

SCHEDULES

SCHEDULE 5

CONSEQUENTIAL AND TRANSITIONAL PROVISION ETC.

PART 1

GENERAL CONSEQUENTIAL PROVISION

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

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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.