

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 41(4) and (6)

#### CONSEQUENTIAL AND TRANSITIONAL PROVISION ETC.

#### PART 1

##### GENERAL CONSEQUENTIAL PROVISION

*Subordinate legislation with commencement by reference to exit day*

- 1 (1) Any provision in subordinate legislation made before exit day under—
- (a) any provision of the European Union (Withdrawal) Act 2018 (or any provision made under any such provision), or
  - (b) any other enactment,
- which provides, by reference to exit day (however expressed), for all or part of that or any other subordinate legislation to come into force immediately before exit day, on exit day or at any time after exit day is to be read instead as providing for the subordinate legislation or (as the case may be) the part to come into force immediately before IP completion day, on IP completion day or (as the case may be) at the time concerned after IP completion day.
- (2) Sub-paragraph (1) does not apply so far as it is expressly disapplied by the subordinate legislation that provides as mentioned in that sub-paragraph.
- (3) An appropriate authority may by regulations—
- (a) provide for sub-paragraph (1) not to apply to any extent in particular cases or descriptions of case, or
  - (b) make different provision in particular cases or descriptions of case to that made by sub-paragraph (1).
- (4) But see paragraph 2 for further provision about the power of a devolved authority acting alone to make regulations under sub-paragraph (3).
- (5) No regulations may be made under sub-paragraph (3) after the end of the period of one year beginning with IP completion day.
- (6) In this paragraph “appropriate authority” means—
- (a) a Minister of the Crown,
  - (b) a devolved authority, or
  - (c) a Minister of the Crown acting jointly with a devolved authority.

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#### Modifications etc. (not altering text)

- C1** Sch. 5 para. 1(1) disappplied (30.1.2020) by [The Value Added Tax \(Miscellaneous Amendments, Revocation and Transitional Provisions\) \(EU Exit\) Regulations 2019 \(Appointed Day No. 1\) \(EU Exit\) Regulations 2020 \(S.I. 2020/87\)](#), **reg. 3**
- C2** Sch. 5 para. 1(1) disappplied (31.1.2020 immediately before exit day) by [The Financial Services \(Consequential Amendments\) Regulations 2020 \(S.I. 2020/56\)](#), **reg. 1**
- C3** Sch. 5 para. 1(1) disappplied (31.1.2020) by [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), **reg. 1(2)**
- C4** Sch. 5 para. 1(1) disappplied (31.1.2020) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), **reg. 1(2)**
- C5** Sch. 5 para. 1(1) disappplied (31.1.2020) by [The Rules for Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/91\)](#), **reg. 1(2)**
- C6** Sch. 5 para. 1(1) disappplied (31.1.2020) by [The European Union \(Withdrawal Agreement\) Act 2020 \(Disapplication of the Deferral of Subordinate Legislation\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/93\)](#), **regs. 1, 2**
- C7** Sch. 5 para. 1(1) disappplied (31.1.2020) by [The Direct Payments to Farmers \(Legislative Continuity\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2020 \(S.S.I. 2020/18\)](#), **reg. 1(2)**
- C8** Sch. 5 para. 1(1) disappplied (31.1.2020) by [The Common Agricultural Policy \(Direct Payments to Farmers\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/104\)](#), **reg. 1(2)**

#### Commencement Information

- I1** Sch. 5 para. 1(3)-(6) in force at 23.1.2020, see s. 42(6)(e)(i)
- I2** Sch. 5 para. 1(1)(2) in force at 31.1.2020 by [S.I. 2020/75](#), **reg. 3(b)**

- 2 (1) No provision may be made by a devolved authority acting alone in regulations under paragraph 1(3) so far as those regulations relate to the coming into force of regulations under section 23(1) or (6) of, or paragraph 1(2)(b) of Schedule 1 to, the European Union (Withdrawal) Act 2018.
- (2) Subject to this, no provision may be made by a devolved authority acting alone in regulations under paragraph 1(3) relating to the coming into force of all or part of any subordinate legislation unless—
- (a) the devolved authority acting alone otherwise than under paragraph 1(3) made the provision for the coming into force of the subordinate legislation or part and either—
    - (i) the regulations provide for paragraph 1(1) not to apply to the subordinate legislation or part, or
    - (ii) the devolved authority acting alone otherwise than under paragraph 1(3) could provide for the subordinate legislation or part to come into force at the same time as is provided for by virtue of the regulations, or
  - (b) the devolved authority acting alone could make provision corresponding to that made by the subordinate legislation or part and could provide for that provision to come into force at the same time as is provided for by virtue of the regulations.
- (3) Where the test in sub-paragraph (2)(a) or (b) is (to any extent) only met by a devolved authority acting alone with the consent of a Minister of the Crown, the consent of a Minister of the Crown is required before the regulations under paragraph 1(3) may be made by the devolved authority acting alone.

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- (4) Except where sub-paragraph (3) applies, no provision may be made under paragraph 1(3) by a devolved authority acting alone unless the devolved authority has consulted a Minister of the Crown.

*Devolved preparatory legislation of a kind mentioned  
in paragraph 41(3) to (5) of Schedule 8 to EUWA 2018*

- 3 (1) Any provision of primary legislation which—
- (a) is made before exit day by virtue of any of sub-paragraphs (3) to (5) of paragraph 41 of Schedule 8 to the European Union (Withdrawal) Act 2018, and
  - (b) provides, by reference to exit day (however expressed), for itself or any other provision so made to come into force on exit day or at any time after exit day, is to be read instead as providing for the provision to come into force on IP completion day or (as the case may be) at that time after IP completion day.
- (2) But a relevant devolved authority may, by regulations and subject to sub-paragraphs (4) to (7)—
- (a) provide for sub-paragraph (1) not to apply to any extent in particular cases or descriptions of case,
  - (b) make different provision in particular cases or descriptions of case to that made by sub-paragraph (1), or
  - (c) make such provision as the relevant devolved authority considers appropriate in consequence of sub-paragraph (1) (including provision restating the effect of that sub-paragraph).
- (3) The power to make regulations under sub-paragraph (2) may (among other things) be exercised by modifying any provision made by or under an enactment.
- (4) No provision may be made by the Scottish Ministers in regulations under sub-paragraph (2) unless it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (5) No provision may be made by the Welsh Ministers in regulations under sub-paragraph (2) unless it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly (including any provision that could be made only with the consent of a Minister of the Crown).
- (6) No provision may be made by a Northern Ireland department in regulations under sub-paragraph (2) unless it would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of the Assembly (including any provision that could be made only with the consent of the Secretary of State).
- (7) No regulations may be made under sub-paragraph (2) after the end of the period of one year beginning with IP completion day.
- (8) In this paragraph “relevant devolved authority” means—
- (a) in relation to any provision of an Act of the Scottish Parliament, the Scottish Ministers,
  - (b) in relation to any provision of an Act of the National Assembly for Wales, the Welsh Ministers, and
  - (c) in relation to any provision of an Act of the Northern Ireland Assembly, a Northern Ireland department.

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#### Commencement Information

- I3** Sch. 5 para. 3(2)-(8) in force at 23.1.2020, see s. 42(6)(e)(ii)  
**I4** Sch. 5 para. 3(1) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(i)

#### *Power to make consequential regulations under EUWA 2018*

- 4 (1) The power of a Minister of the Crown under section 23(1) of the European Union (Withdrawal) Act 2018 to make such provision as the Minister considers appropriate in consequence of that Act includes the power to make such provision as the Minister considers appropriate in consequence of that Act as modified, or to be modified, by or under this Act (and references in the Act of 2018 to the power under section 23(1) of that Act are to be read accordingly).
- (2) Sub-paragraph (1) does not limit the power conferred by section 41(1) above.
- (3) The reference in sub-paragraph (1) to any modification by or under this Act of the European Union (Withdrawal) Act 2018 includes a reference to any modification made by or under this Act of a provision of another Act which was inserted into that other Act or otherwise modified by the Act of 2018.

