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STATUTORY INSTRUMENTS

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**2020 No. 75 (C. 7)**

**EXITING THE EUROPEAN UNION**

**The European Union (Withdrawal Agreement) Act  
2020 (Commencement No. 1) Regulations 2020**

*Made - - - - 29th January 2020*

The Secretary of State, in exercise of the power conferred by section 42(7) of the European Union (Withdrawal Agreement) Act 2020<sup>(1)</sup>, makes the following Regulations:

**Citation and interpretation**

1. These Regulations may be cited as the European Union (Withdrawal Agreement) Act 2020 (Commencement No. 1) Regulations 2020.
2. In these Regulations—
  - “the Act” means the European Union (Withdrawal Agreement) Act 2020;
  - “EUWA” means the European Union (Withdrawal) Act 2018.

**Appointed day**

3. The following provisions of the Act come into force immediately before exit day<sup>(2)</sup>—
  - (a) section 41(4) (consequential provision etc.) so far as it relates to the provisions mentioned in paragraph (b), and
  - (b) paragraph 1(1) and (2) of Schedule 5 (consequential provision etc.).
4. The following provisions of the Act come into force on exit day—
  - (a) section 1 (saving of ECA for implementation period);
  - (b) section 2 (additional saving for implementation period);
  - (c) section 5 (general implementation of remainder of withdrawal agreement);
  - (d) section 6 (general implementation of related EEA EFTA and Swiss agreements);
  - (e) section 10 (retention of existing grounds for deportation);
  - (f) section 15(1) and (2) (Independent Monitoring Authority for the Citizens’ Rights Agreements);

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(1) 2020 c. 1.

(2) As defined in Schedule 1 of the Interpretation Act 1978 c. 30.

- (g) section 15(3) so far as it relates to the provisions mentioned in paragraph (m);
- (h) section 25(4)(b) and (6)(a) (retention of saved EU law at end of implementation period) for the purposes of section 5(6) of, and Schedule 1 to, EUWA so far as they are in force on exit day;
- (i) section 26(1)(a) (interpretation of retained EU law) so far as it relates to section 6(7) of EUWA;
- (j) section 26(2) (interpretation of relevant separation agreement law);
- (k) section 27 (dealing with deficiencies in retained EU law);
- (l) section 41(4) and (6) (consequential and transitional provision etc.) so far as relating to any provision so far as it falls within paragraph (n);
- (m) paragraphs 1 to 13, 18, 19, 34 and 41 of Schedule 2 (Independent Monitoring Authority for the Citizens' Rights Agreements);
- (n) the following provisions of Schedule 5 (consequential and transitional provision etc.)—
  - (i) paragraph 3(1);
  - (ii) paragraph 7(c);
  - (iii) paragraph 11;
  - (iv) paragraph 12(c);
  - (v) paragraph 18 for the purposes of making regulations under section 30A of the Scotland Act 1998<sup>(3)</sup>;
  - (vi) paragraph 19 for the purposes of making regulations under section 57(4) of the Scotland Act 1998;
  - (vii) paragraph 23 for the purposes of making regulations under section 6A of the Northern Ireland Act 1998<sup>(4)</sup>;
  - (viii) paragraph 25 for the purposes of making regulations under section 24(3) of the Northern Ireland Act 1998;
  - (ix) paragraph 28 for the purposes of making regulations under section 80(8) of the Government of Wales Act 2006<sup>(5)</sup>;
  - (x) paragraph 29 for the purposes of making regulations under section 109A of the Government of Wales Act 2006;
  - (xi) paragraph 33;
  - (xii) paragraph 35;
  - (xiii) paragraph 36(c);
  - (xiv) paragraph 37(d);
  - (xv) paragraph 40(1), (2) and (5);
  - (xvi) paragraph 43;
  - (xvii) paragraph 44(2)(b), (c) and (f) to (h) and (4);
  - (xviii) paragraph 45;
  - (xix) paragraph 46;
  - (xx) paragraph 47(3) and (5);
  - (xxi) paragraph 48(1), (2) and (4);

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(3) 1998 c. 46.  
(4) 1998 c. 47.  
(5) 2006 c. 32.

