
STATUTORY INSTRUMENTS

2022 No. 357

The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022

PART 2

Repeal of EU restrictions in devolution Acts and consequential amendment of devolution Acts

Amendment of the Scotland Act 1998

- 2.—**(1) The Scotland Act 1998(1) is amended as follows.
- (2) In section 29(2) (provisions outside legislative competence)(2), in paragraph (d), omit “or in breach of the restriction in section 30A(1)”.
- (3) Omit section 30A (legislative competence: restriction relating to retained EU law)(3).
- (4) In section 57 (Convention rights and retained EU law)(4)—
- (a) in the heading, omit “and retained EU law”;
- (b) omit subsections (4) to (15).
- (5) In Schedule 6 (devolution issues)(5), in paragraph 1(d), omit “or in breach of the restriction in section 57(4)”.
- (6) In Schedule 7 (procedure for subordinate legislation)(6)—
- (a) in paragraph 1(2), in the table—
- (i) omit the entry for section 30A;
- (ii) omit the entry for section 57(4);
- (b) omit paragraph 6.

Amendment of the Northern Ireland Act 1998

- 3.—**(1) The Northern Ireland Act 1998(7) is amended as follows.

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- (1) 1998 c. 46.
- (2) Section 29(2) was amended by section 12(1) of the European Union (Withdrawal) Act 2018.
- (3) Section 30A was inserted by section 12(2) of the European Union (Withdrawal) Act 2018, and amended by paragraph 18 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).
- (4) The heading of section 57 was amended by paragraph 13(2) of Schedule 3 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”). Subsections (4) to (15) were inserted by paragraph 1(b) of Schedule 3 to the 2018 Act, and were amended by paragraph 19 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020, paragraph 1 of Schedule 6 to the European Union (Future Relationship) Act 2020 (c. 29) and paragraph 1 of Schedule 3 to the Trade Act 2021 (c. 10). There are other amendments to section 57 which are not relevant to these Regulations.
- (5) Paragraph 1(d) of Schedule 6 was amended by paragraph 23(2) of Schedule 3 to the European Union (Withdrawal) Act 2018. There are other amendments to Schedule 6 that are not relevant to these Regulations.
- (6) The relevant entries in the table in paragraph 1(2) of Schedule 7 were inserted by paragraph 24 of Schedule 3 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”). Paragraph 6 was inserted by paragraph 25 of Schedule 3 to the 2018 Act. There are other amendments to Schedule 7 that are not relevant to these Regulations.
- (7) 1998 c. 47.

- (2) In section 6(2) (provisions outside legislative competence)(8), omit paragraph (d).
- (3) Omit section 6A (restriction relating to retained EU law)(9).
- (4) In section 24 (Convention rights, retained EU law etc.)(10)—
 - (a) in the heading, omit “, retained EU law”;
 - (b) omit subsections (3) to (15).
- (5) In section 96 (orders and regulations)(11), omit subsection (4A).
- (6) Omit section 96A (explanatory statements in relation to certain regulations)(12).

Amendment of the Government of Wales Act 2006

- 4.—(1) The Government of Wales Act 2006(13) is amended as follows.
 - (2) In the italic heading before section 80 (retained EU law, human rights and international obligations etc.)(14), for “law” substitute “obligations”.
 - (3) In section 80 (retained EU law)(15)—
 - (a) in the heading, for “law” substitute “obligations”;
 - (b) omit subsections (8) to (8L);
 - (c) in subsection (9), for “Subsections (1), (8) and (8L) apply” substitute “Subsection (1) applies”.
 - (4) In section 108A(2)(e) (no competence to legislate incompatibly with Convention rights or in breach of section 109A(1))(16), omit “or in breach of the restriction in section 109A(1)”.
 - (5) Omit section 109A (legislative competence: restriction relating to retained EU law)(17).
 - (6) Omit section 157ZA (explanatory statements in relation to certain regulations)(18).

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- (8) Section 6(2)(d) was amended by section 12(5) of the European Union (Withdrawal) Act 2018. There are other amendments to section 6(2) that are not relevant to these Regulations.
 - (9) Section 6A was inserted by section 12(6) of the European Union (Withdrawal) Act 2018, and amended by paragraph 23 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.
 - (10) The heading of section 24 was amended by paragraph 55 of Schedule 3 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”). Subsections (3) to (15) were inserted by paragraph 3(b) of Schedule 3 to the 2018 Act, and amended by paragraph 25 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020, paragraph 2 of Schedule 6 to the European Union (Future Relationship) Act 2020 and paragraph 3 of Schedule 3 to the Trade Act 2021. There are other amendments to section 24 which are not relevant to these Regulations.
 - (11) Subsection (4A) was inserted in section 96 by paragraph 57 of Schedule 3 to the European Union (Withdrawal) Act 2018. There are other amendments to section 96 which are not relevant to these Regulations.
 - (12) Section 96A was inserted by paragraph 58 of Schedule 3 to the European Union (Withdrawal) Act 2018.
 - (13) [2006 c. 32](#).
 - (14) The heading was amended by paragraph 36 of Schedule 3 to the European Union (Withdrawal) Act 2018, and by article 6(2)(a) of the Treaty of Lisbon (Changes in Terminology) Order 2011 ([S.I. 2011/1043](#)).
 - (15) The heading of section 80 was amended by article 6(2)(a) of the Treaty of Lisbon (Changes in Terminology) Order 2011 and paragraph 37(2) of Schedule 3 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”). Subsections (8) to (8L) were inserted by paragraph 2 of Schedule 3 to the 2018 Act, and amended by paragraph 28 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020, paragraph 3 of Schedule 6 to the European Union (Future Relationship) Act 2020, paragraph 2(19) of Schedule 1 to the Senedd and Elections (Wales) Act 2020 (anaw 1) and paragraph 2 of Schedule 3 to the Trade Act 2021. Subsection (9) was amended by paragraph 37(7) of Schedule 3 to the 2018 Act. There are other amendments to section 80 that are not relevant to these Regulations.
 - (16) Section 108A was inserted by section 3(1) of the Wales Act 2017 (c. 4). Subsection (2)(e) was amended by section 12(3) of the European Union (Withdrawal) Act 2018.
 - (17) Section 109A was inserted by section 12(4) of the European Union (Withdrawal) Act 2018 and amended by paragraph 29 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and by paragraph 2(19) of Schedule 1 to the Senedd and Elections (Wales) Act 2020.
 - (18) Section 157ZA was inserted by paragraph 43 of Schedule 3 to the European Union (Withdrawal) Act 2018 and amended by paragraph 2(19) of Schedule 1 to the Senedd and Elections (Wales) Act 2020.