## PART 2

### SPECIFIC CONSEQUENTIAL PROVISION ETC.

#### *Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))*

- 5 The Interpretation Act (Northern Ireland) 1954 is amended as follows.
- 6 In section 11 (references in enactments), in subsections (1C), (1D) and (1E), for “exit day” substitute “ IP completion day ”.

#### Commencement Information

- I5** Sch. 5 para. 6 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 7 In section 44A (definitions relating to the United Kingdom's withdrawal from the EU)—
- (a) before the definition of “exit day” insert—
- ““EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act),”
- (b) after the definition of “exit day” insert—
- ““IP completion day” (and related expressions) have the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) to (5) of that Act),” and
- (c) in the definition of “retained EU obligation” for “exit day” substitute “ IP completion day ”.

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#### Commencement Information

- I6** Sch. 5 para. 7(a)(b) in force at 23.1.2020, see s. 42(6)(e)(iv)  
**I7** Sch. 5 para. 7(c) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(ii)

#### *Interpretation Act 1978*

- 8 The Interpretation Act 1978 is amended as follows.  
9 In section 20(3) (references to other enactments) for “exit day” substitute “ IP completion day ”.

#### Commencement Information

- I8** Sch. 5 para. 9 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 10 In section 21(1) (meaning of “subordinate legislation”) for “exit day [<sup>F1</sup>under any retained direct EU legislation]” substitute “IP completion day [<sup>F1</sup>under any retained direct EU legislation]”.

#### Textual Amendments

- F1** Words in Sch. 5 para. 10 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), 9

#### Commencement Information

- I9** Sch. 5 para. 10 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 11 In section 23ZA(4)(a)(ii) (retained direct EU legislation) for “exit day” substitute “ IP completion day ”.

#### Commencement Information

- I10** Sch. 5 para. 11 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(iii)

- 12 In Schedule 1 (words and expressions defined), under the italic heading “Definitions relating to the EU and the United Kingdom’s withdrawal”—  
(a) before the definition of “exit day” insert—

““EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act).”

- (b) after the definition of “exit day” insert—

““IP completion day” (and related expressions) have the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) to (5) of that Act).”

- (c) in the definition of “retained EU obligation” for “exit day” substitute “ IP completion day ”, and  
(d) in the definition of “ “The Treaties” or “the EU Treaties””—

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- (i) for “or EU Treaties,” substitute “ or EU Treaties as at immediately before IP completion day and ”, and
- (ii) for the words from “its repeal” to the end of the definition substitute “ IP completion day ”.

**Commencement Information**

- I11** Sch. 5 para. 12(a)(b) in force at 23.1.2020, see s. 42(6)(e)(v)
- I12** Sch. 5 para. 12(c) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(iv)
- I13** Sch. 5 para. 12(d) in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

*European Economic Area Act 1993*

- 13 The European Economic Area Act 1993 is amended as follows.

**Commencement Information**

- I14** Sch. 5 para. 13 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 14 In section 2 (consistent application of law to the whole of the EEA), in subsections (3)(a) and (3A), for “exit day” substitute “ IP completion day ”.

**Commencement Information**

- I15** Sch. 5 para. 14 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 15 In section 3 (general implementation of the EEA agreement), in subsections (3)(a) and (4A), for “exit day” substitute “ IP completion day ”.

**Commencement Information**

- I16** Sch. 5 para. 15 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 16 In section 6(1) (interpretation), in the definition of “the 1972 Act”, for “its repeal by section 1” substitute “ it ceases to have effect by virtue of section 1A(5) ”.

**Commencement Information**

- I17** Sch. 5 para. 16 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

*Scotland Act 1998*

- 17 The Scotland Act 1998 is amended as follows.

- 18 In section 30A(2) (legislative competence: restriction relating to retained EU law) for “exit day” substitute “ IP completion day ”.

**Commencement Information**

- I18** Sch. 5 para. 18 in force at 31.1.2020 for specified purposes by S.I. 2020/75, reg. 4(n)(v)

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**I19** Sch. 5 para. 18 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 5(j) (with reg. 10)

- 19 In section 57(5)(b) (exception to section 57(4)) for “Schedule 2 or 4 to the European Union (Withdrawal) Act 2018” substitute “—
- (i) Part 1 or 1B of Schedule 2 to the European Union (Withdrawal) Act 2018 (power to deal with deficiencies arising from withdrawal and certain powers in connection with the EU withdrawal agreement),
  - (ii) Schedule 4 to that Act (powers in connection with fees and charges), or
  - (iii) section 12, 13 or 14 of the European Union (Withdrawal Agreement) Act 2020 (certain powers relating to citizens' rights)”.

#### Commencement Information

**I20** Sch. 5 para. 19 in force at 31.1.2020 for specified purposes by S.I. 2020/75, reg. 4(n)(vi)

**I21** Sch. 5 para. 19 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 5(j) (with reg. 10)

- 20 (1) Paragraph 1 of Schedule 4 (enactments etc. protected from modification) is amended as follows.
- (2) In sub-paragraph (2)(g) for “paragraphs 31 to 35 of Schedule 8 to” substitute “ any excluded provision of ”.
- (3) After sub-paragraph (2) insert—
- “(3) For the purposes of sub-paragraph (2)(g), the following are excluded provisions of the European Union (Withdrawal) Act 2018—
- (a) section 1B(3) and (4),
  - (b) sections 8A to 8C,
  - (c) section 10(3) and (4),
  - (d) sections 13A and 13B,
  - (e) sections 15A to 15C,
  - (f) Parts 1A to 1C of Schedule 2,
  - (g) paragraphs 8A to 8G of Schedule 7, and
  - (h) paragraphs 31 to 35 of Schedule 8.”
- 21 In Part 2 of Schedule 5 (specific reservations), in section C8 (product standards, safety and liability) for “exit day” substitute “ IP completion day ”.

#### Commencement Information

**I22** Sch. 5 para. 21 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j) (with reg. 10)

#### Northern Ireland Act 1998

- 22 The Northern Ireland Act 1998 is amended as follows.

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- 23 In section 6A(2) (restriction relating to retained EU law) for “exit day” substitute “IP completion day”.

**Commencement Information**

- I23** Sch. 5 para. 23 in force at 31.1.2020 for specified purposes by S.I. 2020/75, reg. 4(n)(vii)  
**I24** Sch. 5 para. 23 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 5(j) (with reg. 10)

- 24 (1) Section 7 (entrenched enactments) is amended as follows.
- (2) In subsection (1) for “subsection (2A)” substitute “ subsections (2A) and (2B) ”.
- (3) In subsection (2A) for paragraphs (a) and (b) (but not the word “or” at the end of paragraph (b)) substitute—  
 “(ba) any excluded provision of the European Union (Withdrawal) Act 2018,”.
- (4) After subsection (2A) insert—  
 “(2B) For the purposes of subsection (2A)(ba), the following are excluded provisions of the European Union (Withdrawal) Act 2018—  
 (a) section 1B(3) and (4),  
 (b) sections 8A to 8C,  
 (c) section 10(3) and (4),  
 (d) sections 13A and 13B,  
 (e) sections 15A to 15C,  
 (f) Parts 1A to 1C of Schedule 2,  
 (g) paragraphs 1(11) and (12), 2(12) and (13) and 8A to 8G of Schedule 7, and  
 (h) paragraph 21 of Schedule 8.”
- 25 In section 24(4)(b) (exception to section 24(3)) for “Schedule 2 or 4 to the European Union (Withdrawal) Act 2018” substitute “—  
 (i) Part 1 or 1B of Schedule 2 to the European Union (Withdrawal) Act 2018 (power to deal with deficiencies arising from withdrawal and certain powers in connection with the EU withdrawal agreement),  
 (ii) Schedule 4 to that Act (powers in connection with fees and charges), or  
 (iii) section 12, 13 or 14 of the European Union (Withdrawal Agreement) Act 2020 (certain powers relating to citizens' rights)”.

