



# EU (Withdrawal) Bill

Department  
for Exiting the  
European Union

Factsheet 1: General

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## The EU (Withdrawal) Bill

On 13 July 2017, the Government introduced the Withdrawal Bill to the House of Commons. On 17 January 2018, the Bill was given a Third Reading and passed through the House of Commons. The Bill then completed its passage through the House of Lords on 16 May 2018 and has been returned to the House of Commons to consider the amendments which the House of Lords has suggested to it.

The Bill will ensure that the UK exits the EU with certainty, continuity and control.

The Bill ensures that, as far as possible, the same rules and laws will apply on the day after exit as on the day before. This will provide the maximum possible certainty and continuity to businesses, workers and consumers across the UK, so that they can have confidence that they will not be subject to unexpected changes on the day we leave the EU.

The Bill delivers on our promise to end the principle of supremacy of EU law in the UK. It is the only way for the UK to leave the EU while taking back control, so that our future laws will be made in London, Edinburgh, Cardiff and Belfast.

## Explanation of the Bill

- The Withdrawal Bill is integral to ensuring that the statute book is able to function on the day we leave the EU. It is intended to promote continuity and certainty as far as possible. Therefore, the Bill is technical in nature, rather than a vehicle for major policy changes.

### Why are we repealing the European Communities Act 1972 (ECA)?

- It is important to repeal the ECA to ensure there is maximum clarity as to the law that applies in the UK, and to reflect the fact that following the UK's exit from the EU the principle of the supremacy of EU law will cease to apply to the laws Parliament makes.

### Isn't repealing the ECA enough?

- There are a large number of EU regulations and many other EU-derived laws which form part of our law which, if we were to repeal the ECA without doing anything else, would no longer apply, creating large holes in our statute book. The Bill converts

existing EU law into domestic law at the same time as repealing the ECA, to prevent the UK's statute book from containing significant gaps once we leave the EU.

- The Bill will convert existing direct EU law (including EU regulations and directly effective decisions), as it applies in the UK at the date of exit, into our domestic law. It will also preserve the laws we have made in the UK to implement our EU obligations (such as laws made to implement EU directives).
- This approach of converting EU law into domestic law maximises certainty and stability while ensuring Parliament is sovereign.

#### **Is this enough to ensure a functioning statute book?**

- Simply doing the above will not be enough to ensure the law operates properly on the day we leave the EU. Despite the Bill's conversion of EU-derived legislation, many areas of law will not function effectively once we have left the EU because, for example, they refer to EU institutions that will no longer play a role in the UK.
- The Bill will therefore give ministers temporary powers to correct retained EU law which does not function effectively. The corrections will be made by statutory instruments made under the power(s) in the Bill, and these will need to have passed through the appropriate parliamentary procedures.
- The powers in the Bill will ensure that, whatever the outcome of the negotiations, the statute book can continue to function. Therefore, the Bill also includes a power to implement those elements of a withdrawal agreement that should be in place on day one of exit.

#### **In addition:**

- The Bill will also replicate the common frameworks created by EU law in the UK, and maintain the scope of devolved decision-making powers immediately after exit. This will be a transitional arrangement to provide certainty after exit and allow intensive discussion and consultation with devolved administrations on where lasting common frameworks are needed.

#### **Other legislation:**

This Bill is not seeking to legislate for any Withdrawal Agreement. The Government has announced its intention to bring forward a new Bill - the Withdrawal Agreement and Implementation Bill - to implement the agreement reached with the EU. This legislation will give effect to the Withdrawal Agreement (which may include things such as the agreement on citizens' rights and any financial settlement and implementation period agreed) in our domestic law. So if, for example, there is a role for the CJEU as part of that agreement then it would be legislated for under the separate Withdrawal Agreement and Implementation Bill.

Four other exit-related bills have been introduced in Parliament this session. These are the Nuclear Safeguards Bill, the Sanctions and Anti-Money Laundering Bill, the Trade Bill and the Taxation (Cross Border Trade) Bill.

Three other exit bills were announced in the Queen's Speech. These were the Immigration Bill, Fisheries Bill and Agriculture Bill.

## Key facts

- According to the EU's legal database, there are currently around 11,000 EU regulations in force (this includes amending regulations as well as delegated and implementing regulations).
- In terms of domestic legislation which implements EU law such as directives, research from the House of Commons Library indicates that there have been around 7,900 statutory instruments that have implemented EU legislation.
- We currently estimate that EU exit will require between 800 and 1,000 statutory instruments (largely to correct deficiencies in retained EU law). This is in addition to those statutory instruments that will be necessary for purposes other than leaving the EU. Ultimately though, it is not possible to be definitive about the volume of legislation that will be needed, as it is dependent on the outcome of negotiations with the EU and other factors.