

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 12(7), (8) and (12)

FURTHER AMENDMENTS OF DEVOLUTION LEGISLATION AND REPORTING REQUIREMENT

PART 1

CORRESPONDING PROVISION IN RELATION TO EXECUTIVE COMPETENCE

Scotland Act 1998

- 1 In section 57 of the Scotland Act 1998 (EU law and Convention rights)—
- (a) in subsection (2) (no power for members of the Scottish Government to make subordinate legislation, or otherwise act, incompatibly with EU law) omit “or with EU law”, and
 - (b) after subsection (3) insert—
 - “(4) A member of the Scottish Government has no power to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law and the modification is of a description specified in regulations made by a Minister of the Crown.
 - (5) But subsection (4) does not apply—
 - (a) so far as the modification would be within the legislative competence of the Parliament if it were included in an Act of the Scottish Parliament, or
 - (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.
 - (6) A Minister of the Crown must not lay for approval before each House of the Parliament of the United Kingdom a draft of a statutory instrument containing regulations under subsection (4) unless—
 - (a) the Scottish Parliament has made a consent decision in relation to the laying of the draft, or
 - (b) the 40 day period has ended without the Parliament having made such a decision.
 - (7) For the purposes of subsection (6) a consent decision is—
 - (a) a decision to agree a motion consenting to the laying of the draft,
 - (b) a decision not to agree a motion consenting to the laying of the draft, or
 - (c) a decision to agree a motion refusing to consent to the laying of the draft;

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and a consent decision is made when the Parliament first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).

- (8) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (6) must—
 - (a) provide a copy of the draft to the Scottish Ministers, and
 - (b) inform the Presiding Officer that a copy has been so provided.
- (9) See also paragraph 6 of Schedule 7 (duty to make explanatory statement about regulations under subsection (4) including a duty to explain any decision to lay a draft without the consent of the Parliament).
- (10) No regulations may be made under subsection (4) after the end of the period of two years beginning with exit day.
- (11) Subsection (10) does not affect the continuation in force of regulations made under subsection (4) at or before the end of the period mentioned in subsection (10).
- (12) Any regulations under subsection (4) which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to the making, confirming or approving of subordinate legislation after the end of that period.
- (13) Subsections (6) to (11) do not apply in relation to regulations which only relate to a revocation of a specification.
- (14) The restriction in subsection (4) is in addition to any restriction in section 7 of the European Union (Withdrawal) Act 2018 or elsewhere on the power of a member of the Scottish Government to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law.
- (15) In this section—

“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the Scottish Ministers,

and, in calculating that period, no account is to be taken of any time during which the Parliament is dissolved or during which it is in recess for more than four days.”

Commencement Information

- I1** Sch. 3 para. 1(b) in force for specified purposes at Royal Assent, see s. 25(3)(a)
- I2** Sch. 3 para. 1(a) in force at 31.12.2020 by S.I. 2020/1622, reg. 3(1) (with regs. 10, 22)
- I3** Sch. 3 para. 1(b) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 3(1) (with reg. 10)

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Government of Wales Act 2006

- 2 In section 80 of the Government of Wales Act 2006 (EU law) for subsection (8) (no power for the First Minister, the Counsel General or the Welsh Ministers to make, confirm or approve subordinate legislation, or otherwise act, incompatibly with EU law etc.) substitute—

“(8) The Welsh Ministers have no power to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law and the modification is of a description specified in regulations made by a Minister of the Crown.

(8A) But subsection (8) does not apply—

- (a) so far as the modification would be within the Assembly's legislative competence if it were included in an Act of the Assembly, or
- (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.

(8B) No regulations are to be made under subsection (8) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.

(8C) A Minister of the Crown must not lay a draft as mentioned in subsection (8B) unless—

- (a) the Assembly has made a consent decision in relation to the laying of the draft, or
- (b) the 40 day period has ended without the Assembly having made such a decision.

(8D) For the purposes of subsection (8C) a consent decision is—

- (a) a decision to agree a motion consenting to the laying of the draft,
- (b) a decision not to agree a motion consenting to the laying of the draft, or
- (c) a decision to agree a motion refusing to consent to the laying of the draft;

and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).

(8E) In subsection (8C)—

“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the Welsh Ministers,

and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.