**Commencement Information**

- I25** Sch. 5 para. 25 in force at 31.1.2020 for specified purposes by S.I. 2020/75, reg. 4(n)(viii)  
**I26** Sch. 5 para. 25 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 5(j) (with reg. 10)

- 26 In Schedule 3 (reserved matters), in paragraph 38, for “exit day” substitute “IP completion day”.



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#### Commencement Information

**I27** Sch. 5 para. 26 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j) (with reg. 10)

#### *Government of Wales Act 2006*

- 27 The Government of Wales Act 2006 is amended as follows.
- 28 In section 80(8A)(b) (exception to section 80(8)) for “Schedule 2 or 4 to the European Union (Withdrawal) Act 2018” substitute “—
- (i) Part 1 or 1B of Schedule 2 to the European Union (Withdrawal) Act 2018 (power to deal with deficiencies arising from withdrawal and certain powers in connection with the EU withdrawal agreement),
  - (ii) Schedule 4 to that Act (powers in connection with fees and charges), or
  - (iii) section 12, 13 or 14 of the European Union (Withdrawal Agreement) Act 2020 (certain powers relating to citizens' rights)”.

#### Commencement Information

**I28** Sch. 5 para. 28 in force at 31.1.2020 for specified purposes by S.I. 2020/75, reg. 4(n)(ix)

**I29** Sch. 5 para. 28 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 5(j) (with reg. 10)

- 29 In section 109A(2) (legislative competence: restriction relating to retained EU law) for “exit day” substitute “ IP completion day ”.

#### Commencement Information

**I30** Sch. 5 para. 29 in force at 31.1.2020 for specified purposes by S.I. 2020/75, reg. 4(n)(x)

**I31** Sch. 5 para. 29 in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 5(j) (with reg. 10)

- 30 In Part 2 of Schedule 7A (specific reservations), in section C7 (product standards, safety and liability), in paragraph 77, for “exit day” substitute “ IP completion day ”.

#### Commencement Information

**I32** Sch. 5 para. 30 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j) (with reg. 10)

- 31 (1) Paragraph 5 of Schedule 7B (protected enactments) is amended as follows.
- (2) In sub-paragraph (1), in the entry in the table for the European Union (Withdrawal) Act 2018, after “whole Act” insert “ other than any excluded provision ”.
- (3) After sub-paragraph (1) insert—
- “(1A) For the purposes of the entry in the table in sub-paragraph (1) for the European Union (Withdrawal) Act 2018, the following are excluded provisions of that Act—

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- (a) section 1B(3) and (4),
- (b) sections 8A to 8C,
- (c) section 10(3) and (4),
- (d) sections 13A and 13B,
- (e) sections 15A to 15C,
- (f) Parts 1A to 1C of Schedule 2, and
- (g) paragraphs 8A to 8G of Schedule 7.”

*Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)*

32 The Interpretation and Legislative Reform (Scotland) Act 2010 is amended as follows.

33 In section 1(1)(ba) (application of Part 1 of the Act) for “exit day” substitute “ IP completion day ”.

**Commencement Information**

**I33** Sch. 5 para. 33 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xi)

34 In section 14(3) (references to other legislative provisions) for “exit day”, in both places where it appears, substitute “ IP completion day ”.

**Commencement Information**

**I34** Sch. 5 para. 34 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

35 In section 30(7) (other instruments laid before the Scottish Parliament) omit “(including that paragraph as applied by paragraph 19(7) of that Schedule)”.

**Commencement Information**

**I35** Sch. 5 para. 35 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xii)

- 36 In section 55(2B)(d) (transitional Orders: revocation and savings)—
- (a) before the definition of “exit day” (and after the italic heading “Definitions relating to EU exit”) insert—
    - ““EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act).”
  - (b) after the definition of “exit day” insert—
    - ““IP completion day” (and related expressions) have the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) to (5) of that Act).”
  - (c) in the definition of “retained EU obligation” for “exit day” substitute “ IP completion day ”, and
  - (d) in the definition of “ “The Treaties” or “the EU Treaties””—
    - (i) for “or EU Treaties,” substitute “ or EU Treaties as at immediately before IP completion day and ”, and

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- (ii) for the words from “its repeal” to the end of the definition substitute “IP completion day”.

#### Commencement Information

- I36** Sch. 5 para. 36(a)(b) in force at 23.1.2020, see s. 42(6)(e)(vii)  
**I37** Sch. 5 para. 36(c) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xiii)  
**I38** Sch. 5 para. 36(d) in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 37 In Schedule 1 (definitions of words and expressions)—
- (a) in the definition of “subordinate legislation” for “exit day” substitute “IP completion day”,
- (b) before the definition of “exit day” (and after the italic heading “Definitions relating to EU exit”) insert—
- ““EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act).”,
- (c) after the definition of “exit day” insert—
- ““IP completion day” (and related expressions) have the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) to (5) of that Act).”,
- (d) in the definition of “retained EU obligation” for “exit day” substitute “IP completion day”,
- (e) in the definition of “EU instrument” omit “(within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act))”, and
- (f) in the definition of “ “The Treaties” or “the EU Treaties””—
- (i) for “or EU Treaties,” substitute “ or EU Treaties as at immediately before IP completion day and ”, and
- (ii) for the words from “its repeal” to the end of the definition substitute “IP completion day”.

#### Commencement Information

- I39** Sch. 5 para. 37(b)(c) in force at 23.1.2020, see s. 42(6)(e)(vii)  
**I40** Sch. 5 para. 37(a)(e)(f) in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j) (with reg. 13)  
**I41** Sch. 5 para. 37(d) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xiv)

#### *European Union (Withdrawal) Act 2018*

- 38 The European Union (Withdrawal) Act 2018 is amended as follows.
- 39 In the italic heading before section 2, for “existing EU law” substitute “ saved EU law at end of implementation period ”.

#### Commencement Information

- I42** Sch. 5 para. 39 in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

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- 40 (1) Section 7 (status of retained EU law) is amended as follows.
- (2) In subsection (1)(b) for “section 2” substitute “ section 1A(2) or 1B(2) ”.
- (3) After subsection (1) insert—
- “(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.”
- (4) In subsection (5)—
- (a) in paragraph (a) after “(3)” insert “ and (7) ”, and
- (b) after paragraph (b) insert—
- “(ba) section 7C (status of case law of European Court etc. in relation to retained EU law which is relevant separation agreement law),”.
- (5) In subsection (6) for “exit day”, wherever it appears, substitute “ IP completion day ”.

#### Commencement Information

**I43** Sch. 5 para. 40(1)(2)(5) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xv)

**I44** Sch. 5 para. 40(3)(4) in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 41 (1) Section 10 (continuation of North-South co-operation and the prevention of new border arrangements) is amended as follows.
- (2) In the heading—
- (a) for “Continuation of” substitute “ Protection for ”, and
- (b) omit “the”.
- (3) In subsection (2)—
- (a) omit “, 9”, and
- (b) in paragraph (a) omit “(as defined by section 98 of the Northern Ireland Act 1998)”.

