

Changes to legislation: European Union (Withdrawal) Act 2018, Cross Heading: Interpretation Act 1978 is up to date with all changes known to be in force on or before 22 July 2023. 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) View outstanding changes

SCHEDULES

SCHEDULE 8

CONSEQUENTIAL, TRANSITIONAL, TRANSITORY AND SAVING PROVISION

PART 2

SPECIFIC CONSEQUENTIAL PROVISION

Interpretation Act 1978

18 The Interpretation Act 1978 is amended as follows.

Commencement Information

II Sch. 8 para. 18 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(i)

19 In section 21(1) (meaning of “subordinate legislation”) after “any Act” insert “ or made or to be made on or after exit day under any retained direct EU legislation [^{F1}other than retained direct EU CAP legislation as so defined] ”.

Textual Amendments

F1 Words in Sch. 8 para. 19 inserted (30.4.2020) by The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 (S.I. 2020/463), regs. 1(1), 8

Commencement Information

I2 Sch. 8 para. 19 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n)

20 After section 23 (application to other instruments) insert—

“23ZA Retained direct EU legislation

- (1) The provisions of this Act (except sections 1 to 4, 13 and 19(2)) apply, so far as applicable and unless the contrary intention appears, to any retained direct EU legislation so far as it—
 - (a) is amended by an Act, subordinate legislation or devolution legislation, and
 - (b) is not subordinate legislation,as they apply to an Act passed at the corresponding time.
- (2) In their application by virtue of subsection (1)—
 - (a) section 10 has effect as if the reference to the passing of the Act were a reference to the corresponding time,

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- (b) section 11 has effect as if the second reference to an Act included a reference to the retained direct EU legislation so far as unamended (as well as a reference to that legislation so far as amended), and
 - (c) section 16(1) has effect as if the reference to the repealing Act not being passed were a reference to the repeal not having been made.
- (3) References in this Act to the repeal of an enactment are to be read, in the case of an enactment which is retained direct EU legislation, as references to the revocation of the enactment.
- (4) In Schedule 1—
- (a) in the definition of “Commencement”, the references to an enactment do not include any retained direct EU legislation other than—
 - (i) any such legislation to which subsection (1) applies, or
 - (ii) any instrument made on or after exit day under any retained direct EU legislation, and
 - (b) in the definitions of “The Corporation Tax Acts” and “The Income Tax Acts”, the references to an enactment do not include any retained direct EU legislation.
- (5) For the application of this Act to retained direct EU legislation which is subordinate legislation, see section 23(1) and (2).
- (6) In this section—
- “corresponding time” means the time when the amending Act, subordinate legislation or devolution legislation was passed or (as the case may be) made, and
- “devolution legislation” means—
- (a) an Act of the Scottish Parliament,
 - (b) a Measure or Act of the National Assembly for Wales,
 - (c) Northern Ireland legislation (for the meaning of which see section 24(5)), or
 - (d) an instrument made under anything falling within paragraph (a), (b) or (c).”

Commencement Information

I3 Sch. 8 para. 20 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(ii)

- 21 In section 24 (application to Northern Ireland), in subsection (4)—
- (a) omit “and related expressions”,
 - (b) after “Corporation Tax Acts;” insert—
 - “E.C.S.C. Treaty;
 - E.E.C. Treaty;”,
 - (c) after “state;” insert—
 - “Entry date;
 - The EU or the European Union;

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- EU institution;
- EU instrument;
- Euratom, Economic Community and Coal and Steel Community;
- Euratom Treaty;
- European Court;”,
- (d) after “Income Tax Acts;” insert— “ Member (in the expression “member State”); ”, and
- (e) after “The Tax Acts” insert “;
- The Treaties or the EU Treaties”.

Commencement Information

I4 Sch. 8 para. 21 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

- 22 In Schedule 1 (words and expressions defined)—
- (a) omit “ “The EU” or “the EU Treaties” and other expressions defined by section 1 of and Schedule 1 to the European Communities Act 1972 have the meanings prescribed by that Act.”,
 - (b) omit the definition of “EEA agreement”,
 - (c) omit the definition of “EEA state”,
 - (d) in the definition of “enactment”, before “does” insert “ includes any retained direct EU legislation but ”, and
 - (e) at the end insert—

“Definitions relating to the EU and the United Kingdom's withdrawal

“The Communities” means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU.

“E.C.S.C. Treaty” means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951.

“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time, but does not include any retained direct EU legislation. [8 January 2007]

“EEA state”, in relation to a time, means—

- (a) a state which at that time is a member State, or
- (b) any other state which at that time is a party to the EEA agreement. [8 January 2007]

“E.E.C. Treaty” means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957.

“Entry date” means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU).

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“The EU” or “the European Union” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom.

“EU institution” means any institution of the EU.

“EU instrument” means any instrument issued by an EU institution other than any retained direct EU legislation.

“Euratom”, “Economic Community” and “Coal and Steel Community” mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of “the Communities” for provision as to the construction of references to those Communities).

“Euratom Treaty” means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957.

“European Court” means the Court of Justice of the European Union.

“Exit day” (and related expressions) have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).

“Member”, in the expression “member State”, refers to membership of the EU.

“Retained EU law”, “retained direct minor EU legislation”, “retained direct principal EU legislation” and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see sections 6(7), 7(6) and 20(1) of that Act).

“Retained EU obligation” means an obligation that—

- (a) was created or arose by or under the EU Treaties before exit day, and
- (b) forms part of retained EU law,

as modified from time to time.

“The Treaties” or “the EU Treaties” means the Treaties or EU Treaties, within the meaning given by section 1(2) of the European Communities Act 1972 as that Act had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018, as at immediately before exit day.”

Commencement Information

- I5** Sch. 8 para. 22(d)(e) in force at 4.7.2018 for specified purposes by [S.I. 2018/808](#), [reg. 3\(g\)\(iii\)\(iv\)](#)
- I6** Sch. 8 para. 22(a)-(c) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [regs. 7, 22](#))
- I7** Sch. 8 para. 22(d)(e) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [reg. 7](#))

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