(8F) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (8B) must—

- (a) provide a copy of the draft to the Welsh Ministers, and
- (b) inform the Presiding Officer that a copy has been so provided.

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- (8G) See also section 157ZA (duty to make explanatory statement about regulations under subsection (8) including a duty to explain any decision to lay a draft without the consent of the Assembly).
- (8H) No regulations may be made under subsection (8) after the end of the period of two years beginning with exit day.
- (8I) Subsection (8H) does not affect the continuation in force of regulations made under subsection (8) at or before the end of the period mentioned in subsection (8H).
- (8J) Any regulations under subsection (8) which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to the making, confirming or approving of subordinate legislation after the end of that period.
- (8K) Subsections (8C) to (8I) do not apply in relation to regulations which only relate to a revocation of a specification.
- (8L) The restriction in subsection (8) is in addition to any restriction in section 7 of the European Union (Withdrawal) Act 2018 or elsewhere on the power of the Welsh Ministers to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law.”

Commencement Information

- I4** [Sch. 3 para. 2](#) in force for specified purposes at Royal Assent, see [s. 25\(3\)\(b\)](#)
- I5** [Sch. 3 para. 2](#) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), [reg. 3\(I\)](#) (with [reg. 10](#))

Northern Ireland Act 1998

- 3 In section 24 of the Northern Ireland Act 1998 (EU law, Convention rights etc.)—
 - (a) omit subsection (1)(b) (no power for the First Minister, the deputy First Minister, a Northern Ireland Minister or a Northern Ireland department to make, confirm or approve subordinate legislation, or otherwise act, incompatibly with EU law), and
 - (b) after subsection (2) insert—
 - “(3) A Minister or Northern Ireland department has no power to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law and the modification is of a description specified in regulations made by a Minister of the Crown.
 - (4) But subsection (3) does not apply—
 - (a) so far as the modification would be within the legislative competence of the Assembly if it were included in an Act of the Assembly, or
 - (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.

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- (5) A Minister of the Crown must not lay for approval before each House of the Parliament a draft of a statutory instrument containing regulations under subsection (3) unless—
 - (a) the Assembly has made a consent decision in relation to the laying of the draft, or
 - (b) the 40 day period has ended without the Assembly having made such a decision.
- (6) For the purposes of subsection (5) a consent decision is—
 - (a) a decision to agree a motion consenting to the laying of the draft,
 - (b) a decision not to agree a motion consenting to the laying of the draft, or
 - (c) a decision to agree a motion refusing to consent to the laying of the draft;and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).
- (7) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (5) must—
 - (a) provide a copy of the draft to the relevant Northern Ireland department, and
 - (b) inform the Presiding Officer that a copy has been so provided.
- (8) See also section 96A (duty to make explanatory statement about regulations under subsection (3) including a duty to explain any decision to lay a draft without the consent of the Assembly).
- (9) No regulations may be made under subsection (3) after the end of the period of two years beginning with exit day.
- (10) Subsection (9) does not affect the continuation in force of regulations made under subsection (3) at or before the end of the period mentioned in subsection (9).
- (11) Any regulations under subsection (3) which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to the making, confirming or approving of subordinate legislation after the end of that period.
- (12) Subsections (5) to (10) do not apply in relation to regulations which only relate to a revocation of a specification.
- (13) Regulations under subsection (3) may include such supplementary, incidental, consequential, transitional, transitory or saving provision as the Minister of the Crown making them considers appropriate.
- (14) The restriction in subsection (3) is in addition to any restriction in section 7 of the European Union (Withdrawal) Act 2018 or elsewhere on the power of a Minister or Northern Ireland

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department to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law.

(15) In this section—

“the relevant Northern Ireland department” means such Northern Ireland department as the Minister of the Crown concerned considers appropriate;

“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the relevant Northern Ireland department,

and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.”