#### Commencement Information

**I45** Sch. 5 para. 41(1)(3)(a) in force at 23.1.2020, see s. 42(6)(e)(viii)

**I46** Sch. 5 para. 41(2), (3)(b) in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 42 In section 11 (powers involving devolved authorities corresponding to sections 8 and 9), in the heading and the text of the section, for “and 9” substitute “ to 8C ”.
- 43 In the italic cross-heading before section 13, for “approval of outcome of EU negotiations” substitute “ oversight of withdrawal ”.

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

*Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, SCHEDULE 5. (See end of Document for details)*

#### Commencement Information

**I47** Sch. 5 para. 43 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xvi)

- 44 (1) Section 20 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “Charter of Fundamental Rights” insert—
- ““Commons sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day);”,
- (b) in the definition of “domestic law”, in paragraph (a), for “section 3” substitute “ sections 3, 7A and 7B ”,
- (c) in the definition of “enactment”, in paragraph (h), for “2” substitute “ 1B ”,
- (d) after the definition of “exit day” insert—
- ““Joint Committee” means the Joint Committee established by Article 164(1) of the withdrawal agreement;
- “Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);”,
- (e) after the definition of “public authority” insert—
- ““ratify”, whether in relation to the withdrawal agreement or otherwise, has the same meaning as it does for the purposes of Part 2 of the Constitutional Reform and Governance Act 2010 in relation to a treaty (see section 25 of that Act);”,
- (f) in the definition of “retained direct EU legislation” for “exit day” substitute “ IP completion day ”,
- (g) in the definition of “subordinate legislation” for “exit day” substitute “ IP completion day ”, and
- (h) omit the definition of “withdrawal agreement”.
- (3) After subsection (5) insert—
- “(5A) In this Act references to anything which continues to be domestic law by virtue of section 1B(2) include—
- (a) references to anything to which section 1B(2) applies which continues to be domestic law on or after exit day (whether or not it would have done so irrespective of that provision), and
- (b) references to anything which continues to be domestic law on or after exit day by virtue of section 1B(2) (as that body of law is added to or otherwise modified by or under this Act or by other domestic law from time to time).”
- (4) In subsection (6) for “exit day” substitute “ IP completion day ”.

#### Commencement Information

**I48** Sch. 5 para. 44(1)(2)(a)(d)(e)(3) in force at 23.1.2020, see s. 42(6)(e)(viii)

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

*Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, SCHEDULE 5. (See end of Document for details)*

**149** Sch. 5 para. 44(2)(b)(c)(f)-(h)(4) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xvii)

- 45 In the table in section 21(1) (index of defined expressions)—
- (a) before the entry for “Anything which continues to be domestic law by virtue of section 2” (and after the headings for the table) insert—
- 
- “Anything which continues to be domestic law by Section 20(5A)”,  
 virtue of section 1B(2)
- 
- (b) after the entry for “Charter of Fundamental Rights” insert—
- 
- “Commons sitting day Section 20(1)”,
- 
- (c) after the entry for “EEA agreement” insert—
- 
- “EEA EFTA separation agreement Section 7B(6)”,
- 
- (d) after the entry for “EU decision” insert—
- 
- “EU-derived domestic legislation Section 1B(7)”,
- 
- (e) after the entry for “EU regulation” insert—
- 
- “European Communities Act 1972 Section 1A(7)(a)”,
- 
- (f) after the entry for “Former Article 34(2)(c) of Treaty on European Union” insert—
- 
- “Implementation period Section 1A(6)  
 IP completion day (and related expressions) Section 1A(6)  
 Joint Committee Section 20(1)  
 Lords sitting day Section 20(1)”,
- 
- (g) after the entry for “Operative (in relation to direct EU legislation)” insert—
- 
- “Part (of withdrawal agreement or EEA EFTA Section 1A(7)(b)”,  
 separation agreement)
- 
- (h) after the entry for “Public authority in the United Kingdom (however expressed)” insert—
- 
- “Qualifying Northern Ireland goods Section 8C(6)  
 Ratify Section 20(1)”,
- 
- (i) after the entry for “relevant criminal offence” insert—
- 
- “Relevant separation agreement law Section 7C(3)”,
- 
- (j) after the entry for “subordinate legislation” insert—
- 
- “Swiss citizens' rights agreement Section 7B(6)”, and
- 
- (k) in the entry for “Withdrawal agreement” for “Section 20(1)” substitute “Section 1A(6)”.

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#### Commencement Information

**I50** Sch. 5 para. 45 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xviii)

- 46 (1) Section 23 (consequential and transitional provision) is amended as follows.
- (2) In subsection (3) for “the end of the Session in which this Act is passed” substitute “ IP completion day ”.
- (3) In subsection (4) for “exit day” substitute “ IP completion day ”.
- (4) In subsection (6) after “exit day” insert “ or IP completion day ”.

#### Commencement Information

**I51** Sch. 5 para. 46 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xix)

- 47 (1) Schedule 4 (powers in connection with fees and charges) is amended as follows.
- (2) In paragraph 1(1) omit paragraph (b) and the word “or” before it.
- (3) In paragraph 5(1) for “exit day” substitute “ IP completion day ”.
- (4) In paragraph 6 for “section 8 or 9” substitute “ sections 8 to 8C ”.
- (5) In paragraph 8(a) for “the repeal of that section by section 1” substitute “ IP completion day ”.
- (6) In paragraph 11 for “section 8 or 9” substitute “ sections 8 to 8C ”.

#### Commencement Information

**I52** Sch. 5 para. 47(1)(2)(4)(6) in force at 23.1.2020, see s. 42(6)(e)(viii)

**I53** Sch. 5 para. 47(3)(5) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xx)

- 48 (1) Schedule 5 (publication and rules of evidence) is amended as follows.
- (2) In paragraphs 1(1)(a) and (5)(a) and (b) and 2(1) for “exit day” substitute “ IP completion day ”.
- (3) In paragraph 3—
- (a) in sub-paragraph (1)—
- (i) for “, for the purpose of interpreting retained EU law in legal proceedings,” substitute “ in legal proceedings ”, and
- (ii) omit “for that purpose”, and
- (b) in sub-paragraph (2) omit the definition of “interpreting retained EU law”.
- (4) In paragraph 4—
- (a) in sub-paragraph (4) for “the end of the Session in which this Act is passed” substitute “ IP completion day ”, and
- (b) in sub-paragraph (5)—
- (i) after paragraph (c) but before the “and” at the end of that paragraph insert—
- “(ca) the EEA EFTA separation agreement,

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- (cb) the Swiss citizens' rights agreement,  
(cc) the withdrawal agreement,” and  
(ii) in paragraph (d) for “or (c)” substitute “ , (c), (ca), (cb) or (cc) ”.

**Commencement Information**

**I54** Sch. 5 para. 48(1)(2)(4) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxi)

**I55** Sch. 5 para. 48(3) in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

- 49 (1) Schedule 6 (instruments which are exempt EU instruments) is amended as follows.
- (2) Omit paragraphs 1(1), 2 and 4.
- (3) In paragraph 3—
- (a) omit “or EU regulation” in paragraph (a), and
- (b) omit paragraph (b) and the word “or” before it.

**Commencement Information**

**I56** Sch. 5 para. 49 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxii)

- 50 In Part 1 of Schedule 7 (scrutiny of powers to deal with deficiencies)—
- (a) in paragraph 2(17), for “and (15)” substitute “ to (16) ”,
- (b) in paragraph 3(11), omit paragraphs (b) and (c) and the words after paragraph (c),
- (c) omit paragraph 4(9),
- (d) omit paragraph 6(7),
- (e) omit paragraph 7(9), and
- (f) omit paragraph 8(7).
- 51 After Part 1 of Schedule 7 insert—

**“PART 1A**

SCRUTINY OF SPECIFIC POWERS RELATING TO WITHDRAWAL AGREEMENT ETC.

