S T A T U T O R Y I N S T R U M E N T S

2018 No. 000

EXITING THE EUROPEAN UNION

The European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2018

Sift requirements satisfied	***
Made - - - -	***
Laid before Parliament	***
Coming into force in accordance with regulation 1	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 23(1) and (2) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

The requirements of paragraph 3(2) and 17(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2018 and come into force in accordance with paragraphs (2) and (3).

(2) The following come into force 22 days after the day on which these Regulations are laid before Parliament—

(a) this regulation and regulations 7 and 8;

(b) regulation 4(5) insofar as it relates to the following definitions (definitions relating to EU Exit)—

(i) "exit day" (and related expressions);

(ii) "retained EU law";

(iii) "retained direct minor EU legislation";

(iv) "retained direct principal EU legislation";

(**a**) 2018 c. 16.

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(v) "retained direct EU legislation";

(vi) "retained EU obligation";

(c) regulation 4(6)(d).

(3) Otherwise, these Regulations come into force on exit day.

(4) Any provision of these Regulations which amends, repeals or revokes an enactment has the same extent as the enactment amended, repealed or revoked.

(5) In these Regulations "the Act" means the European Union (Withdrawal) Act 2018.

PART 2

Interpretation of references to EU instruments etc.

Interpretation of non-ambulatory references to direct EU legislation etc.

2.—(1) Any reference which, immediately before exit day—

(a) exists in—

(i) any enactment, or

(ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3 of the Act, and

(b) is a reference to any of the following as it has effect at a particular time which is earlier than exit day—

(i) any EU regulation, EU decision or EU tertiary legislation,

(ii) any provision of the EEA agreement,

(iii) any of the EU Treaties,

(iv) any other EU instrument or other document of an EU entity, or

(v) any part of anything falling within paragraph (i), (ii), (iii) or (iv),

is to be read, on or after exit day, in accordance with paragraph (2) or (3) as the case may be.

(2) If—

(a) the reference is a reference to—

(i) any EU regulation, EU decision or EU tertiary legislation,

(ii) any provision of the EEA agreement, or

(iii) any part of anything falling within paragraph (i) or (ii),

(b) there has been no relevant modification after the particular time of what has been referred to ("the subject law"), and

(c) the subject law is to form part of domestic law by virtue of section 3 of the Act,

the reference is to be read, on or after exit day, as a reference to the subject law as it forms part of domestic law by virtue of section 3 of the Act.

(3) In any other case, the reference is to be read, on or after exit day, as a reference to the subject law as it had effect in EU law at the particular time.

(4) Paragraph (2) does not determine whether, where the subject law is modified by domestic law on or after exit day, the reference is to be read as a reference to the subject law as modified.

(5) This regulation is subject to any provision made by or under the Act or any other enactment.

(6) In this regulation—

"relevant modification" means any modification in EU law which—

(a) is to form part of domestic law by virtue of section 3 of the Act, and

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(b) would, if the reference were to the subject law as modified, result in an alteration to the effect of the reference (ignoring any alteration which is irrelevant in the context concerned);

"the subject law" has the meaning given by paragraph (2)(b).

Interpretation of references created on or after exit day to EU regulations etc.

3.—(1) The Interpretation Act 1978(**a**) is amended as follows.

(2) In section 20 (references to other enactments), after subsection (2), insert—

"(3) Where an Act passed on or after exit day refers to any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement, the reference, unless the contrary intention appears, is a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.

(4) Subsection (3) does not determine any question as to whether the reference is to be read as a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as modified by domestic law (and, accordingly, is without prejudice to subsection (2)).

(5) Any expression in subsection (3) or (4) which is defined in the European Union (Withdrawal) Act 2018 has the same meaning in that subsection as in that Act."

(3) In section 22(1) (application to Acts and Measures) after "subject" insert ", in the case of section 20(3) to (5), to the provision made in section 20(3) and".

PART 3

Scotland

Amendments of Interpretation and Legislative Reform (Scotland) Act 2010

4.—(1) The Interpretation and Legislative Reform (Scotland) Act 2010(**b**) is amended as follows.

(2) In section 1 (application of Part 1 of the Act), omit subsection (10).

(3) In section 14 (references to other legislative provisions), after subsection (2), insert—

"(3) A reference in—

(a) an Act of the Scottish Parliament the Bill for which received Royal Assent on or after exit day, or

(b) a Scottish instrument made on or after exit day,

to any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement is a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.