Commencement Information

- I6** Sch. 3 para. 3(b) in force for specified purposes at Royal Assent, see s. 25(3)(c)
I7 Sch. 3 para. 3(a) in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
I8 Sch. 3 para. 3(b) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 3(l) (with reg. 10)

PART 2

REPORTS IN CONNECTION WITH RETAINED EU LAW RESTRICTIONS

Reports on progress towards removing retained EU law restrictions

- 4 (1) After the end of each reporting period, a Minister of the Crown must lay before each House of Parliament a report which—
- (a) contains details of any steps which have been taken in the reporting period by Her Majesty's Government (whether or not in conjunction with any of the appropriate authorities) towards implementing any arrangements which are to replace any relevant powers or retained EU law restrictions,
 - (b) explains how principles—
 - (i) agreed between Her Majesty's Government and any of the appropriate authorities, and
 - (ii) relating to implementing any arrangements which are to replace any relevant powers or retained EU law restrictions,
 have been taken into account during the reporting period,
 - (c) specifies any relevant regulations, or regulations under section 12(9), which have been made in the reporting period,
 - (d) in relation to any retained EU law restriction which has effect at the end of the reporting period, sets out the Minister's assessment of the progress which still needs to be made before it can be removed,
 - (e) in relation to any relevant power that has not been repealed before the end of the reporting period, sets out the Minister's assessment of the progress which still needs to be made before it can be repealed, and

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- (f) contains any other information relating to any relevant powers or retained EU law restrictions, or the arrangements which are to replace them, that the Minister considers appropriate.
- (2) The first reporting period is the period of three months beginning with the day on which this Act is passed.
- (3) Each successive period of three months after the first reporting period is a reporting period.
- (4) A Minister of the Crown must provide a copy of every report laid before Parliament under this paragraph—
 - (a) to the Scottish Ministers,
 - (b) to the Welsh Ministers, and
 - (c) either to the First Minister in Northern Ireland and the deputy First Minister in Northern Ireland or to the relevant Northern Ireland department and its Northern Ireland Minister.
- (5) In sub-paragraph (4) “the relevant Northern Ireland department” means such Northern Ireland department as the Minister of the Crown concerned considers appropriate.
- (6) This paragraph ceases to apply when no retained EU law restrictions have effect and all the relevant powers have been repealed.

Interpretation

5 In this Part—

“appropriate authority” means—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, or
- (c) a Northern Ireland devolved authority;

“arrangement” means any enactment or other arrangement (whether or not legally enforceable);

“relevant power” means a power to make regulations conferred by—

- (a) section 30A or 57(4) of the Scotland Act 1998,
- (b) section 80(8) or 109A of the Government of Wales Act 2006, or
- (c) section 6A or 24(3) of the Northern Ireland Act 1998;

“relevant regulations” means regulations made under a relevant power;

“retained EU law restriction” means any restriction which arises by virtue of relevant regulations.

PART 3

OTHER AMENDMENTS OF DEVOLUTION LEGISLATION

Scotland Act 1998

6 The Scotland Act 1998 is amended as follows.

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Commencement Information

I9 Sch. 3 para. 6 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 7 In section 2 (ordinary general elections), in subsection (2A), omit paragraph (b) and the “or” before it.

Commencement Information

I10 Sch. 3 para. 7 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 8 In section 12 (power of the Scottish Ministers to make provision about elections), in subsection (4)(a)—
- (a) omit “or the European Parliamentary Elections Act 2002”, and
 - (b) omit “, European Parliamentary elections”.

Commencement Information

I11 Sch. 3 para. 8 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 9 (1) Section 12A (power of the Secretary of State to make provision about elections) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (a) insert “ and ”, and
 - (b) omit paragraph (c) and the “and” before it.
- (3) In subsection (3), omit paragraph (b) and the “and” before it.
- (4) In subsection (5)(a)—
- (a) omit “or the European Parliamentary Elections Act 2002”, and
 - (b) omit “, European Parliamentary elections”.

Commencement Information

I12 Sch. 3 para. 9 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 10 In section 32 (submission of Bills for Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

Commencement Information

I13 Sch. 3 para. 10 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

- 11 Omit section 34 (ECJ references).

Commencement Information

I14 Sch. 3 para. 11 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

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- 12 (1) Section 36 (stages of Bills) is amended as follows.
- (2) In subsection (4), omit paragraph (b) but not the “or” at the end of it.
- (3) In subsection (5)(a), omit “, (b)”.

Commencement Information

I15 Sch. 3 para. 12 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 11, 22)

- 13 (1) Section 57 (EU law and Convention rights) is amended as follows.
- (2) In the heading—
- (a) omit “EU law and”, and
- (b) after “rights” insert “ and retained EU law ”.
- (3) Omit subsection (1).