*Powers in connection with Part 4 of the withdrawal agreement*

- 8A A statutory instrument containing regulations under section 1A(3)(a)(ii) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- 8B (1) A statutory instrument containing regulations under section 8A which amend, repeal or revoke—
- (a) primary legislation, or
- (b) retained direct principal EU legislation,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.



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- (2) Any other statutory instrument containing regulations under section 8A is subject to annulment in pursuance of a resolution of either House of Parliament.
  - (3) Regulations under Part 1A of Schedule 2 of the Scottish Ministers acting alone which amend, repeal or revoke—
    - (a) primary legislation, or
    - (b) retained direct principal EU legislation,are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
  - (4) Any other regulations under Part 1A of Schedule 2 of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
  - (5) A statutory instrument containing regulations under Part 1A of Schedule 2 of the Welsh Ministers acting alone which amend, repeal or revoke—
    - (a) primary legislation, or
    - (b) retained direct principal EU legislation,may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
  - (6) Any other statutory instrument containing regulations under Part 1A of Schedule 2 of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
  - (7) Regulations under Part 1A of Schedule 2 of a Northern Ireland department acting alone which amend, repeal or revoke—
    - (a) primary legislation, or
    - (b) retained direct principal EU legislation,may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
  - (8) Any other regulations under Part 1A of Schedule 2 of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- 8C
- (1) This paragraph applies to regulations under Part 1A of Schedule 2 of a Minister of the Crown acting jointly with a devolved authority.
  - (2) The procedure provided for by sub-paragraph (3) or (4) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
  - (3) A statutory instrument containing regulations to which this paragraph applies which amend, repeal or revoke—
    - (a) primary legislation, or
    - (b) retained direct principal EU legislation,

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- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any other statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.
  - (5) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers and amend, repeal or revoke—
    - (a) primary legislation, or
    - (b) retained direct principal EU legislation,
 are subject to the affirmative procedure.
  - (6) Any other regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.
  - (7) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (5) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
  - (8) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (6) applies as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
  - (9) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (5) or (6) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
  - (10) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers and amend, repeal or revoke—
    - (a) primary legislation, or
    - (b) retained direct principal EU legislation,
 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
  - (11) Any other statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
  - (12) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department and amend, repeal or revoke—
    - (a) primary legislation, or

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- (b) retained direct principal EU legislation,  
may not be made unless a draft of the regulations has been laid before,  
and approved by a resolution of, the Northern Ireland Assembly.
- (13) Any other regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (14) If in accordance with sub-paragraph (4), (6), (11) or (13)—
- (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
- (b) a relevant devolved legislature resolves that an instrument be annulled,
- nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (15) In sub-paragraph (14) “relevant devolved legislature” means—
- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
- (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
- (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (16) Sub-paragraph (14) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (17) Sub-paragraphs (14) to (16) apply in place of provision made by any other enactment about the effect of such a resolution.

*Powers in connection with other separation issues in the withdrawal agreement etc.*

- 8D (1) A statutory instrument containing regulations under section 8B which amend, repeal or revoke—
- (a) primary legislation, or
- (b) retained direct principal EU legislation,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Any other statutory instrument containing regulations under section 8B is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations under Part 1B of Schedule 2 of the Scottish Ministers acting alone which amend, repeal or revoke—
- (a) primary legislation, or
- (b) retained direct principal EU legislation,

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- are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (4) Any other regulations under Part 1B of Schedule 2 of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (5) A statutory instrument containing regulations under Part 1B of Schedule 2 of the Welsh Ministers acting alone which amend, repeal or revoke—
- (a) primary legislation, or
  - (b) retained direct principal EU legislation,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (6) Any other statutory instrument containing regulations under Part 1B of Schedule 2 of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) Regulations under Part 1B of Schedule 2 of a Northern Ireland department acting alone which amend, repeal or revoke—
- (a) primary legislation, or
  - (b) retained direct principal EU legislation,
- may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (8) Any other regulations under Part 1B of Schedule 2 of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- 8E (1) This paragraph applies to regulations under Part 1B of Schedule 2 of a Minister of the Crown acting jointly with a devolved authority.
- (2) The procedure provided for by sub-paragraph (3) or (4) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument containing regulations to which this paragraph applies which amend, repeal or revoke—
- (a) primary legislation, or
  - (b) retained direct principal EU legislation,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any other statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers and amend, repeal or revoke—

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- (a) primary legislation, or
  - (b) retained direct principal EU legislation,are subject to the affirmative procedure.
- (6) Any other regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.
- (7) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (5) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (8) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (6) applies as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (9) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (5) or (6) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (10) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers and amend, repeal or revoke—
  - (a) primary legislation, or
  - (b) retained direct principal EU legislation,may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Any other statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department and amend, repeal or revoke—
  - (a) primary legislation, or
  - (b) retained direct principal EU legislation,may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (13) Any other regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

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- (14) If in accordance with sub-paragraph (4), (6), (11) or (13)—
- (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
  - (b) a relevant devolved legislature resolves that an instrument be annulled,
- nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (15) In sub-paragraph (14) “relevant devolved legislature” means—
- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
  - (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
  - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (16) Sub-paragraph (14) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (17) Sub-paragraphs (14) to (16) apply in place of provision made by any other enactment about the effect of such a resolution.

*Powers in connection with the Ireland/Northern  
Ireland Protocol in the withdrawal agreement*

- 8F (1) A statutory instrument containing regulations under section 8C(1) which contain provision falling within sub-paragraph (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Provision falls within this sub-paragraph if it—
- (a) amends, repeals or revokes primary legislation or retained direct principal EU legislation,
  - (b) establishes a public authority,
  - (c) relates to a fee in respect of a function exercisable by a public authority in the United Kingdom,
  - (d) creates, or widens the scope of, a criminal offence,
  - (e) creates or amends a power to legislate, or
  - (f) facilitates the access to the market within Great Britain of qualifying Northern Ireland goods.
- (3) Any other statutory instrument containing regulations under section 8C(1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing regulations under section 8C(6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Regulations under Part 1C of Schedule 2 of the Scottish Ministers acting alone which contain provision falling within sub-paragraph (2) are

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- subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (6) Any other regulations under Part 1C of Schedule 2 of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (7) A statutory instrument containing regulations under Part 1C of Schedule 2 of the Welsh Ministers acting alone which contain provision falling within sub-paragraph (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) Any other statutory instrument containing regulations under Part 1C of Schedule 2 of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (9) Regulations under Part 1C of Schedule 2 of a Northern Ireland department acting alone which contain provision falling within sub-paragraph (2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (10) Any other regulations under Part 1C of Schedule 2 of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- 8G (1) This paragraph applies to regulations under Part 1C of Schedule 2 of a Minister of the Crown acting jointly with a devolved authority.
- (2) The procedure provided for by sub-paragraph (3) or (4) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument containing regulations to which this paragraph applies which contain provision falling within paragraph 8F(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any other statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers and contain provision falling within paragraph 8F(2) are subject to the affirmative procedure.
- (6) Any other regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.
- (7) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (5) applies as it applies in relation to devolved

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subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).

- (8) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (6) applies as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (9) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (5) or (6) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (10) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers and contain provision falling within paragraph 8F(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Any other statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department and contain provision falling within paragraph 8F(2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (13) Any other regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (14) If in accordance with sub-paragraph (4), (6), (11) or (13)—
  - (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
  - (b) a relevant devolved legislature resolves that an instrument be annulled,
 nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (15) In sub-paragraph (14) “relevant devolved legislature” means—
  - (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,



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- (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
  - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (16) Sub-paragraph (14) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (17) Sub-paragraphs (14) to (16) apply in place of provision made by any other enactment about the effect of such a resolution.”

