



# European Union (Future Relationship) Act 2020

## 2020 CHAPTER 29

### PART 3

#### GENERAL IMPLEMENTATION

##### *Powers*

#### **31 Implementation power**

- (1) A relevant national authority may by regulations make such provision as the relevant national authority considers appropriate—
  - (a) to implement the Trade and Cooperation Agreement, the Nuclear Cooperation Agreement, the Security of Classified Information Agreement or any relevant agreement, or
  - (b) otherwise for the purposes of dealing with matters arising out of, or related to, the Trade and Cooperation Agreement, the Nuclear Cooperation Agreement, the Security of Classified Information Agreement or any relevant agreement.
- (2) Regulations under this section may make any provision that could be made by an Act of Parliament (including modifying this Act).
- (3) Regulations under this section may (among other things and whether with the same or a different effect) re-implement any aspect of—
  - (a) the Trade and Cooperation Agreement,
  - (b) the Nuclear Cooperation Agreement,
  - (c) the Security of Classified Information Agreement, or
  - (d) any relevant agreement,which has already been implemented (whether by virtue of this Act or otherwise).
- (4) But regulations under this section may not—
  - (a) impose or increase taxation or fees,

- (b) make retrospective provision,
  - (c) create a relevant criminal offence,
  - (d) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
  - (e) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 27(b) of Schedule 5 to this Act or are amending or repealing any provision of those Acts which modifies another enactment).
- (5) Subsection (4)(b) does not apply in relation to any regulations under this section which are for the purposes of replacing or otherwise modifying, or of otherwise making provision in connection with, the provision made by section 37(4) and (5).
- (6) See also Part 2 of Schedule 5 (general restrictions on certain powers of devolved authorities: devolved competence etc.).
- (7) In this section “relevant agreement” means—
- (a) any future relationship agreement which is not the Trade and Cooperation Agreement, the Nuclear Cooperation Agreement or the Security of Classified Information Agreement, or
  - (b) any agreement which falls within Article 2.4.4 of Chapter 2 of Title XI of Heading 1 of Part 2 of the Trade and Cooperation Agreement (competition co-operation agreement) (including any agreement which so falls as modified or supplemented from time to time in accordance with any provision of it or of any future relationship agreement).

### **32 Powers relating to the start of agreements**

- (1) A relevant national authority may by regulations make such provision as the relevant national authority considers appropriate in connection with—
- (a) the Trade and Cooperation Agreement, the Nuclear Cooperation Agreement or the Security of Classified Information Agreement (to any extent) coming into force, or becoming provisionally applied, later than IP completion day and after a period of time during which the agreement concerned was (to that extent) neither in force nor provisionally applied, or
  - (b) the ending, suspension or resumption of any provisional application of the Trade and Cooperation Agreement, the Nuclear Cooperation Agreement or the Security of Classified Information Agreement.
- (2) Regulations under this section may make any provision that could be made by an Act of Parliament (including modifying this Act).
- (3) Regulations under this section may not—
- (a) create a relevant criminal offence,
  - (b) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
  - (c) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 27(b) of Schedule 5 to this Act or are amending or repealing any provision of those Acts which modifies another enactment).
- (4) See also Part 2 of Schedule 5 (general restrictions on certain powers of devolved authorities: devolved competence etc.).

### **33 Powers relating to the functioning of agreements**

- (1) A relevant national authority may by regulations make such provision as the relevant national authority considers appropriate for the purposes of, or otherwise in connection with, the suspension, resumption or termination of—
  - (a) the Trade and Cooperation Agreement,
  - (b) the Security of Classified Information Agreement, or
  - (c) any other future relationship agreement,in accordance with the terms applicable to the agreement.
- (2) A relevant national authority may by regulations make such provision as the relevant national authority considers appropriate—
  - (a) to implement or remove any relevant remedial measures which the United Kingdom has decided to take under the Trade and Cooperation Agreement or any other future relationship agreement, or
  - (b) otherwise for the purposes of, or otherwise in connection with, the taking of any relevant remedial measures by the United Kingdom or another party to the Trade and Cooperation Agreement or any other future relationship agreement.
- (3) A relevant national authority may by regulations make such provision as the relevant national authority considers appropriate—
  - (a) to implement any agreed resolution of a dispute between the United Kingdom and another party under the Trade and Cooperation Agreement, the Security of Classified Information Agreement or any other future relationship agreement, or
  - (b) for the purposes of, or otherwise in connection with, any other decision of the United Kingdom in connection with any such dispute (other than a decision to suspend, resume, terminate or take relevant remedial measures).
- (4) Regulations under this section may make any provision that could be made by an Act of Parliament (including modifying this Act).
- (5) But regulations under this section may not—
  - (a) make retrospective provision,
  - (b) create a relevant criminal offence,
  - (c) confer a power to legislate,
  - (d) implement a ruling of an arbitration tribunal under the Trade and Cooperation Agreement or any other future relationship agreement,
  - (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
  - (f) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 27(b) of Schedule 5 to this Act or are amending or repealing any provision of those Acts which modifies another enactment).
- (6) Subsection (5)(c) does not prevent—
  - (a) the modification of a power to legislate, or
  - (b) the extension of such a power for similar purposes to those for which it was conferred.
- (7) See also Part 2 of Schedule 5 (general restrictions on certain powers of devolved authorities: devolved competence etc.).

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

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- (8) References in this section to the suspension, resumption or termination of a future relationship agreement include references to—
- (a) its suspension, resumption or termination in whole or in part or for a particular purpose or purposes, and
  - (b) anything equivalent in effect to a suspension, resumption or termination (however expressed).
- (9) In this section “relevant remedial measures” means—
- (a) any safeguard measures, or re-balancing measures, which any party to the Trade and Cooperation Agreement or any supplementing agreement is entitled to take under Article INST.36 of the Trade and Cooperation Agreement (including that Article as it has effect in relation to any supplementing agreement),
  - (b) any other safeguard measures or re-balancing measures, or
  - (c) any other remedial measures which any party to a future relationship agreement is entitled to take under that agreement or any other future relationship agreement,

and includes any interim or temporary measures which fall within paragraph (a), (b) or (c) but does not include any suspension, resumption or termination which falls within subsection (1).