United Kingdom Internal Market Act 2020

2020 CHAPTER 27

PART 1

UK MARKET ACCESS: GOODS

Exclusions from market access principles

10 Further exclusions from market access principles

(1) Schedule 1 contains provision excluding the application of the United Kingdom market access principles in certain cases.

(2) The Secretary of State may by regulations amend that Schedule.

(3) The power under subsection (2) may, for example, be exercised to give effect to an agreement that—

(a) forms part of a common framework agreement, and

(b) provides that certain cases, matters, requirements or provision should be excluded from the application of the market access principles.

(4) A "common framework agreement" is a consensus between a Minister of the Crown and one or more devolved administrations as to how devolved or transferred matters previously governed by EU law are to be regulated after IP completion day.

(5) References in this section to devolved or transferred matters include reference to corresponding matters in England.

(6) When determining whether a matter is a devolved or transferred matter for the purposes of this section, the following provisions are to be ignored—

(a) section 30A of the Scotland Act 1998;

(b) section 109A of the Government of Wales Act 2006;

(c) section 6A of the Northern Ireland Act 1998.

(7) In making regulations under subsection (2), the Secretary of State must have regard to the importance of facilitating the access to the market within Great Britain of qualifying Northern Ireland goods.

(8) Regulations under subsection (2) are subject to affirmative resolution procedure.

(9) Before making regulations under subsection (2), the Secretary of State must seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.

(10) If consent to the making of the regulations is not given by any of those authorities within the period of one month beginning with the day on which it is sought from that authority, the Secretary of State may make the regulations without that consent.

(11) If regulations are made in reliance on subsection (10), the Secretary of State must publish a statement explaining why the Secretary of State decided to make the regulations without the consent of the authority or authorities concerned.

(12) In this section—

"devolved administrations" means—

(a) the Scottish Ministers,

(b) the Welsh Ministers, and

(c) a Northern Ireland department;

"qualifying Northern Ireland goods" has the same meaning as in section 47.