#### Commencement Information

- I57** Sch. 5 para. 51 in force for specified purposes at 23.1.2020, see s. 42(6)(e)(ix)
- I58** Sch. 5 para. 51 in force at 31.1.2020 for specified purposes by S.I. 2020/75, reg. 4(n)(xxiii)
- I59** Sch. 5 para. 51 in force at 19.5.2020 in so far as not already in force by S.I. 2020/518, reg. 2(p)(i)

52 (1) Part 2 of Schedule 7 (scrutiny of other powers under Act) is amended as follows.

(2) After paragraph 9 insert—

*“Power in relation to interpretation of retained EU law*

9A A statutory instrument containing regulations under section 6(5A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

(3) Omit paragraph 10 (and the italic cross-heading before it).

(4) In the italic cross-heading before paragraph 17 omit “certain implementation or”.

(5) In paragraph 17—

- (a) in sub-paragraph (1) omit “10(3) or”,
- (b) in sub-paragraph (11) omit paragraphs (b) and (c) and the words after paragraph (c), and
- (c) in sub-paragraph (12) omit “10(3) or”.

(6) Omit paragraph 18 (and the italic cross-heading before it).

(7) In paragraph 19—

- (a) in sub-paragraph (1)—
  - (i) in paragraph (a) omit “, 10(1)”, and
  - (ii) in paragraph (b) omit “10(3)”,
- (b) omit sub-paragraph (7), and
- (c) in sub-paragraph (8) omit “10(3) or”.

#### Commencement Information

- I60** Sch. 5 para. 52(1)(3)-(7) in force at 23.1.2020, see s. 42(6)(e)(x)
- I61** Sch. 5 para. 52(2) in force at 19.5.2020 by S.I. 2020/518, reg. 2(p)(ii)

53 (1) Part 3 of Schedule 7 (general provision about powers under Act) is amended as follows.

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- (2) In paragraph 21—
- (a) in paragraph (a)(i) after “modify” insert “ anything which continues to be domestic law by virtue of section 1B(2) or any ”, and
  - (b) in paragraph (b) for “any retained EU law” substitute “ anything which continues to be domestic law by virtue of section 1B(2), or any retained EU law, ”.
- (3) In paragraph 23—
- (a) in sub-paragraph (1) for “sections 2” substitute “ sections 1A ”,
  - (b) in sub-paragraph (2) after “Accordingly,” insert “ anything which continues to be domestic law by virtue of section 1B(2) or ”,
  - (c) in sub-paragraph (3) for “sections 2” substitute “ sections 1A ”,
  - (d) in sub-paragraph (4)(b) for “sections 2” substitute “ sections 1A ”, and
  - (e) in sub-paragraph (5) for “retained EU law” substitute “ anything which continues to be domestic law by virtue of section 1B(2), or as retained EU law, ”.
- (4) After paragraph 23 insert—
- “Anticipatory exercise of powers in relation to section 1B(2) saved law*
- 23A Any power to make regulations under this Act which modify anything which continues to be domestic law by virtue of section 1B(2) is capable of being exercised before exit day so that the regulations come into force on or after exit day.”
- (5) In paragraph 24 for “exit day”, in both places where it appears, substitute “ IP completion day ”.
- (6) After paragraph 24 insert—
- “Anticipatory exercise of powers in relation to the withdrawal agreement etc.*
- 24A Any power to make regulations under this Act in relation to the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens' rights agreement, or any modification of any of them which requires ratification, is capable of being exercised before the agreement or (as the case may be) modification concerned is ratified.”
- (7) In paragraph 28—
- (a) in sub-paragraph (1)(a) omit “, 9” and “or 12(2)”, and
  - (b) in sub-paragraph (6)(c) for “exit day” substitute “ IP completion day ”.
- (8) In paragraph 29—
- (a) in sub-paragraph (1)(a), omit “or 2”, and
  - (b) in sub-paragraph (6)(c) for “exit day” substitute “ IP completion day ”.
- (9) In paragraph 30(1)(a) omit “or 9”.
- (10) In paragraph 31(1)(a) omit “or 2”.
- (11) In paragraph 32(1) omit “or 9”.
- (12) In paragraph 33(1) omit “or 2”.

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(13) In paragraph 35(1) omit “(whether or not as applied by paragraph 19(7))”.

#### Commencement Information

**I62** Sch. 5 para. 53(1)-(4)(6)(7)(a)(8)(a)(9)-(13) in force at 23.1.2020, see s. 42(6)(e)(x)

**I63** Sch. 5 para. 53(5)(7)(b)(8)(b) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxiv)

- 54 (1) Part 1 of Schedule 8 (general consequential provision) is amended as follows.
- (2) In paragraph 1(1) for “exit day”, in both places where it appears, substitute “ IP completion day ”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1) for “exit day”, wherever it appears, substitute “ IP completion day ”,
- (b) after sub-paragraph (2) insert—
- “(2A) Sub-paragraph (1) does not apply so far as any reference forms part of relevant separation agreement law.”, and
- (c) in sub-paragraph (3) for “and (2)” substitute “ to (2A) ”.
- (4) For paragraph 7 substitute—
- “7 Any power to make, confirm or approve subordinate legislation which, immediately before exit day, is subject to an implied restriction that it is exercisable only compatibly with EU law is to be read—
- (a) on or after exit day, without that restriction, and
- (b) on or after IP completion day, without any corresponding restriction in relation to compatibility with retained EU law,
- so far as the restriction concerned is not applicable to and in the United Kingdom by virtue of the withdrawal agreement.”
- (5) In paragraph 8—
- (a) in sub-paragraph (1)(b) for “exit day” substitute “ IP completion day ”, and
- (b) in sub-paragraph (3) for “exit day”, in both places where it appears, substitute “ IP completion day ”.
- (6) In paragraph 9—
- (a) in sub-paragraph (1)—
- (i) for “exit day” substitute “ IP completion day ”, and
- (ii) for “pre-exit” substitute “ pre-IP completion day ”, and
- (b) in sub-paragraph (2)—
- (i) for “pre-exit” substitute “ pre-IP completion day ”, and
- (ii) for “exit day” substitute “ IP completion day ”.
- (7) In paragraph 12—
- (a) in sub-paragraph (1)(b) for “exit day” substitute “ IP completion day ”, and
- (b) in sub-paragraph (3)—
- (i) for “, and in the same Session as, this Act” substitute “ this Act and before IP completion day ”, and
- (ii) for “exit day”, in both places where it appears, substitute “ IP completion day ”.

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- (8) In paragraph 13—
- (a) in sub-paragraph (1)(a) and (4)(a) for “exit day” substitute “ IP completion day ”, and
  - (b) after sub-paragraph (8) insert—
    - “(8A) This paragraph does not apply where the amendment or revocation of subordinate legislation is for the purposes of—
      - (a) the withdrawal agreement (other than Part 4 of that agreement),
      - (b) the EEA EFTA separation agreement, or
      - (c) the Swiss citizens' rights agreement.”
- (9) In paragraph 14—
- (a) in sub-paragraph (1) for “exit day” substitute “ IP completion day ”, and
  - (b) after sub-paragraph (11) insert—
    - “(11A) This paragraph does not apply where the amendment or revocation of subordinate legislation is for the purposes of—
      - (a) the withdrawal agreement (other than Part 4 of that agreement),
      - (b) the EEA EFTA separation agreement, or
      - (c) the Swiss citizens' rights agreement.”
- (10) In paragraph 15—
- (a) in sub-paragraphs (1) and (7) for “exit day” substitute “ IP completion day ”, and
  - (b) after sub-paragraph (10) insert—
    - “(11) This paragraph does not apply where the amendment or revocation of subordinate legislation is for the purposes of—
      - (a) the withdrawal agreement (other than Part 4 of that agreement),
      - (b) the EEA EFTA separation agreement, or
      - (c) the Swiss citizens' rights agreement.”
- (11) In paragraph 16—
- (a) in sub-paragraphs (1) and (6) for “exit day” substitute “ IP completion day ”, and
  - (b) after sub-paragraph (8) insert—
    - “(9) This paragraph does not apply where the amendment or revocation of subordinate legislation is for the purposes of—
      - (a) the withdrawal agreement (other than Part 4 of that agreement),
      - (b) the EEA EFTA separation agreement, or
      - (c) the Swiss citizens' rights agreement.”

