



European Union (Withdrawal) Act 2018

2018 CHAPTER 16

Devolution

10 [F¹Protection for] North-South co-operation and F²... prevention of new border arrangements

(1) In exercising any of the powers under this Act, a Minister of the Crown or devolved authority must—

- (a) act in a way that is compatible with the terms of the Northern Ireland Act 1998, and
- (b) have due regard to the joint report from the negotiators of the EU and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 of the Treaty on European Union.

(2) Nothing in section 8 F³... or 23(1) or (6) of this Act authorises regulations which—

- (a) diminish any form of North-South cooperation provided for by the Belfast Agreement F⁴..., or
- (b) create or facilitate border arrangements between Northern Ireland and the Republic of Ireland after exit day which feature physical infrastructure, including border posts, or checks and controls, that did not exist before exit day and are not in accordance with an agreement between the United Kingdom and the EU.

[F⁵(3) A Minister of the Crown may not agree to the making of a recommendation by the Joint Committee under Article 11(2) of the Protocol on Ireland/Northern Ireland in the withdrawal agreement (recommendations as to North-South cooperation) to—

- (a) alter the arrangements for North-South co-operation as provided for by the Belfast Agreement,
- (b) establish a new implementation body, or
- (c) alter the functions of an existing implementation body.

(4) In this section—

“the Belfast Agreement” has the meaning given by section 98 of the Northern Ireland Act 1998;

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“implementation body” has the meaning given by section 55(3) of that Act.]

Textual Amendments

- F1** Words in s. 10 heading substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 41\(2\)\(a\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F2** Word in s. 10 heading omitted (31.12.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 41\(2\)\(b\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F3** Word in s. 10(2) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(viii\), Sch. 5 para. 41\(3\)\(a\)](#) (with s. 38(3), Sch. 5 para. 66)
- F4** Words in s. 10(2)(a) omitted (31.12.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 41\(3\)\(b\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F5** S. 10(3)(4) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 24, 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(c)

11 Powers involving devolved authorities corresponding to sections 8 [^{F6} to 8C]

Schedule 2 (which confers powers to make regulations involving devolved authorities which correspond to the powers conferred by sections 8 [^{F7} to 8C]) has effect.

Textual Amendments

- F6** Words in s. 11 heading substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(viii\), Sch. 5 para. 42](#) (with s. 38(3), Sch. 5 para. 66)
- F7** Words in s. 11 substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(viii\), Sch. 5 para. 42](#) (with s. 38(3), Sch. 5 para. 66)

12 Retaining EU restrictions in devolution legislation etc.

^{F8}(1)

^{F8}(2)

^{F8}(3)

^{F8}(4)

^{F8}(5)

^{F8}(6)

(7) Part 1 of Schedule 3 (which makes corresponding provision in relation to executive competence to that made by subsections (1) to (6) in relation to legislative competence) has effect.

^{F9}(8)

(9) A Minister of the Crown may by regulations—

(a) repeal any of the following provisions—

(i) section 30A or 57(4) to (15) of the Scotland Act 1998,

(ii) section 80(8) to (8L) or 109A of the Government of Wales Act 2006,
or

(iii) section 6A or 24(3) to (15) of the Northern Ireland Act 1998, or

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(b) modify any enactment in consequence of any such repeal.

^{F10}(10)

^{F11}(11)

(12) Part 3 of Schedule 3 (which contains amendments of devolution legislation not dealt with elsewhere) has effect.

^{F12}(13)

Textual Amendments

- F8** S. 12(1)-(6) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **6(2)**
- F9** S. 12(8) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **6(2)**
- F10** S. 12(10) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **6(2)**
- F11** S. 12(11) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **6(2)**
- F12** S. 12(13) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **6(2)**

Commencement Information

- I1** S. 12(2)(4)(6)(7)(8)(12) in force for specified purposes at Royal Assent, see s. 25(1)(b)(2)(3)
- I2** S. 12(9)-(11)(13) in force at 4.7.2018 by S.I. 2018/808, **reg. 3(c)**
- I3** S. 12(1)(3)(5) in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(g)** (with reg. 10)
- I4** S. 12(2)(4)(6)(7)(8)(12) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, **reg. 3(g)** (with reg. 10)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(A1)-(A3) inserted by [2023 c. 28 s. 3\(1\)](#)
- s. 5(A4) inserted by [2023 c. 28 s. 4\(2\)\(a\)](#)
- s. 5(A2) words substituted by [2023 c. 28 Sch. 2 para. 8\(2\)](#)
- s. 5(8) inserted by [2023 c. 28 s. 3\(2\)](#)
- s. 5(8) words substituted by [2023 c. 28 Sch. 2 para. 8\(2\)](#)
- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(5ZA\)](#)
- s. 6(6B) inserted by [2023 c. 28 s. 6\(6\)](#)
- s. 6A-6C inserted by [2023 c. 28 s. 6\(8\)](#)
- s. 6A word substituted by [2023 c. 28 Sch. 2 para. 8\(4\)](#)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#)
- s. 6D inserted by [2023 c. 28 s. 8](#)
- s. 6D(1)(a) words substituted by [2023 c. 28 Sch. 2 para. 8\(7\)](#)
- s. 6D(1)(b) words substituted by [2023 c. 28 Sch. 2 para. 8\(7\)](#)
- s. 7(4A) words substituted by [2023 c. 28 Sch. 2 para. 8\(8\)\(b\)](#)
- Sch. 8 para. 11A(2) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(b\)](#)
- Sch. 8 para. 11B(2) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(b\)](#)
- Sch. 8 para. 11A(3) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(d\)\(i\)](#)
- Sch. 8 para. 11B(3) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(d\)\(i\)](#)
- Sch. 8 para. 11A(3) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(d\)\(ii\)](#)
- Sch. 8 para. 11B(3) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(d\)\(ii\)](#)