Commencement Information

I16 Sch. 3 para. 13 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 14 (1) Section 80D (Scottish taxpayers) is amended as follows.
- (2) In subsection (4)—
- (a) insert “ or ” at the end of paragraph (a), and
- (b) omit paragraph (b) and the “or” at the end of it.
- (3) In subsection (4B), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I17 Sch. 3 para. 14 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 12 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 15 In section 80DA (Scottish taxpayers: Welsh parliamentarians), in subsection (2)(a), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I18 Sch. 3 para. 15 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 12 of the commencing S.I. by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 16 (1) Section 82 (limits on salaries of members of the Parliament) is amended as follows.
- (2) In subsection (1)—
- (a) insert “ or ” at the end of paragraph (za), and
- (b) omit paragraph (b) and the “or” before it.
- (3) In subsection (2)(b), for “(1)(za), (a) or (b)” substitute “ (1)(za) or (a) ”.

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Commencement Information

I19 Sch. 3 para. 16 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 17 (1) Section 106 (power to adapt functions) is amended as follows.
- (2) In subsection (5), for “an obligation under EU law” substitute “ a retained EU obligation ”.
- (3) Omit subsection (7).

Commencement Information

I20 Sch. 3 para. 17 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 18 In section 119 (Consolidated Fund etc.), omit subsection (4).

Commencement Information

I21 Sch. 3 para. 18 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 19 (1) Section 126 (interpretation) is amended as follows.
- (2) Omit subsection (9).
- (3) In subsection (10), omit “EU law or”.

Commencement Information

I22 Sch. 3 para. 19 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 20 In section 127 (index of defined expressions), omit the entry for EU law.

Commencement Information

I23 Sch. 3 para. 20 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 21 (1) Schedule 4 (enactments etc. protected from modification) is amended as follows.
- (2) In paragraph 1(2)—
- (a) omit paragraph (c), and
 - (b) after paragraph (f) insert “,
 - (g) the European Union (Withdrawal) Act 2018 (other than paragraphs 31 to 35 of Schedule 8 to that Act and any regulations made under that Act)”.
- (3) Omit paragraph 13(1)(a).

Commencement Information

I24 Sch. 3 para. 21(2)(b) in force at Royal Assent, see s. 25(1)(b)

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I25 Sch. 3 para. 21(1)(2)(a)(3) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))

- 22 In Part 2 of Schedule 5 (specific reservations), in section C8 (product standards, safety and liability), for the words from “Technical standards and” to “EU law” substitute— “ The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law. ”

Commencement Information

I26 Sch. 3 para. 22 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [reg. 10](#))

- 23 (1) Paragraph 1 of Schedule 6 (devolution issues) is amended as follows.
- (2) In the first paragraph (d) for “with EU law” substitute “ in breach of the restriction in section 57(4) ”.
- (3) In paragraph (e), omit “or with EU law”.
- (4) In the second sentence for the words from “the compatibility” to the end substitute “ a compatibility issue (within the meaning given by section 288ZA(2) of the Criminal Procedure (Scotland) Act 1995) ”.

Commencement Information

I27 Sch. 3 para. 23 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))

- 24 (1) The table in paragraph 1(2) of Schedule 7 (procedure for subordinate legislation) is amended as follows.
- (2) After the entry for section 30 insert—

“Section 30A	Type C”.
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- (3) After the entry for section 56(2) insert—

“Section 57(4)	Type C”.
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Commencement Information

I28 Sch. 3 para. 24(2)(3) in force for specified purposes at Royal Assent, see [s. 25\(3\)\(d\)\(e\)](#)

I29 Sch. 3 para. 24(1) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [reg. 10](#))

I30 Sch. 3 para. 24(2)(3) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [reg. 10](#))

- 25 After paragraph 5 of Schedule 7 (procedure for subordinate legislation: special cases) insert—
- “6 (1) This paragraph applies where a draft of an instrument containing regulations under section 30A or 57(4) is to be laid before each House of Parliament.

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- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
 - (a) must make a statement explaining the effect of the instrument, and
 - (b) in any case where the Parliament has not made a decision to agree a motion consenting to the laying of the draft—
 - (i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
 - (ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by the Scottish Ministers giving the opinion of the Scottish Ministers as to why the Parliament has not made that decision.
- (3) A statement of a Minister of the Crown under sub-paragraph (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (4) For the purposes of this paragraph, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- (5) This paragraph does not apply to a draft of an instrument which only contains regulations under section 30A or 57(4) which only relate to a revocation of a specification.”

