



European Union (Withdrawal) Act 2018

2018 CHAPTER 16

Retention of ^[F1]saved EU law at end of implementation period

7 Status of retained EU law

(1) Anything which—

- (a) was, immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind, and
- (b) continues to be domestic law on and after exit day by virtue of ^[F1]section 1A(2) or 1B(2)],

continues to be domestic law as an enactment of the same kind.

^[F2](1A) Anything which—

- (a) was, immediately before IP completion day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind, and
- (b) continues to be domestic law on and after IP completion day by virtue of section 2,

continues to be domestic law as an enactment of the same kind.]

^[F3](4A) Retained direct EU legislation, and anything which is retained EU law by virtue of section 4, may only be modified by—

- (a) primary legislation, or
- (b) subordinate legislation so far as it is made under a power which permits such a modification by virtue of—
 - (i) paragraph 3, 8(3), [11A](#), [11B](#) or 12(3) of Schedule 8,
 - (ii) any other provision made by or under this Act,
 - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
 - (iv) any provision made on or after the passing of this Act by or under primary legislation.]

Changes to legislation: European Union (Withdrawal) Act 2018, Section 7 is up to date with all changes known to be in force on or before 25 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

- (5) For other provisions about the status of retained EU law, see—
- (a) section 5(1) to (3) [^{F4}and (7)] (status of retained EU law in relation to other enactments or rules of law),
 - (b) section 6 (status of retained case law and retained general principles of EU law),
 - [^{F5}(ba) section 7C (status of case law of European Court etc. in relation to retained EU law which is relevant separation agreement law),]
 - (c) section 15(2) and Part 2 of Schedule 5 (status of retained EU law for the purposes of the rules of evidence),
 - [^{F6}(d) paragraph 16 of Schedule 8 (information about Scottish instruments which amend or revoke subordinate legislation under section 2(2) of the European Communities Act 1972),]
 - (e) paragraphs 19 and 20 of that Schedule (status of certain retained direct EU legislation for the purposes of the Interpretation Act 1978), and
 - (f) paragraph 30 of that Schedule (status of retained direct EU legislation for the purposes of the Human Rights Act 1998).
- (6) In this Act—
- “retained direct minor EU legislation” means any retained direct EU legislation which is not retained direct principal EU legislation;
- “retained direct principal EU legislation” means—
- (a) any EU regulation so far as it—
 - (i) forms part of domestic law on and after [^{F7}IP completion day] by virtue of section 3, and
 - (ii) was not EU tertiary legislation immediately before [^{F7}IP completion day], or
 - (b) any Annex to the EEA agreement so far as it—
 - (i) forms part of domestic law on and after [^{F7}IP completion day] by virtue of section 3, and
 - (ii) refers to, or contains adaptations of, any EU regulation so far as it falls within paragraph (a),
- (as modified by or under this Act or by other domestic law from time to time).

Textual Amendments

- F1** Words in s. 7(1)(b) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 40\(2\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); S.I. 2020/75, reg. 4(n)(xv)
- F2** S. 7(1A) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 40\(3\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); S.I. 2020/1622, reg. 5(j)
- F3** S. 7(4A) substituted for s. 7(2)-(4) (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(1)(d), [Sch. 3 para. 13](#)
- F4** Words in s. 7(5)(a) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 40\(4\)\(a\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); S.I. 2020/1622, reg. 5(j)
- F5** S. 7(5)(ba) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 40\(4\)\(b\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); S.I. 2020/1622, reg. 5(j)
- F6** S. 7(5)(d) substituted (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 10\(2\)\(a\), 22\(1\)\(d\)](#) (with s. 10(3))

Changes to legislation: *European Union (Withdrawal) Act 2018, Section 7 is up to date with all changes known to be in force on or before 25 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*

- F7** Words in s. 7(6) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 40\(5\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); [S.I. 2020/75](#), reg. 4(n)(xv)

Modifications etc. (not altering text)

- C1** S. 7(2)(3) applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), ss. 2(3)-(5), 9(3)

Commencement Information

- I1** S. 7(2)(3) in force at 30.1.2020 for specified purposes by [2020 c. 2](#), s. 2(11)(a)(b)
I2 S. 7(1)(6) in force at 31.1.2020 by [S.I. 2020/74](#), [reg. 2\(a\)](#)
I3 S. 7(4)(5) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(f\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 7(5) word substituted by [2023 c. 28 Sch. 2 para. 8\(8\)\(c\)\(i\)](#)
- s. 7(5)(a) words substituted by [2023 c. 28 s. 3\(3\)\(b\)](#)
- s. 7(5)(b) word substituted by [2023 c. 28 Sch. 2 para. 8\(8\)\(c\)\(ii\)](#)
- s. 7(5)(b) words omitted by [2023 c. 28 s. 4\(4\)](#)
- s. 7(5)(e) words substituted by [2023 c. 28 Sch. 2 para. 8\(8\)\(c\)\(iii\)](#)
- s. 7(5)(f) words substituted by [2023 c. 28 Sch. 2 para. 8\(8\)\(c\)\(iii\)](#)
- s. 7(6) omitted by [2023 c. 28 Sch. 2 para. 8\(8\)\(d\)](#)

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