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STATUTORY INSTRUMENTS

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**2020 No. 518 (C. 22)**

**EXITING THE EUROPEAN UNION**

**The European Union (Withdrawal Agreement) Act  
2020 (Commencement No. 3) Regulations 2020**

*Made* - - - - *18th May 2020*

The Minister for the Cabinet Office, in exercise of the powers conferred by section 42(7) of the European Union (Withdrawal Agreement) Act 2020<sup>(1)</sup>, makes the following Regulations:

**Citation**

1. These Regulations may be cited as the European Union (Withdrawal Agreement) Act 2020 (Commencement No. 3) Regulations 2020.

**Appointed day**

2. The following provisions of the European Union (Withdrawal Agreement) Act 2020 come into force on the day after the day on which these Regulations are made—

- (a) section 7 (rights related to residence: application deadline and temporary protection);
- (b) section 8 (frontier workers);
- (c) section 9 (restrictions of rights of entry and residence);
- (d) section 12 (recognition of professional qualifications);
- (e) section 13 (co-ordination of social security systems);
- (f) section 14 (non-discrimination, equal treatment and rights of workers etc.);
- (g) section 18 (main power in connection with other separation issues);
- (h) section 19 (powers corresponding to section 18 involving devolved authorities);
- (i) section 21 (main power in connection with Ireland/Northern Ireland Protocol);
- (j) section 22 (powers corresponding to section 21 involving devolved authorities);
- (k) section 23 (protection for certain rights, safeguards etc. in Belfast Agreement) so far as it relates to paragraph 5 of Schedule 3;
- (l) section 26(1)(d) (interpretation of retained EU law and relevant separation agreement law);
- (m) section 28 (ancillary fee-charging powers);

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(1) 2020 c. 1.

- (n) section 41(4) and (6) (consequential and transitional provision etc.) so far as relating to any provision so far as it falls within paragraph (p);
- (o) Schedule 1 (powers of devolved authorities under sections 12, 13 and 14);
- (p) the following provisions of Schedule 5 (consequential and transitional provision etc.) to the extent they are not already in force —
  - (i) paragraph 51;
  - (ii) paragraph 52(2);
  - (iii) paragraph 56(6)(a);
  - (iv) paragraph 56(7)(b) except so far as it relates to the making of regulations under Part 1 of Schedule 2 to the European Union (Withdrawal) Act 2018(2); and
  - (v) paragraph 64.

*Michael Gove*  
Chancellor of the Duchy of Lancaster and  
Minister for the Cabinet Office  
Cabinet Office

18th May 2020

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force provisions of the European Union (Withdrawal Agreement) Act 2020 (c.1) (“the Act”) on the day after the day on which these Regulations are made. These are the third commencement regulations made under the Act.

Regulation 2(a) to (f) brings into force various regulation-making powers in Part 3 of the Act, which relate to the implementation of the Citizens’ Rights part of the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (“the Withdrawal Agreement”), the EEA EFTA separation agreement and the Swiss citizens’ rights agreement.

Regulation 2(g) brings into force section 18 of the Act, which inserts a new section 8B into the European Union (Withdrawal Act) 2018 (c.16) (“EUWA”) to provide a regulation-making power to implement the separation provisions contained in the Withdrawal Agreement and the EEA EFTA separation agreement.

Regulation 2(h) brings into force section 19 of the Act, which inserts a new Part 1B into Schedule 2 to EUWA to provide a regulation-making power for devolved authorities to implement the separation provisions contained in the Withdrawal Agreement and the EEA EFTA separation agreement.

Regulation 2(i) brings into force section 21 of the Act, which inserts a new section 8C into EUWA to provide a regulation-making power to implement the Protocol on Ireland/Northern Ireland contained in the Withdrawal Agreement (“the Protocol”).

Regulation 2(j) brings into force section 22 of the Act, which inserts a new Part 1C into Schedule 2 to EUWA to provide a regulation-making power for devolved authorities to implement the Protocol.

Regulation 2(k) brings into force section 23 of the Act so far as it relates to paragraph 5 of Schedule 3 to the Act.

Regulation 2(l) brings into force section 26(1)(d) of the Act which inserts a new subsection (5A) into section 6 EUWA to provide a regulation-making power to prescribe relevant courts and tribunals that can depart from retained EU case law, the test to be applied and other considerations which are relevant to the court or tribunal applying that test.

Regulation 2(m) brings into force section 28 of the Act, which amends Part 1 of Schedule 4 to EUWA, which provides a regulation-making power for the charging of fees or other charges in connection with certain purposes.

Regulation 2(n) brings into force section 41(4) and (6) of the Act, for the purposes of those provisions commenced under Regulation 2(p).

Regulation 2(o) brings into force Schedule 1 to the Act which relates to the devolved authorities’ competence to exercise the powers contained in sections 12, 13 and 14 of the Act.