Commencement Information

- I31** [Sch. 3 para. 25](#) in force for specified purposes at Royal Assent, see [s. 25\(3\)\(f\)](#)
- I32** [Sch. 3 para. 25](#) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [reg. 10](#))

- 26 In Schedule 8 (modifications of enactments), omit paragraph 15 and the heading before it.

Commencement Information

- I33** [Sch. 3 para. 26](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))

Government of Wales Act 2006

- 27 The Government of Wales Act 2006 is amended as follows.

Commencement Information

- I34** [Sch. 3 para. 27](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [reg. 10](#))

- 28 In section 3 (ordinary general elections), in subsection (1A), omit paragraph (b) and the “or” before it.

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Commencement Information

I35 Sch. 3 para. 28 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 29 In section 13(5) (power of the Welsh Ministers to make provision about elections etc.)—
- (a) omit paragraph (c) but not the “and” at the end of it, and
 - (b) in paragraph (d) omit “, European Parliamentary elections”.

Commencement Information

I36 Sch. 3 para. 29 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 30 (1) Section 13A (power of the Secretary of State to make provision about the combination of polls) is amended as follows.
- (2) In subsection (2)—
- (a) insert “ and ” at the end of paragraph (a), and
 - (b) omit paragraph (c) and the “and” before it.
- (3) In subsection (3), omit paragraph (b) and the “and” before it.

Commencement Information

I37 Sch. 3 para. 30 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 31 In section 16(3) (disqualification from being Assembly member) omit “(other than the United Kingdom)”.

Commencement Information

I38 Sch. 3 para. 31 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 32 (1) Section 21 (limit on salaries of Assembly members) is amended as follows.
- (2) In subsection (1)—
- (a) insert “ or ” at the end of paragraph (za), and
 - (b) omit paragraph (b) and the “or” before it.
- (3) In subsection (2)(b), for “(1)(za), (a), or (b)” substitute “ (1)(za) or (a) ”.

Commencement Information

I39 Sch. 3 para. 32 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 33 In section 58A (executive ministerial functions), in subsection (4)(d), for “obligations under EU law” substitute “ retained EU obligations ”.

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I40 Sch. 3 para. 33 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

34 Omit section 58B (implementation of EU law: general).

Commencement Information

I41 Sch. 3 para. 34 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

- 35 (1) Section 59 (implementation of EU law: designation of Welsh Ministers etc.) is amended as follows.
- (2) For the heading substitute “ Fees and charges in relation to international law ”.
- (3) Omit subsections (1) to (4).
- (4) In subsection (5), for “in pursuance of an EU obligation etc” substitute “ in pursuance of an international obligation ”.

Commencement Information

I42 Sch. 3 para. 35 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with regs. 10, 22)

36 In the heading before section 80 (EU law, human rights and international obligations etc.), before “EU” insert “ Retained ”.

Commencement Information

I43 Sch. 3 para. 36 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

- 37 (1) Section 80 (EU law) is amended as follows.
- (2) In the heading, before “EU” insert “ Retained ”.
- (3) In subsection (1), for “An EU obligation” substitute “ A retained EU obligation ”.
- (4) In subsection (2), for “an EU obligation” substitute “ a retained EU obligation ”.
- (5) In subsection (3)—
- (a) for “an EU obligation” substitute “ a retained EU obligation ”, and
 - (b) for “the EU obligation” substitute “ the retained EU obligation ”.
- (6) In subsection (7)—
- (a) for “an EU obligation” substitute “ a retained EU obligation ”, and
 - (b) for “the EU obligation” substitute “ the retained EU obligation ”.
- (7) In subsection (9), leave out “and (8)” and insert “ , (8) and (8L) ”.

Commencement Information

I44 Sch. 3 para. 37 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(I) (with reg. 10)

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 38 In section 111 (proceedings on Bills)—
- (a) in subsection (6), omit paragraph (b) but not the “or” at the end of it, and
 - (b) in subsection (7)(a), omit “, (b)”.

Commencement Information

I45 Sch. 3 para. 38 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 14, 22)

- 39 Omit section 113 (ECJ references).

