



# European Union (Withdrawal) Act 2018

## 2018 CHAPTER 16

### *Financial and other matters*

#### **14 Financial provision**

- (1) Schedule 4 (which contains powers in connection with fees and charges) has effect.
- (2) A Minister of the Crown, government department or devolved authority may incur expenditure, for the purpose of, or in connection with, preparing for anything about which provision may be made under a power to make subordinate legislation conferred or modified by or under this Act, before any such provision is made.
- (3) There is to be paid out of money provided by Parliament—
  - (a) any expenditure incurred by a Minister of the Crown, government department or other public authority by virtue of this Act, and
  - (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.
- (4) Subsection (3) is subject to any other provision made by or under this Act or any other enactment.

#### **15 Publication and rules of evidence**

- (1) Part 1 of Schedule 5 (which makes provision for the publication by the Queen's Printer of copies of retained direct EU legislation and related information) has effect.
- (2) Part 2 of Schedule 5 (which makes provision about rules of evidence) has effect.

#### **Commencement Information**

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| <b>I1</b> | S. 15 in force at 4.7.2018 for specified purposes by <a href="#">S.I. 2018/808</a> , <a href="#">reg. 3(d)(e)</a>                               |
| <b>I2</b> | S. 15(1) in force at 3.7.2019 in so far as not already in force by <a href="#">S.I. 2019/1077</a> , <a href="#">reg. 2(b)</a>                   |
| <b>I3</b> | <a href="#">S. 15(2)</a> in force at 31.12.2020 in so far as not already in force by <a href="#">S.I. 2020/1622</a> , <a href="#">reg. 3(h)</a> |

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## [<sup>F1</sup>15A Prohibition on extending implementation period

A Minister of the Crown may not agree in the Joint Committee to an extension of the implementation period.]

### Textual Amendments

- F1** S. 15A inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 33, 42(6)** (c) (with s. 38(3), Sch. 5 para. 66)

## [<sup>F2</sup>15B Ministerial co-chairs of the Joint Committee

The functions of the United Kingdom's co-chair of the Joint Committee, under Annex VIII of the withdrawal agreement (rules of procedure of the Joint Committee and specialised committees), are to be exercised personally by a Minister of the Crown (and, accordingly, only a Minister of the Crown may be designated as a replacement under Rule 1(3)).]

### Textual Amendments

- F2** S. 15B inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 34, 42(6)** (c) (with s. 38(3), Sch. 5 para. 66)

## [<sup>F3</sup>15C No use of written procedure in the Joint Committee

- (1) The United Kingdom's co-chair of the Joint Committee may not consent to the Joint Committee using the written procedure provided for in Rule 9(1) of Annex VIII of the withdrawal agreement.
- (2) In subsection (1) the reference to the United Kingdom's co-chair of the Joint Committee includes a reference to any designee of the co-chair designated under Rule 1(3) of Annex VIII of the withdrawal agreement.]

### Textual Amendments

- F3** S. 15C inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 35, 42(6)** (c) (with s. 38(3), Sch. 5 para. 66)

## <sup>F4</sup>16 Maintenance of environmental principles etc.

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### Textual Amendments

- F4** S. 16 repealed (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 36(b), 42(6)(c)** (with s. 38(3), Sch. 5 para. 66)

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## 17 Family unity for those seeking asylum or other protection in Europe

[<sup>F5</sup>(1) A Minister of the Crown must, within the period of two months beginning with the day on which the European Union (Withdrawal Agreement) Act 2020 is passed, lay before Parliament a statement of policy in relation to any future arrangements between the United Kingdom and the EU about—

- (a) unaccompanied children, who make an application for international protection to a member State, coming to the United Kingdom where it is in their best interests to join a relative who—
  - (i) is a lawful resident of the United Kingdom, or
  - (ii) has made a protection claim which has not been decided, and
- (b) unaccompanied children in the United Kingdom, who make a protection claim, going to a member State to join a relative there in equivalent circumstances.]

(2) For the purposes of subsection (1)(a)(i) a person is not a lawful resident of the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.

(3) For the purposes of subsection (1)(a)(ii), a protection claim is decided—

- (a) when the Secretary of State notifies the claimant of the Secretary of State's decision on the claim, unless the claimant appeals against the decision, or
- (b) if the claimant appeals against the Secretary of State's decision on the claim, when the appeal is disposed of.

(4) In this section—

“application for international protection” has the meaning given by Article 2(h) of [Directive 2011/95/EU](#) of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;

“protection claim” has the same meaning as in Part 5 of the Nationality, Immigration and Asylum Act 2002 (see section 82(2) of that Act);

“relative”, in relation to an unaccompanied child, means—

- (a) a spouse or civil partner of the child or any person with whom the child has a durable relationship that is similar to marriage or civil partnership, or
- (b) a parent, grandparent, uncle, aunt, brother or sister of the child;

“unaccompanied child” means a person under the age of 18 (“the child”) who is not in the care of a person who—

- (a) is aged 18 or over, and
- (b) by law or custom of the country or territory in which the child is present, has responsibility for caring for the child.

### Textual Amendments

**F5** S. 17(1) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 37, 42(6)(c)** (with [s. 38\(3\)](#), [Sch. 5 para. 66](#))

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<sup>F6</sup>**18 Customs arrangement as part of the framework for the future relationship**

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**Textual Amendments**

- F6** S. 18 repealed (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), ss. **36(b)**, 42(6)(c) (with s. 38(3), Sch. 5 para. 66)

<sup>F7</sup>**19 Future interaction with the law and agencies of the EU**

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**Textual Amendments**

- F7** S. 19 repealed (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), ss. **36(c)**, 42(6)(c) (with s. 38(3), Sch. 5 para. 66)

**Changes to legislation:**

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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\(15\)\(d\)\(ii\)](#)