Regulation 2(p) brings into force paragraphs 51, 52(2), 56(6)(a), 56(7)(b) (partially) and 64 of Schedule 5 to the Act, which relate to various consequential and transitional provisions, to the extent they are not already in force.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The following provisions of the European Union (Withdrawal Agreement) Act 2020 have been brought into force by commencement regulations made before the date of these Regulations.

| <i>Provision</i>                          | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 1                                 | Exit day <sup>(3)</sup>     | 2020/75         |
| Section 2                                 | Exit day                    | 2020/75         |
| Section 5                                 | Exit day                    | 2020/75         |
| Section 6                                 | Exit day                    | 2020/75         |
| Section 10                                | Exit day                    | 2020/75         |
| Section 15(1) and (2)                     | Exit day                    | 2020/75         |
| Section 15(3) (partially)                 | Exit day                    | 2020/75         |
| Section 15(3) (partially)                 | 19 March 2020               | 2020/317        |
| Section 25(4)(b) and (6)(a) (partially)   | Exit day                    | 2020/75         |
| Section 26(1)(a) (partially)              | Exit day                    | 2020/75         |
| Section 26(2)                             | Exit day                    | 2020/75         |
| Section 27                                | Exit day                    | 2020/75         |
| Section 41(4) (partially)                 | Immediately before exit day | 2020/75         |
| Section 41(4) and (6) (partially)         | Exit day                    | 2020/75         |
| Paragraphs 1 to 13 of Schedule 2          | Exit day                    | 2020/75         |
| Paragraphs 14 to 17 of Schedule 2         | 19 March 2020               | 2020/317        |
| Paragraph 18 of Schedule 2                | Exit day                    | 2020/75         |
| Paragraph 19 of Schedule 2                | Exit day                    | 2020/75         |
| Paragraphs 20 and 21 of Schedule 2        | 19 March 2020               | 2020/317        |
| Paragraph 22(3) of Schedule 2 (partially) | 19 March 2020               | 2020/317        |
| Paragraph 32 of Schedule 2                | 19 March 2020               | 2020/317        |
| Paragraph 34 of Schedule 2                | Exit day                    | 2020/75         |
| Paragraph 41 of Schedule 2                | Exit day                    | 2020/75         |
| Paragraph 5 of Schedule 3                 | 23 March 2020               | 2020/317        |
| Paragraph 1(1) and (2) of Schedule 5      | Immediately before exit day | 2020/75         |
| Paragraph 3(1) of Schedule 5              | Exit day                    | 2020/75         |

(3) "Exit day" is defined in Schedule 1 of the Interpretation Act 1978 (c.30) by reference to section 20 of the European Union (Withdrawal) Act 2018 (c.16) and means 31 January 2020 at 11.00pm.

| <i>Provision</i>   | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Paragraph 7(c) of Schedule 5                                 | Exit day                    | 2020/75         |
| Paragraph 11 of Schedule 5                                   | Exit day                    | 2020/75         |
| Paragraph 12(c) of Schedule 5                                | Exit day                    | 2020/75         |
| Paragraph 18 of Schedule 5 (partially)                       | Exit day                    | 2020/75         |
| Paragraph 19 of Schedule 5 (partially)                       | Exit day                    | 2020/75         |
| Paragraph 23 of Schedule 5 (partially)                       | Exit day                    | 2020/75         |
| Paragraph 25 of Schedule 5 (partially)                       | Exit day                    | 2020/75         |
| Paragraph 28 of Schedule 5 (partially)                       | Exit day                    | 2020/75         |
| Paragraph 29 of Schedule 5 (partially)                       | Exit day                    | 2020/75         |
| Paragraph 33 of Schedule 5                                   | Exit day                    | 2020/75         |
| Paragraph 35 of Schedule 5                                   | Exit day                    | 2020/75         |
| Paragraph 36(c) of Schedule 5                                | Exit day                    | 2020/75         |
| Paragraph 37(d) of Schedule 5                                | Exit day                    | 2020/75         |
| Paragraph 40(1), (2) and (5) of Schedule 5                   | Exit day                    | 2020/75         |
| Paragraph 43 of Schedule 5                                   | Exit day                    | 2020/75         |
| Paragraph 44(2)(b), (c) and (f) to (h) and (4) of Schedule 5 | Exit day                    | 2020/75         |
| Paragraph 45 of Schedule 5                                   | Exit day                    | 2020/75         |
| Paragraph 46 of Schedule 5                                   | Exit day                    | 2020/75         |
| Paragraph 47(3) and (5) of Schedule 5                        | Exit day                    | 2020/75         |
| Paragraph 48(1), (2) and (4) of Schedule 5                   | Exit day                    | 2020/75         |
| Paragraph 49 of Schedule 5                                   | Exit day                    | 2020/75         |
| Paragraph 51 of Schedule 5 (partially)                       | Exit day                    | 2020/75         |
| Paragraph 53(5), (7)(b) and (8)(b) of Schedule 5             | Exit day                    | 2020/75         |
| Paragraph 55(1) and (2) of Schedule 5                        | Exit day                    | 2020/75         |
| Paragraph 56(7)(a) of Schedule 5 (partially)                 | Exit day                    | 2020/75         |
| Paragraphs 58 to 62 of Schedule 5                            | Exit day                    | 2020/75         |
| Paragraph 63 of Schedule 5                                   | Exit day                    | 2020/75         |