Commencement Information

I46 Sch. 3 para. 39 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 14, 22)

- 40 In section 115 (Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

Commencement Information

I47 Sch. 3 para. 40 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 14, 22)

- 41 (1) Section 116E (Welsh taxpayers) is amended as follows.
- (2) In subsection (4)—
- (a) insert “ or ” at the end of paragraph (a), and
 - (b) omit paragraph (b) and the “or” at the end of it.
- (3) In subsection (6), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I48 Sch. 3 para. 41 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 15 of the commencing S.I. by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 42 In section 116F (Welsh taxpayers: Scottish parliamentarians), in subsection (2)(a), for “any of paragraphs (a) to (c)” substitute “ paragraph (a) or (c) ”.

Commencement Information

I49 Sch. 3 para. 42 in force at 31.12.2020 with effect in relation to the tax year 2020-21 and subsequent tax years in accordance with reg. 15 of the commencing S.I. by S.I. 2020/1622, reg. 3(l) (with reg. 10)

- 43 After section 157 (orders, regulations and directions) insert—

“157ZA Explanatory statements in relation to certain regulations

- (1) This section applies where a draft of a statutory instrument containing regulations under section 80(8) or 109A is to be laid before each House of Parliament.

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
 - (a) must make a statement explaining the effect of the instrument, and
 - (b) in any case where the Assembly has not made a decision to agree a motion consenting to the laying of the draft—
 - (i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
 - (ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by the Welsh Ministers giving the opinion of the Welsh Ministers as to why the Assembly has not made that decision.
- (3) A statement of a Minister of the Crown under subsection (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (4) For the purposes of this section, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- (5) This section does not apply to a draft of an instrument which only contains regulations under section 80(8) or 109A which only relate to a revocation of a specification.”

Commencement Information

- I50** Sch. 3 para. 43 in force for specified purposes at Royal Assent, see. s. 25(3)(g)
- I51** Sch. 3 para. 43 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 3(l) (with reg. 10)

- 44 In section 158(1) (interpretation)—
- (a) omit the definition of “EU law”, and
 - (b) in the definition of “international obligations” omit “EU law or”.

Commencement Information

- I52** Sch. 3 para. 44 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 45 In section 159 (index of defined expressions), omit the entry for EU law.

Commencement Information

- I53** Sch. 3 para. 45 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

- 46 In Schedule 3 (transfer etc. of functions: further provisions), omit paragraph 5 and the heading before it (EU obligations).

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I54 Sch. 3 para. 46 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

47 In Part 2 of Schedule 7A (specific reservations), in section C7 (product standards, safety and liability), for paragraph 77 substitute—

“77 The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law.”

Commencement Information

I55 Sch. 3 para. 47 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with reg. 10)

48 In paragraph 5(1) of Schedule 7B (protected enactments), in the table—
(a) omit the entry for the European Communities Act 1972, and
(b) after the entry for the Energy Act 2008 insert—

“The European Union (Withdrawal) Act 2018	The whole Act.”
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Commencement Information

I56 Sch. 3 para. 48(b) in force at Royal Assent, see s. 25(1)(b)

I57 Sch. 3 para. 48(a) in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

49 In Schedule 11 (transitional provisions), omit paragraph 35A and the heading before it (instrument containing provisions under transferred power and provision under power in section 2(2) of the European Communities Act 1972: Assembly procedure).

Commencement Information

I58 Sch. 3 para. 49 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

Northern Ireland Act 1998

50 The Northern Ireland Act 1998 is amended as follows.

Commencement Information

I59 Sch. 3 para. 50 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with reg. 10)

51 (1) Section 7 (entrenched enactments) is amended as follows.

(2) In subsection (1)—

- (a) for “subsection (2)” substitute “subsection (2A)”,
- (b) omit paragraph (a),
- (c) omit “and” at the end of paragraph (c), and
- (d) after paragraph (d) insert “; and

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(e) the European Union (Withdrawal) Act 2018”.

(3) Omit subsection (2).

(4) Before subsection (3) insert—

“(2A) Subsection (1) does not prevent an Act of the Assembly or subordinate legislation modifying—

- (a) paragraph 1(11) or (12) or 2(12) or (13) of Schedule 7 to the European Union (Withdrawal) Act 2018,
- (b) paragraph 21 of Schedule 8 to that Act, or
- (c) any regulations made under that Act.”

