
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the Act”). These are the first commencement regulations made under the Act. Certain provisions came into force on the passing of the Act. Certain provisions will come into force upon the Royal Assent of the Direct Payments to Farmers (Legislative Continuity) Bill, if that Bill is passed. The Act is the key piece of domestic legislation giving effect to international obligations contained in the draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (“the Withdrawal Agreement”), which will be ratified shortly after the making of these Regulations.

Regulation 3 brings into force section 41(4) in relation to paragraph 1(1) and (2) of Schedule 5, which provides for ‘exit day’ to be read as ‘IP completion day’ in commencement dates for subordinate legislation, except where this is expressly dis-applied.

Regulation 4(a) brings into force section 1 of the Act, which inserts a new section 1A into EUWA in order to save and amend the European Communities Act 1972 (c. 68) for the purpose of giving effect to Part 4 of the Withdrawal Agreement.

Regulation 4(b) brings into force section 2 of the Act, which inserts a new section 1B into EUWA in order to save certain provisions of the ECA for the purposes of the implementation period.

Regulation 4(c) brings into force section 5 of the Act, which inserts new section 7A into EUWA. New section 7A gives domestic legal effect to the withdrawal agreement (other than Part 4 so far as section 2(1) of the European Communities Act 1972 applies in relation to it).

Regulation 4(d) brings into force section 6 of the Act, which inserts new section 7B into EUWA. New section 7B gives domestic legal effect to the EEA EFTA separation agreement and the Swiss citizens’ rights agreement.

Regulation 4(e) brings into force section 10 of the Act, which provides for the retention of existing grounds for deportation for relevant persons.

Regulation 4(f) brings into force section 15(1) and (2) of the Act, which establishes the independent monitoring authority (“IMA”).

Regulation 4(g) brings into force section 15(3) of the Act, which relates to functions of the IMA required for exit day.

Regulation 4(h) brings into force section 25(4)(b) of the Act, which relates to consequential amendments to EUWA regarding separation agreement law.

Regulation 4(i) brings into force section 26(1)(a) of the Act, which substitutes “IP Completion Day” for “exit day” to the extent required by section 6(7) of EUWA.

Regulation 4(j) brings into force section 26(2) of the Act, which inserts new section 7C into EUWA. New section 7C makes provision for the way in which relevant separation agreement law is to be interpreted.

Regulation 4(k) brings into force section 27 of the Act, which amends section 8 of and Schedule 2 to EUWA in relation to provisions for dealing with deficiencies in retained EU law.

Regulation 4(l) brings into force section 41(4) and (6) of the Act, for the purposes of those provisions commenced under Regulation 4 (n). These provisions introduce Parts 1 and 2, and Part 3 of Schedule 5 respectively.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 4(m) brings into force the specified paragraphs of Schedule 2 to the Act, which make provision in relation to the constitution and proceedings of the IMA as well as the supplementary powers of the IMA and the interpretation of the Schedule.

Regulation 4(n) brings into force various consequential and transitional provisions contained in Schedule 5 to the Act.