



European Union (Withdrawal Agreement) Act 2020

2020 CHAPTER 1

PART 4

OTHER SUBJECT AREAS

Relationship to EUWA 2018

25 Retention of saved EU law at end of implementation period

- (1) In section 2 of the European Union (Withdrawal) Act 2018 (saving for EU-derived domestic legislation)—
- (a) in subsection (1) for “exit day”, in both places where it appears, substitute “IP completion day”,
 - (b) omit subsection (2), and
 - (c) in subsection (3) after “incorporation” insert “and section 5A (savings and incorporation: supplementary)”.
- (2) In section 3 of that Act (incorporation of direct EU legislation)—
- (a) in subsection (1) for “exit day”, in both places where it appears, substitute “IP completion day”,
 - (b) in subsection (2)(a)—
 - (i) for “exit day” substitute “IP completion day”,
 - (ii) before sub-paragraph (i) insert—
 - “(ai) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
 - (bi) it neither has effect nor is to have effect by virtue of section 7A or 7B,”
 - (iii) at the end of sub-paragraph (i) insert “and”, and

Status: This is the original version (as it was originally enacted).

- (iv) omit sub-paragraph (ii) and the word “and” at the end of the sub-paragraph,
 - (c) in subsection (2)(b)—
 - (i) for “exit day” substitute “IP completion day”, and
 - (ii) before sub-paragraph (i) insert—
 - “(ai) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
 - (bi) it neither has effect nor is to have effect by virtue of section 7A or 7B,”
 - (d) in subsection (2)(c) for “exit day” substitute “IP completion day and so far as—
 - (i) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement, and
 - (ii) it neither has effect nor is to have effect by virtue of section 7A or 7B,”
 - (e) in subsection (3) for “exit day”, wherever it appears, substitute “IP completion day”, and
 - (f) in subsection (5) after “incorporation)” insert “and section 5A (savings and incorporation: supplementary)”.
- (3) In section 4 of that Act (saving for rights etc. under section 2(1) of the ECA)—
- (a) in subsection (1) for “exit day”, in both places where it appears, substitute “IP completion day”,
 - (b) in subsection (2)—
 - (i) after paragraph (a) (and before the “or” at the end of the paragraph) insert—
 - “(aa) are, or are to be, recognised and available in domestic law (and enforced, allowed and followed accordingly) by virtue of section 7A or 7B,” and
 - (ii) in paragraph (b) for “exit day” substitute “IP completion day”, and
 - (c) in subsection (3) after “incorporation)” insert “and section 5A (savings and incorporation: supplementary)”.
- (4) In section 5 of that Act (exceptions to savings and incorporation)—
- (a) in subsections (1) to (5) for “exit day”, wherever it appears, substitute “IP completion day”, and
 - (b) after subsection (6) insert—
 - “(7) Subsections (1) to (6) and Schedule 1 are subject to relevant separation agreement law (for which see section 7C).”
- (5) After section 5 of that Act insert—

“5A Savings and incorporation: supplementary

The fact that anything which continues to be, or forms part of, domestic law on or after IP completion day by virtue of section 2, 3 or 4 has an effect immediately before IP completion day which is time-limited by reference to the implementation period does not prevent it from having an indefinite effect on and after IP completion day by virtue of section 2, 3 or 4.”

- (6) In Schedule 1 to that Act (further provision about exceptions to savings and incorporation)—
- (a) for “exit day”, wherever it appears, substitute “IP completion day”, and
 - (b) in paragraph 5(1) for “in accordance with this Act” substitute “by virtue of section 2, 3, 4 or 6(3) or (6) and otherwise in accordance with this Act”.