United Kingdom in accordance with Article 50(3) of the Treaty on European Union.
- (5) In subsection (4)(b), “the Treaties” means the Treaty on European Union and the Treaty on the functioning of the European Union.

- (6) References in this Act to former Article 34(2)(c) of the Treaty on European Union are references to that Article as it had effect at any time before the coming into force of the Treaty of Lisbon.
- (7) Any other reference in this Act to an Article of the Treaty on European Union or the Treaty on the Functioning of the European Union includes a reference to that Article as applied by Article 106a of the Euratom Treaty.

21 Coming into force

This Act comes into force on the day after the day on which this Act receives Royal Assent.

22 Repeal of this Act

The Welsh Ministers may by regulations repeal this Act or any provision of this Act.

23 Short title

The short title of this Act is the Law Derived from the European Union (Wales) Act 2018.