

*These notes relate to the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4) which received Royal Assent on 29 January 2021*

# **UK WITHDRAWAL FROM THE EUROPEAN UNION (CONTINUITY) (SCOTLAND) ACT 2021**

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## **EXPLANATORY NOTES**

### **OVERVIEW AND BACKGROUND**

#### ***EU Law and the Scotland Act 1998***

25. Section 29(2)(d) of the Scotland Act 1998 provides that Acts of the Scottish Parliament are not law in so far as they are incompatible with EU law. Section 12(1) of the EUWA removed this competence restriction, which means it is competent for the Scottish Parliament and the Scottish Ministers to amend retained EU law in devolved areas, subject to section 30A of the Scotland Act 1998 (inserted by section 12(2) of the EUWA).
26. Section 30A provides a power for a UK Minister to specify in regulations particular areas in which the Scottish Parliament may not modify, or confer powers to modify, retained EU law. Section 30A provides that any restriction applied using the power does not affect the competence of the Scottish Parliament to make any provision that it could have made immediately before IP completion day. As yet, no regulations under section 30A have been made.