(4) Subsection (3) does not determine any question as to whether the reference is to be read as a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as modified by domestic law (and, accordingly, is without prejudice to subsections (1) and (2)).

(5) Any expression in subsection (3) or (4) which is defined in the European Union (Withdrawal) Act 2018 has the same meaning in that subsection as in that Act."

(**a**) 1978 c. 30.
(**b**) 2010 asp 10.

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(4) In section 37 (interpretation of Part 2 of the Act)—

(a) in the definition of "enactment", omit the words "and any retained direct EU legislation", and

(b) omit the definitions of "retained direct EU legislation" and "subordinate legislation".

(5) In section 55 (transitional Orders: revocation and savings)—

(a) in subsection (2), after "before that day" insert "(but subject to the modifications in subsections (2A) and (2B))", and

(b) after subsection (2) insert—

"(2A) The modification is that in article 2(1) (interpretation) the definition of "enactment" is to be read as if the words "(as that section had effect immediately before 4 June 2010) and includes any retained direct EU legislation" were inserted after "1998".

(2B) The modifications are that Schedule 2 (general definitions) is to be read as if—

(a) there were inserted after the title of the Schedule—

"*Definitions*",

(b) in the fourth entry, the words from "The" to "prescribed by that Act;" were omitted,

(c) the definitions of "EEA agreement" and "EEA state" were omitted, and

(d) there were inserted at the end—

"*Definitions relating to EU exit*

"exit day" (and related expressions) have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).

"retained EU law", "retained direct minor EU legislation", "retained direct principal EU legislation" and "retained direct EU legislation" have the same meaning as in the European Union (Withdrawal) Act 2018 (see sections 6(7), 7(6) and 20(1) of that Act).

"retained EU obligation" means an obligation that—

(a) was created or arose by or under the EU Treaties before exit day, and

(b) forms part of retained EU law,

as modified from time to time.

Definitions relating to the EU

"The Communities" means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU.

"E.C.S.C. Treaty" means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951.

"EEA agreement" means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time, but does not include any retained direct EU legislation.

"EEA state", in relation to a time, means—

(a) a state which at that time is a member State, or

(b) any other state which at that time is a party to the EEA agreement.

"E.E.C. Treaty" means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957.

"Entry date" means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU).

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"The EU" or "the European Union" means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom.

"EU institution" means any institution of the EU.

"EU instrument" means any instrument issued by an EU institution other than any retained direct EU legislation.

"Euratom", "Economic Community" and "Coal and Steel Community" mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of "the Communities" for provision as to the construction of references to those Communities).

"Euratom Treaty" means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957.

"European Court" means the Court of Justice of the European Union.

"Member", in the expression "member State", refers to membership of the EU.

"The Treaties" or "the EU Treaties" means the Treaties or EU Treaties, within the meaning given by section 1(2) of the European Communities Act 1972 as that Act had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018, as at immediately before exit day.""

(6) In Schedule 1 (definitions of words and expressions)—

(a) before the definition of "Act" insert—

"*Definitions*",

(b) in the definition of "enactment"—

(i) after paragraph (d) insert—

"(da) any retained direct EU legislation,", and

(ii) in paragraph (e), for "or instrument" substitute ", instrument or retained direct EU legislation",

(c) in the definition of "subordinate legislation", at the end insert "or made or to be made on or after exit day under any retained direct EU legislation", and

(d) at the end insert—

"*Definitions relating to EU exit*

"exit day" (and related expressions) have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).

"retained EU law", "retained direct minor EU legislation", "retained direct principal EU legislation" and "retained direct EU legislation" have the same meaning as in the European Union (Withdrawal) Act 2018 (see sections 6(7), 7(6) and 20(1) of that Act).

"retained EU obligation" means an obligation that—

(a) was created or arose by or under the EU Treaties before exit day, and

(b) forms part of retained EU law,

as modified from time to time."

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PART 4

Northern Ireland

"Statutory provision" to include retained direct EU legislation

5.—(1) In section 1(f) of the Interpretation Act (Northern Ireland) 1954(**a**) (meaning of "statutory provision")—

(a) the words from "a statute or instrument" to the end become sub-paragraph (i) of that paragraph,

(b) at the end of that sub-paragraph insert "or", and

(c) after that sub-paragraph insert—

"(ii) any retained direct EU legislation for the time being in force in Northern Ireland;".