#### Commencement Information

**I64** Sch. 5 para. 54(1)(4)(5)(7) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxv)

**I65** Sch. 5 para. 54(2)(3)(6), (8)-(11) in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

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

*Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, SCHEDULE 5. (See end of Document for details)*

**I66** Sch. 5 para. 54(5)(7) in force at 30.1.2020 for specified purposes by 2020 c. 2, reg. 2(11)(c)

55 (1) Part 3 of Schedule 8 (general transitional, transitory or saving provision) is amended as follows.

(2) Before paragraph 37 (but after the italic heading before that paragraph) insert—

“36A(1) Anything done—

- (a) in connection with anything which continues to be domestic law by virtue of section 1A(2) or 1B(2), or
- (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA, if in force or effective immediately before exit day, continues to be in force or effective on and after exit day.

(2) Anything done—

- (a) in connection with anything which continues to be domestic law by virtue of section 1A(2) or 1B(2), or
- (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA, which, immediately before exit day, is in the process of being done continues to be done on and after exit day.

(3) Sub-paragraphs (1) and (2) are subject to—

- (a) sections 1 to 1B and the withdrawal of the United Kingdom from the EU,
- (b) any provision made under section 23(6) of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020, and
- (c) any other provision made by or under this Act, the European Union (Withdrawal Agreement) Act 2020 or any other enactment.

(4) References in this paragraph to anything done include references to anything omitted to be done.”

(3) In paragraph 37—

- (a) in sub-paragraphs (1) and (2) for “exit day”, wherever it appears, substitute “ IP completion day ”,
- (b) in sub-paragraph (3)(a) for “section 1” substitute “ sections 1 to 1B ”,
- (c) in sub-paragraph (3)(b) for “6” substitute “ 7C ”,
- (d) in sub-paragraph (3)(c) after “23(6)” insert “ of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020 ”, and
- (e) in sub-paragraph (3)(d) after “this Act” insert “ , the European Union (Withdrawal Agreement) Act 2020 ”.

#### Commencement Information

**I67** Sch. 5 para. 55(1)(2) in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxvi)

**I68** Sch. 5 para. 55(3) in force at 31.12.2020 by S.I. 2020/1622, reg. 5(j)

56 (1) Part 4 of Schedule 8 (specific transitional, transitory and saving provision) is amended as follows.

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*Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, SCHEDULE 5. (See end of Document for details)*

- (2) In the italic heading before paragraph 38 for “existing EU law” substitute “ saved EU law at end of implementation period ”.
- (3) After that italic heading but before paragraph 38 insert—
- “37A The repeal of section 1A(1) to (4) by section 1A(5) and the repeal of section 1B(1) to (5) by section 1B(6) do not prevent an enactment to which section 2 applies from continuing to be read, on and after IP completion day and by virtue of section 2, in accordance with section 1B(3) or (4).”
- (4) In paragraph 38 for “exit day”, in both places where it appears, substitute “ IP completion day ”.
- (5) In paragraph 39—
- (a) for “exit day”, wherever it appears, substitute “ IP completion day ”, and
- (b) in sub-paragraph (1)—
- (i) after “subject to” insert “ relevant separation agreement law (for which see section 7C) and ”, and
- (ii) after “section 23(6)” insert “ of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020 ”.
- (6) In paragraph 40—
- (a) after “section” insert “ 6(5A), ”
- (b) after “8,” insert “ 8A ”,
- (c) omit “9”, and
- (d) after “23(1) or” insert “ Part 1 or 1A of ”.
- (7) In paragraph 41—
- (a) for “exit day”, wherever it appears, substitute “ IP completion day ”, and
- (b) in sub-paragraph (10) for “the making of regulations under Schedule 2 or 4” substitute “—
- (a) the making of regulations before exit day under Part 1A of Schedule 2, or
- (b) the making of regulations under—
- (i) Part 1B or 1C of Schedule 2, or
- (ii) Schedule 4.”
- (8) In paragraph 42 for “exit day” substitute “ IP completion day ”.

#### **Commencement Information**

- I69** Sch. 5 para. 56(1)(6)(b)-(d) in force at 23.1.2020 and Sch. 5 para. 56(1)(7)(b) in force for specified purposes at 23.1.2020, see s. 42(6)(e)(ix)(xi)
- I70** Sch. 5 para. 56(2)-(5), (8) in force at 31.12.2020 by S.I. 2020/1622, **reg. 5(j)**
- I71** Sch. 5 para. 56(6)(a) in force at 19.5.2020 by S.I. 2020/518, **reg. 2(p)(iii)**
- I72** Sch. 5 para. 56(7)(a) in force at 31.1.2020 for specified purposes by S.I. 2020/75, **reg. 4(n)(xxvii)**
- I73** Sch. 5 para. 56(7)(a) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, **reg. 5(j)**
- I74** Sch. 5 para. 56(7)(b) in force at 19.5.2020 for specified purposes by S.I. 2020/518, **reg. 2(p)(iv)**

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

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*The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018*

- 57 (1) The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310) are amended as follows.
- (2) Omit regulation 3 (cessation of certain rights etc. which form part of domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018).
- (3) In table 2 in Part 2 of Schedule 1 (revocations of certain EU decisions etc.) omit the entries relating to Council Decisions 76/787 and 2002/772.

**Commencement Information**

**I75** Sch. 5 para. 57 in force at 31.12.2020 by S.I. 2020/1622, reg. 4(b)

*Legislation (Wales) Act 2019 (anaw 4)*

- 58 The Legislation (Wales) Act 2019 is amended as follows.

**Commencement Information**

**I76** Sch. 5 para. 58 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxviii)

- 59 In section 24 (references to direct EU legislation retained in domestic law after EU exit), in subsection (1)(a)—
- (a) in the Welsh language text, for “y diwrnod ymadael” substitute “diwrnod cwblhau'r cyfnod gweithredu”, and
- (b) in the English language text, for “exit day” substitute “ implementation period completion day ”.

**Commencement Information**

**I77** Sch. 5 para. 59 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxviii)

- 60 In section 26 (references to EU instruments), in subsection (3)—
- (a) in the Welsh language text, omit “ar gyfer darpariaeth am effaith cyfeiriadau penodol sy'n bodoli cyn y diwrnod ymadael ar y diwrnod ymadael neu ar ôl y diwrnod ymadael”, and
- (b) in the English language text, omit “for provision about the effect on or after exit day of certain references which exist before exit day”.

