



# European Union (Future Relationship) Act 2020

## 2020 CHAPTER 29

### PART 3

#### GENERAL IMPLEMENTATION

##### *General implementation of agreements*

#### **29 General implementation of agreements**

- (1) Existing domestic law has effect on and after the relevant day with such modifications as are required for the purposes of implementing in that law the Trade and Cooperation Agreement or the Security of Classified Information Agreement so far as the agreement concerned is not otherwise so implemented and so far as such implementation is necessary for the purposes of complying with the international obligations of the United Kingdom under the agreement.
- (2) Subsection (1)—
  - (a) is subject to any equivalent or other provision—
    - (i) which (whether before, on or after the relevant day) is made by or under this Act or any other enactment or otherwise forms part of domestic law, and
    - (ii) which is for the purposes of (or has the effect of) implementing to any extent the Trade and Cooperation Agreement, the Security of Classified Information Agreement or any other future relationship agreement, and
  - (b) does not limit the scope of any power which is capable of being exercised to make any such provision.
- (3) The references in subsection (1) to the Trade and Cooperation Agreement or the Security of Classified Information Agreement are references to the agreement concerned as it has effect on the relevant day.

(4) In this section—

“domestic law” means the law of England and Wales, Scotland or Northern Ireland;

“existing domestic law” means—

- (a) an existing enactment, or
- (b) any other domestic law as it has effect on the relevant day;

“existing enactment” means an enactment passed or made before the relevant day;

“modifications” does not include any modifications of the kind which would result in a public bill in Parliament containing them being treated as a hybrid bill;

“relevant day”, in relation to the Trade and Cooperation Agreement or the Security of Classified Information Agreement or any aspect of either agreement, means—

- (a) so far as the agreement or aspect concerned is provisionally applied before it comes into force, the time and day from which the provisional application applies, and
- (b) so far as the agreement or aspect concerned is not provisionally applied before it comes into force, the time and day when it comes into force;

and references to the purposes of (or having the effect of) implementing an agreement include references to the purposes of (or having the effect of) making provision consequential on any such implementation.

### **30 Interpretation of agreements**

A court or tribunal must have regard to Article COMPROV.13 of the Trade and Cooperation Agreement (public international law) when interpreting that agreement or any supplementing agreement.

#### *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,

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- (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

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- (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.).
- (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).

#### *Financial provision*

### **34 Funding of PEACE PLUS programme**

- (1) There may be paid out of money provided by Parliament any expenditure which the Secretary of State may incur in making payments to the EU or an EU entity to support the PEACE PLUS programme and any successor programmes.
- (2) In subsection (1)—
- “EU entity” means an EU institution or any office, body or agency of the EU;
  - “the PEACE PLUS programme” means the programme of the EU which is the successor to the programme known as PEACE IV (Ireland-United Kingdom).

### **35 General financial provision**

- (1) There may be paid out of money provided by Parliament any expenditure incurred by a Minister of the Crown, government department or other public authority by virtue of any future relationship agreement.

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- (2) A Minister of the Crown, government department or devolved authority may incur expenditure, for the purpose of, or in connection with, preparing for anything about which provision may be made under a power to make subordinate legislation conferred or modified by or under this Act, before any such provision is made.
- (3) There is to be paid out of money provided by Parliament—
  - (a) any expenditure incurred by a Minister of the Crown, government department or other public authority by virtue of this Act, and
  - (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.
- (4) Subsection (3) is subject to any other provision made by or under this Act or any other enactment.
- (5) In this section “government department” means any department of the Government of the United Kingdom.

*Parliamentary scrutiny*

### **36 Requirements in Part 2 of CRAGA**

Section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) does not apply in relation to the Trade and Cooperation Agreement, the Nuclear Cooperation Agreement or the Security of Classified Information Agreement (but this does not affect whether that section applies in relation to any treaty which modifies or supplements the agreement concerned).