Commencement Information

I60 Sch. 3 para. 51(2)(c)(d)(4) in force at Royal Assent, see s. 25(1)(b)

I61 Sch. 3 para. 51(1)(2)(a)(b)(3) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))

52 Omit section 12 (reconsideration where reference made to ECJ).

Commencement Information

I62 [Sch. 3 para. 52](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 16, 22](#))

53 In section 13 (stages of Bills), omit subsection (5)(b).

Commencement Information

I63 [Sch. 3 para. 53](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 16, 22](#))

54 In section 14 (submission of Bills by the Secretary of State for Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.

Commencement Information

I64 [Sch. 3 para. 54](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 16, 22](#))

55 In the heading of section 24 (EU law, Convention rights etc.)—

- (a) omit “EU law,” and
- (b) after “rights” insert “ , retained EU law ”.

Commencement Information

I65 [Sch. 3 para. 55](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))

56 (1) Section 27 (quotas for purposes of international etc. obligations) is amended as follows.

(2) In subsection (1)(a), for “an obligation under EU law” substitute “ a retained EU obligation ”.

(3) In subsection (2), for “obligation under EU law” substitute “retained EU obligation”.

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(4) In subsection (4), omit “or an obligation under EU law”.

(5) After that subsection insert—

“(4A) Where an order under subsection (1) is in force in relation to a retained EU obligation, the Minister or Northern Ireland department must (in the exercise of the Minister's or the department's functions) achieve so much of the result to be achieved under the obligation as is specified in the order by the time or times so specified.”

Commencement Information

I66 Sch. 3 para. 56 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

57 After section 96(4) (orders and regulations) insert—

“(4A) Regulations under section 6A or 24(3)—

- (a) shall be made by statutory instrument, and
- (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

Commencement Information

I67 Sch. 3 para. 57 in force for specified purposes at Royal Assent, see. s. 25(3)(h)

I68 Sch. 3 para. 57 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 3(l) (with reg. 10)

58 After section 96 (orders and regulations) insert—

“96A Explanatory statements in relation to certain regulations

- (1) This section applies where a draft of a statutory instrument containing regulations under section 6A or 24(3) is to be laid before each House of Parliament.
- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
 - (a) must make a statement explaining the effect of the instrument, and
 - (b) in any case where the Assembly has not made a decision to agree a motion consenting to the laying of the draft—
 - (i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
 - (ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by a relevant Minister giving the opinion of the relevant Minister as to why the Assembly has not made that decision.
- (3) A statement of a Minister of the Crown under subsection (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) For the purposes of this section, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- (5) In this section “relevant Minister” means the First Minister and the deputy First Minister acting jointly or a Northern Ireland Minister.
- (6) This section does not apply to a draft of an instrument which only contains regulations under section 6A or 24(3) which only relate to a revocation of a specification.”

Commencement Information

- I69** [Sch. 3 para. 58](#) in force for specified purposes at Royal Assent, see [s. 25\(3\)\(h\)](#)
- I70** [Sch. 3 para. 58](#) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [reg. 10](#))

- 59 In section 98(1) (interpretation)—
- (a) omit the definition of “EU law”, and
 - (b) in the definition of “international obligations” omit “EU law or”.

Commencement Information

- I71** [Sch. 3 para. 59](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))

- 60 (1) Schedule 2 (excepted matters) is amended as follows.
- (2) In paragraph 3(c), for “, obligations under the Human Rights Convention and obligations under EU law” substitute “ and obligations under the Human Rights Convention ”.
 - (3) In paragraph 12(1), omit “, the European Parliament”.

Commencement Information

- I72** [Sch. 3 para. 60](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))

- 61 In Schedule 3 (reserved matters), in paragraph 38, for the words from “Technical” to “not” substitute “ The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law, other than ”.

Commencement Information

- I73** [Sch. 3 para. 61](#) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [reg. 10](#))

- 62 In paragraph 1(c) of Schedule 10 (devolution issues) omit the words from “, any obligation” to “such an obligation”.

Status: Point in time view as at 31/12/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I74 Sch. 3 para. 62 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(l)** (with regs. 10, 22)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

European Union (Withdrawal) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.