
STATUTORY INSTRUMENTS

2024 No. 164

The Windsor Framework (Constitutional Status of Northern Ireland) Regulations 2024

Amendment of the European Union (Withdrawal Agreement) Act 2020

- 2.—(1) The European Union (Withdrawal Agreement) Act 2020(1) is amended as follows.
- (2) In section 38 (Parliamentary sovereignty)—
- (a) in the heading, at the end, insert “and the constitutional status of Northern Ireland”;
 - (b) in subsection (2) after “withdrawal agreement”, in both places those words occur in parenthesis, insert “(including the Windsor Framework)”;
 - (c) after subsection (3), insert—
 - “(4) The Windsor Framework is without prejudice to these matters (in particular), which are recognised and continue—
 - (a) the constitutional status of Northern Ireland as part of the United Kingdom,
 - (b) Northern Ireland’s part in the economy of the United Kingdom, including its customs territory and internal market,
 - (c) the power of the Parliament of the United Kingdom to make laws for Northern Ireland, and
 - (d) the vesting of executive power in Northern Ireland in His Majesty.
- (5) The enactments which make provision—
 - (a) about the constitutional status of Northern Ireland, the power of the Parliament of the United Kingdom to make laws for Northern Ireland and the vesting of executive power in Northern Ireland include—
 - (i) the Northern Ireland Act 1998(2) (section 1 of which relates to the principle of consent), and
 - (ii) the Union with Ireland Act 1800(3) and the Act of Union (Ireland) 1800(4), and
 - (b) about Northern Ireland’s part in the economy of the United Kingdom, including its customs territory and internal market, include the United Kingdom Internal Market Act 2020.”
- (3) After section 38 insert—

(1) 2020 c. 1.
(2) 1998 c. 47.
(3) 1800 c. 67.
(4) 1800 c. 38 (Ir.)

“38A Prohibition of certain Northern Ireland-related agreements

(1) His Majesty’s Government must not ratify a Northern Ireland-related agreement with the European Union that would create a new regulatory border between Great Britain and Northern Ireland.

(2) Before His Majesty’s Government ratifies a Northern Ireland-related agreement with the European Union that would not create a new regulatory border between Great Britain and Northern Ireland, a Minister of the Crown must lay before Parliament a statement explaining why the agreement does not create a new regulatory border.

(3) In this section—

“a new regulatory border” has the meaning given in paragraph 18(5) of Schedule 6B⁽⁵⁾ to the Northern Ireland Act 1998;

“a Northern Ireland-related agreement with the European Union” means a written agreement that—

- (a) is between the United Kingdom, of the one part, and the European Union or the European Union and its Member States, of the other part, including—
 - (i) a supplementing agreement of the kind referred to in Article 2 of the Trade and Cooperation Agreement, and
 - (ii) an agreement of the kind referred to in Article 13(8) of the Windsor Framework,
- (b) is binding under international law,
- (c) supersedes (in whole or in part) or supplements the Windsor Framework, and
- (d) relates to any matter to which the Windsor Framework relates (whether or not it also relates to any other matter), including—
 - (i) customs matters and matters relating to the customs territory of the United Kingdom,
 - (ii) the movement of goods into Northern Ireland,
 - (iii) the United Kingdom internal market for goods and services,
 - (iv) technical regulations, assessments, registrations, certificates, approvals and authorisations, and
 - (v) VAT and excise;

“ratify” has the meaning given in s 25(3) of the Constitutional Reform and Governance Act 2010⁽⁶⁾;

“Trade and Cooperation Agreement” has the meaning given in section 37(1) of the European Union (Future Relationship) Act 2020⁽⁷⁾.”

(4) In section 39(1)—

- (a) in the definition of “withdrawal agreement”, for the words from “(as” to “it)” substitute “as modified in relation to the Windsor Framework (and as otherwise modified from time to time in accordance with any provision of that agreement)”, and
- (b) at the appropriate place, insert—

““Windsor Framework” means the part of the withdrawal agreement known as the Windsor Framework by virtue of Joint Declaration No. 1/2023 of 24 March 2023

⁽⁵⁾ Schedule 6B was inserted by [S.I. 2024/118](#).

⁽⁶⁾ [2010 c. 25](#).

⁽⁷⁾ [2020 c. 29](#).

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made between the EU and the United Kingdom in the Joint Committee established by the withdrawal agreement;”.