(2) Paragraph (3) applies to an enactment that, before exit day, contains a reference to a "statutory provision" as defined by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) The amendments made by paragraph (1) do not affect the reference if the contrary intention appears in the enactment.

Interpretation of certain Northern Ireland references to EU regulations etc.

6.—(1) In section 11 of the Interpretation Act (Northern Ireland) 1954 (references in enactments), after subsection (1) insert—

"(1A) Subsection (1) does not apply to a reference in an enactment to retained direct EU legislation which is not subordinate legislation for the purposes of the Interpretation Act 1978.

(1B) Subsection (1C) applies to a reference in an enactment which is, by virtue of regulation 2(2) of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2018, to be read as a reference to what has been referred to as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.

(1C) As well as being so read, the reference shall be construed as a reference to what has been referred to as for the time being amended by statutory provision coming into operation on or after exit day.

(1D) Subsection (1E) applies where—

(a) an enactment passed or made on or after exit day refers to any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement, and

(b) that EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.

(1E) The reference shall be construed as a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018 and as for the time being amended by statutory provision coming into operation on or after exit day.

(1F) In subsections (1B) to (1E), "EU regulation", "EU decision", "EU tertiary legislation" and "domestic law" have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act)."

(2) In section 12(2) of the Interpretation Act (Northern Ireland) 1954 (amending provisions), for "sub-section (1)" substitute "subsections (1) and (1B) to (1E)".

(**a**) 1954 c. 33 (N.I.).

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Definitions relating to the United Kingdom's withdrawal from the European Union

7.—(1) After section 44 of the Interpretation Act (Northern Ireland) 1954 insert—

"Definitions relating to the United Kingdom's withdrawal from the European Union

44A. In an enactment—

"exit day" (and related expressions) have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act),

"retained EU law", "retained direct minor EU legislation", "retained direct principal EU legislation" and "retained direct EU legislation" have the same meaning as in the European Union (Withdrawal) Act 2018 (see sections 6(7), 7(6) and 20(1) of that Act),

"retained EU obligation" means an obligation that—

(a) was created or arose by or under the EU Treaties before exit day, and

(b) forms part of retained EU law,

as modified from time to time."

(2) Section 44A of the Interpretation Act (Northern Ireland) 1954 ("the 1954 Act") applies to an Act of the Parliament of Ireland to which the provisions of the 1954 Act are not applied as that section applies to an Act within the meaning of section 1(a) of the 1954 Act.

Retained direct EU legislation: laying of documents before Northern Ireland Assembly

8.—(1) This regulation applies where under retained direct EU legislation a document requires to be, or may be, laid before the Northern Ireland Assembly.

(2) The delivery of a copy of the document to the Business Office of the Assembly is, for all purposes, to be taken to be the laying of it before the Assembly.

PART 5

Repeals and revocations

Repeals and revocations

9.—(1) The enactments mentioned in Part 1 of the Schedule are repealed to the extent specified.

(2) The enactments mentioned in Part 2 of the Schedule are revoked to the extent specified.

(3) Part 3 of the Schedule (which contains transitional provisions in relation to the repeals in Part 1) has effect.

Signatory text

Name
Address — Parliamentary Under Secretary of State
Date — Department

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SCHEDULE

Regulation 9

Repeals and revocations

PART 1

Repeals of primary legislation

Table 1

Short Title	*Extent of Repeal*
The European Communities (Greek Accession) Act 1979(**a**)	The whole Act
The European Communities (Spanish and Portuguese Accession) Act 1985(**b**)	The whole Act
The European Communities (Amendment) Act 1986(**c**)	Sections 1, 2 and 3(4)
The European Communities (Amendment) Act 1993(**d**)	The whole Act
The European Union (Accessions) Act 1994(**e**)	The whole Act
The European Communities (Amendment) Act 1998(**f**)	The whole Act
The Government of Wales Act 1998(**g**)	Paragraph 34 of Schedule 12
The Scotland Act 1998(**h**)	Paragraph 28 of Schedule 8
The European Communities (Amendment) Act 2002(**i**)	The whole Act
The European Union (Accessions) Act 2003(**j**)	The whole Act
The European Union (Accessions) Act 2006(**k**)	The whole Act
The European Union (Croatian Accession and Irish Protocol) Act 2013(**l**)	Sections 3, 4, 5 and 6