- (xxii) paragraph 49;
- (xxiii) paragraph 51 for the purposes of making regulations under section 1A(3)(a)(ii) of EUWA;
- (xxiv) paragraph 53(5), (7)(b) and (8)(b);
- (xxv) paragraph 54(1), (4), (5) and (7);
- (xxvi) paragraph 55(1) and (2);
- (xxvii) paragraph 56(7)(a) so far as it amends paragraph 41(3) to (9) of Schedule 8 to EUWA;
- (xxviii) paragraphs 58 to 62; and
- (xxix) paragraph 63.

29th January 2020

*Steve Barclay*  
Secretary of State for Exiting the European  
Union  
Department for Exiting the European Union

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

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## EXPLANATORY NOTE

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

These Regulations bring into force various provisions of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the Act”). These are the first commencement regulations made under the Act. Certain provisions came into force on the passing of the Act. Certain provisions will come into force upon the Royal Assent of the Direct Payments to Farmers (Legislative Continuity) Bill, if that Bill is passed. The Act is the key piece of domestic legislation giving effect to international obligations contained in the draft 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”), which will be ratified shortly after the making of these Regulations.

Regulation 3 brings into force section 41(4) in relation to paragraph 1(1) and (2) of Schedule 5, which provides for ‘exit day’ to be read as ‘IP completion day’ in commencement dates for subordinate legislation, except where this is expressly dis-applied.

Regulation 4(a) brings into force section 1 of the Act, which inserts a new section 1A into EUWA in order to save and amend the European Communities Act 1972 (c. 68) for the purpose of giving effect to Part 4 of the Withdrawal Agreement.

Regulation 4(b) brings into force section 2 of the Act, which inserts a new section 1B into EUWA in order to save certain provisions of the ECA for the purposes of the implementation period.

Regulation 4(c) brings into force section 5 of the Act, which inserts new section 7A into EUWA. New section 7A gives domestic legal effect to the withdrawal agreement (other than Part 4 so far as section 2(1) of the European Communities Act 1972 applies in relation to it).

Regulation 4(d) brings into force section 6 of the Act, which inserts new section 7B into EUWA. New section 7B gives domestic legal effect to the EEA EFTA separation agreement and the Swiss citizens’ rights agreement.

Regulation 4(e) brings into force section 10 of the Act, which provides for the retention of existing grounds for deportation for relevant persons.

Regulation 4(f) brings into force section 15(1) and (2) of the Act, which establishes the independent monitoring authority (“IMA”).

Regulation 4(g) brings into force section 15(3) of the Act, which relates to functions of the IMA required for exit day.

Regulation 4(h) brings into force section 25(4)(b) of the Act, which relates to consequential amendments to EUWA regarding separation agreement law.

Regulation 4(i) brings into force section 26(1)(a) of the Act, which substitutes “IP Completion Day” for “exit day” to the extent required by section 6(7) of EUWA.

Regulation 4(j) brings into force section 26(2) of the Act, which inserts new section 7C into EUWA. New section 7C makes provision for the way in which relevant separation agreement law is to be interpreted.

Regulation 4(k) brings into force section 27 of the Act, which amends section 8 of and Schedule 2 to EUWA in relation to provisions for dealing with deficiencies in retained EU law.

Regulation 4(l) brings into force section 41(4) and (6) of the Act, for the purposes of those provisions commenced under Regulation 4 (n). These provisions introduce Parts 1 and 2, and Part 3 of Schedule 5 respectively.

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Regulation 4(m) brings into force the specified paragraphs of Schedule 2 to the Act, which make provision in relation to the constitution and proceedings of the IMA as well as the supplementary powers of the IMA and the interpretation of the Schedule.

Regulation 4(n) brings into force various consequential and transitional provisions contained in Schedule 5 to the Act.