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STATUTORY INSTRUMENTS

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**2024 No. 163**

**The Windsor Framework (UK Internal Market  
and Unfettered Access) Regulations 2024**

**Amendment of the United Kingdom Internal Market Act 2020**

- 2.—(1) The United Kingdom Internal Market Act 2020 is amended as follows.  
(2) Before section 46 insert—

**“45A Ongoing guarantee of UK internal market access for qualifying Northern Ireland goods**

(1) Article 6(1) of the Windsor Framework provides that nothing in the Framework prevents the United Kingdom from ensuring unfettered access for goods moving from Northern Ireland to other parts of the United Kingdom’s internal market.

(2) Accordingly, this Act—

- (a) prohibits the application of export procedures to goods removed from Northern Ireland to Great Britain, in accordance with and subject to section 47; and
- (b) makes other provision for the purpose of giving permanent unfettered access (as mentioned in Article 6(1)) for qualifying Northern Ireland goods to the whole of the internal market of the United Kingdom.

(3) In particular, that permanent unfettered access is achieved in relation to qualifying Northern Ireland goods through (among other things)—

- (a) the mutual recognition principle for goods securing that qualifying Northern Ireland goods which can be sold in Northern Ireland without contravening any relevant requirements that apply to their sale can also be sold in England and Wales and Scotland, in accordance with and subject to the provisions of Part 1;
- (b) the non-discrimination principle for goods securing that qualifying Northern Ireland goods can be sold in England and Wales and Scotland without the sale being affected by relevant requirements that directly or indirectly discriminate against goods that have a relevant connection with a part of the United Kingdom other than the part in which they are sold, in accordance with and subject to the provisions of Part 1; and
- (c) each of the appropriate authorities in the United Kingdom being prohibited, in accordance with and subject to the provisions of section 47, from exercising any function in a way which would result—
  - (i) in an existing kind of NI-GB check, control or administrative process from being used for the first time, or for a new purpose or to a new extent, or
  - (ii) in a new kind of NI-GB check, control or administrative process being introduced or being used.

(4) The provisions referred to in subsections (2) and (3) are to continue to have effect notwithstanding any divergence between—

- (a) the laws which affect the sale of goods in Northern Ireland; and

- (b) the laws which affect the sale of goods in England and Wales or Scotland.

#### **45B Goods moved from Northern Ireland: position in relation to export procedures**

(1) In the United Kingdom unilateral declaration on export procedures, the United Kingdom has confirmed that export procedures will not apply to goods moving from Northern Ireland to other parts of the United Kingdom's internal market unless the goods fall into one of the categories listed in points (1) to (5) of the declaration.

(2) Accordingly, no export procedures apply to any goods moved from Northern Ireland to Great Britain unless the goods fall into one of those categories.

(3) In this section—

- (a) “United Kingdom unilateral declaration on export procedures” means the Unilateral Declaration by the United Kingdom in the Joint Committee established by the EU withdrawal agreement, on export procedures for goods moving from Northern Ireland to other parts of the United Kingdom, dated 24 March 2023<sup>(1)</sup>;
- (b) references to export procedures are to the export procedures to which that declaration applies.

#### **45C Further protections in respect of Northern Ireland's place in the UK internal market**

(1) Article 6 of the Windsor Framework makes provision about the facilitation of trade between Northern Ireland and the rest of the United Kingdom.

(2) Accordingly, in addition to the provisions mentioned in sections 45A and 45B, this Act makes provision for the purpose of facilitating that trade through (among other things)—

- (a) the mutual recognition principle for goods and the non-discrimination principle for goods applying to the sale of goods in Northern Ireland in accordance with and subject to the provisions of Part 1, including provisions affecting the application of those principles mentioned in the words in brackets in section 11(1);
- (b) section 46 setting out the matters to which appropriate authorities must have special regard when exercising a function for a relevant purpose, including the need to maintain Northern Ireland's integral place in the United Kingdom's internal market and the need to facilitate the free flow of goods between Great Britain and Northern Ireland with the aims mentioned in section 46(1)(c); and
- (c) section 46A making provision conferring power on the Secretary of State to issue guidance to assist the appropriate authorities in the exercise of their duty under section 46(1).

(3) In subsection (2)(a), the reference to the sale of goods in Northern Ireland includes the sale in Northern Ireland of goods which are subject to provisions of Part 2 of the Windsor Framework (Retail Movement Scheme: Public Health, Marketing, Organic Product Standards and Miscellaneous Provisions) Regulations 2023, which applies to the extent that any provision listed in Annex 1 to the SPS Regulation does not apply by virtue of Article 1(2) and Chapter 2 of the SPS Regulation.

(4) In subsection (3), “SPS Regulation” has the same meaning as in those Regulations.”

(3) After section 46 insert—

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(1) Available electronically at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1145715/](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145715/)

[Unilateral Declarations by the United Kingdom of Great Britain and Northern Ireland and the European Union in the Withdrawal Agreement](#)  
A person unable to access the document electronically can arrange access to a hard copy by inspection free of charge at the Foreign, Commonwealth and Development Office, King Charles Street, London, SW1A 2AH.

**“46A Guidance relating to section 46**

(1) The Secretary of State may issue guidance to assist appropriate authorities in the exercise of the duty in section 46(1).

(2) The Secretary of State may revise or revoke (in whole or in part) any guidance issued under this section.

(3) An appropriate authority must have regard to guidance issued under this section when exercising any function for a relevant purpose.

(4) In this section “appropriate authority” and “relevant purpose” have the same meaning as in section 46.”

(4) In section 47(8) (unfettered access to the UK internal market for Northern Ireland goods), for paragraph (a) substitute—

“(a) an “NI-GB” check, control or administrative process is one applicable to the movement of qualifying Northern Ireland goods from Northern Ireland to Great Britain which—

(i) is direct movement, or

(ii) would be direct movement but for the fact the goods merely pass through the Republic of Ireland (and only the Republic of Ireland) in making that movement;”.

(5) In section 58 (interpretation: general) at the end insert—

““Windsor Framework” means the part of the EU withdrawal agreement known as the Windsor Framework by virtue of Joint Declaration No. 1/2023 of 24 March 2023 made by the European Union and the United Kingdom in the Joint Committee established by the EU withdrawal agreement.”(2)

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(2) Available electronically at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1145699/](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145699/)

[Joint Declaration by the United Kingdom of Great Britain and Northern Ireland and the European Union in the Withdrawal Agreement Joint Declaration](#)  
A person unable to access the document electronically can arrange access to a hard copy by inspection free of charge at the Foreign, Commonwealth and Development Office, King Charles Street, London, SW1A 2AH.