PART 2

Revocation of secondary legislation

Table 2

Instrument	*Extent of Revocation*
Northern Ireland Act 1998 (Amendment of Enactment) Order 2001(**m**)	The whole Order

(**a**) 1979 c. 57.
(**b**) 1985 c. 75.
(**c**) 1986. c. 58.
(**d**) 1993 c. 32.
(**e**) 1994 c. 38.
(**f**) 1998 c. 21.
(**g**) 1998 c. 38; paragraph 34 of Schedule 12 of the Government of Wales Act 2006 amends section 6 of the European Communities (Amendment) Act 1993 which is repealed by these regulations.
(**h**) 1998 c. 46; paragraph 28 of Schedule 8 of the Scotland Act amends section 6 of the European Communities (Amendment) Act 1993 which is repealed by these regulations.
(**i**) 2002 c. 3.
(**j**) 2003 c. 35.
(**k**) 2006. c. 2.
(**l**) 2013 c. 5.
(**m**) S.I. 2001/3675.

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PART 3

Transitional and Savings Provisions

Approvals for the purposes of the European Parliamentary Elections Act 1978

1. The repeals of section 3(4) of the European Communities (Amendment) Act 1986, section 1(2) of the European Communities (Amendment) Act 1993, section 2 of the European Union (Accessions) Act 1994, section 2 of the European Communities (Amendment) Act 1998 and section 3 of the European Communities (Amendment) Act 2002, which approved matters in accordance with the requirements of section 6 of the European Parliamentary Elections Act 1978(**b**), have no effect on the validity of anything done, or omitted to be done, in relation to the matters approved.

Approvals for the purposes of the European Parliamentary Elections Act 2002

2. The repeals of section 1(2) of the European Union (Accessions) Act 2003 and section 1(2) of the European Union (Accessions) Act 2006, which approved maters in accordance with the requirements of section 12 of the European Parliamentary Elections Act 2002(**c**), have no effect on the validity of anything done, or omitted to be done, in relation to matters approved.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by sections 8(1) and 23(1) and (2) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) ("the Withdrawal Act").

Regulation 2 makes general provision about what happens on exit day to non-ambulatory cross-references to EU instruments. General provision about what happens on exit day to ambulatory references to EU instruments is found at paragraphs 1 and 2 of Schedule 8 to the Withdrawal Act.

Regulation 3 amends the Interpretation Act 1978 and makes interpretative provision for references on or after exit day to EU instruments which form part of domestic law by virtue of section 3 of the Withdrawal Act.

Regulation 4 amends the Interpretation and Legislative Reform (Scotland) Act 2010 (2010 asp 10) ("the 2010 Act"). This includes making interpretative provision for references on or after exit day to EU instruments which form part of domestic law by virtue of section 3 of the Withdrawal Act; inserting the new EU-exit related definitions, which stem from the Withdrawal Act, into the 2010 Act; and, via the amendments to the 2010 Act, making consequential modification of the definitions within the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/1379).

Regulations 5 to 7 amend the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) ("the 1954 Act"). Regulation 5 updates the definition of "statutory provision" to include retained direct EU legislation. Regulation 6 makes interpretative provision for references to EU legislation to include

(**a**) S.I. 2001/3719.
(**b**) 1978 c. 10; the European Parliamentary Elections Act was repealed by Schedule 4 of the European Parliamentary Elections Act 2002.
(**c**) 2002 c. 24; section 12 was repealed by section 14(3)(c) of the European Union Act 2011 (c. 12).

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references on or after exit day to EU instruments which form part of domestic law by virtue of section 3 of the Withdrawal Act. Regulation 7 inserts new EU-exit related definitions, which stem from the Withdrawal Act, into the 1954 Act.

Regulation 8 makes provision for the laying of documents before the Northern Ireland Assembly where required to by retained direct EU legislation. This makes equivalent provision to that already in section 41(3) of the 1954 Act in respect of documents required to be laid before the Assembly under domestic legislation.

Regulation 9, and the Schedule, to these Regulations repeals and revokes primary and secondary legislation that has become redundant either: (a) in consequence of the Withdrawal Act; or (b) in consequence of the effects of the Withdrawal Act combined with the withdrawal of the United Kingdom from the European Union. Part 3 of the Schedule contains transitional and savings provisions in relation to the repeals.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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