**Commencement Information**

**I78** Sch. 5 para. 60 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxviii)

- 61 In the Table in Schedule 1 (definitions of words and expressions), in the Welsh language text—
- (a) after the entry for “Cynulliad Cenedlaethol Cymru (*National Assembly for Wales*)” insert—

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“cytundeb ymadael â'r UE (*EU withdrawal agreement*) mae i “cytundeb ymadael â'r UE” yr ystyr a roddir i “withdrawal agreement” yn Neddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1) (gweler adran 39(1) a (6) o'r Ddeddf honno)”

- (b) in the entry for “cytundeb yr AEE (*EEA agreement*)”, for “y diwrnod ymadael” substitute “diwrnod cwblhau'r cyfnod gweithredu”,
- (c) in the entry for “y Cytuniadau (*the Treaties*) neu Cytuniadau'r UE (*EU Treaties*)”, for paragraphs (a) and (b) substitute—
  - “(a) mewn perthynas ag amser cyn diwrnod cwblhau'r cyfnod gweithredu, yr ystyr a roddir i “the Treaties” neu “the EU Treaties” gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) fel y mae'n cael effaith yn rhinwedd adran 1A o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018;
  - (b) mewn perthynas ag amser ar neu ar ôl diwrnod cwblhau'r cyfnod gweithredu, yr ystyr a roddir i “the Treaties” neu “the EU Treaties” gan Ddeddf y Cymunedau Ewropeaidd 1972 fel yr oedd ganddi effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu, ac mae'n cyfeirio at y Cytuniadau neu Gytuniadau'r UE fel yr oeddent yn union cyn diwrnod cwblhau'r cyfnod gweithredu”,
- (d) after the entry for “y Deyrnas Unedig (*United Kingdom*)” insert—

“diwrnod cwblhau'r cyfnod mae i “diwrnod cwblhau'r cyfnod gweithredu” gweithredu (*implementation period completion day*) yr ystyr sydd i “IP completion day” o fewn ystyr Deddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), ac mae ymadroddion perthynol i'w dehongli yn unol â hynny (gweler adran 39(1) i (5) o'r Ddeddf honno)”

- (e) in the entry for “offeryn UE (*EU instrument*)”, for “y diwrnod ymadael” substitute “diwrnod cwblhau'r cyfnod gweithredu”, and
- (f) in the entry for “rhwymedigaeth UE a ddargedwir (*retained EU obligation*)”, for “y diwrnod ymadael” substitute “diwrnod cwblhau'r cyfnod gweithredu”.

#### Commencement Information

**I79** Sch. 5 para. 61 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxviii)

62 In the Table in Schedule 1 (definitions of words and expressions), in the English language text—

- (a) in the entry for “EEA agreement (*cytundeb yr AEE*)”, for “exit day” substitute “implementation period completion day”,
- (b) in the entry for “EU instrument (*offeryn UE*)”, for “exit day” substitute “implementation period completion day”,
- (c) after the entry for “European Court (*Llys Ewropeaidd*)” insert—



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“EU withdrawal agreement (cytundeb ymadael â'r UE)” “EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (see section 39(1) and (6) of that Act”;

(d) after the entry for “High Court (*Uchel Llys*)” insert—

“implementation period completion day (diwrnod cwblhau'r cyfnod gweithredu)” “implementation period completion day” means “IP completion day” within the meaning of the European Union (Withdrawal Agreement) Act 2020 (c. 1), and related expressions are to be interpreted accordingly (see section 39(1) to (5) of that Act”;

(e) in the entry for “retained EU obligation (*rhwymedigaeth UE a ddargedwir*)”, for “exit day” substitute “implementation period completion day”, and

(f) in the entry for “the Treaties (*y Cytuniadau*) or the EU Treaties (*Cytuniadau'r UE*)”, for paragraphs (a) and (b) substitute—

“(a) in relation to a time before implementation period completion day, has the meaning given by the European Communities Act 1972 (c. 68) as it has effect by virtue of section 1A of the European Union (Withdrawal) Act 2018;

(b) in relation to a time on or after implementation period completion day, has the meaning given by the European Communities Act 1972 as it had effect immediately before implementation period completion day, and refers to the Treaties or the EU Treaties as they were immediately before implementation period completion day.”

#### Commencement Information

**180** Sch. 5 para. 62 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxviii)

### PART 3

#### TRANSITIONAL, TRANSITORY AND SAVING PROVISION

##### *Retention of existing grounds for deportation*

63 (1) If section 10(2) (which inserts section 3(5A) of the Immigration Act 1971) comes into force before IP completion day, section 3(5A) of the Act of 1971 is to be read, until IP completion day, as if—

(a) for “Article 20 of the EU withdrawal agreement” there were substituted “Article 19(3) of the EU withdrawal agreement”, and

(b) for “Article 19 of the EEA EFTA separation agreement” there were substituted “Article 18(3) of the EEA EFTA separation agreement”.

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- (2) If section 10(4) (which inserts section 3(10) and (11) of the Immigration Act 1971) comes into force before IP completion day, section 3(10) of the Act of 1971 is to be read, until IP completion day, as if paragraphs (c) and (d) were omitted.
- (3) If section 10(5) (which inserts section 33(6B) to (6D) of the UK Borders Act 2007) comes into force before IP completion day, section 33(6C) of the Act of 2007 is to be read, until IP completion day, as if paragraphs (c) and (d) were omitted.

**Commencement Information**

**I81** Sch. 5 para. 63 in force at 31.1.2020 by S.I. 2020/75, reg. 4(n)(xxix)

*Certain powers of devolved authorities in relation to EU law*

- 64 Section 57(2) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 and section 24(1)(b) of the Northern Ireland Act 1998, so far as relating to EU law, do not apply to the making of regulations under section 12, 13 or 14.

**Commencement Information**

**I82** Sch. 5 para. 64 in force at 19.5.2020 by S.I. 2020/518, reg. 2(p)(v)

*Savings in connection with section 36*

- 65 Section 36(e) and (f) do not affect the continued operation of the amendments made by section 2 of the European Union (Withdrawal) Act 2019 and section 4 of the European Union (Withdrawal) (No. 2) Act 2019.

*Regulations under EUWA 2018 etc.*

- 66 (1) The fact that a power to make regulations is conferred by this Act in the European Union (Withdrawal) Act 2018 does not affect the extent of any other power to make regulations under that Act.
- (2) The modifications made by this Act to any power to make regulations conferred by the European Union (Withdrawal) Act 2018 do not affect the validity of any regulations made under that power before the coming into force of the modifications.
- (3) Sub-paragraph (2) is subject to any provision made by regulations under section 41(5) above or section 23(6) of the Act of 2018.

*Time-limited powers*

- 67 The prohibition on making regulations under paragraph 1(3) or 3(2) of this Schedule after the end of the period of one year beginning with IP completion day does not affect the continuation in force of regulations made at or before that time.

*Power to make transitional, transitory or saving regulations under EUWA 2018*

- 68 (1) The power of a Minister of the Crown under section 23(6) of the European Union (Withdrawal) Act 2018 to make such transitional, transitory or saving provision as

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

*Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, SCHEDULE 5. (See end of Document for details)*

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the Minister considers appropriate in connection with the coming into force of any provision of that Act includes the power to make such transitional, transitory or saving provision as the Minister considers appropriate in connection with the coming into force (whether by virtue of this Act, this Act and that Act, or otherwise) of any provision of that Act as inserted into that Act, or modified, by or under this Act (and references in the Act of 2018 to the power under section 23(6) of that Act are to be read accordingly).

- (2) Sub-paragraph (1) does not limit the power conferred by section 41(5) above; and the power of a Minister of the Crown under section 25(4) of the European Union (Withdrawal) Act 2018 does not apply to any insertions into, or other modifications of, that Act made by this Act (for which see section 42(6) and (7) above).
- (3) References in this paragraph to any modification made by or under this Act of any provision of the European Union (Withdrawal) Act 2018 include references to any modification made by or under this Act of a provision of another Act which was inserted into that other Act or otherwise modified by the Act of 2018.

**Status:**

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

**Changes to legislation:**

There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, SCHEDULE 5.