

2019 No. \*\*\*

**EXITING THE EUROPEAN UNION**

**EUROPEAN UNION**

**The European Union (Withdrawal) Act 2018 (Consequential  
Modifications and Repeals) (EU Exit) Regulations 2019**

*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 section 23(1) and (2) of, and paragraphs 21(b) and 26 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

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

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals) (EU Exit) Regulations 2019.

(2) This regulation and regulation 4(2) come into force on the day after the day on which these Regulations are made.

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

(4) A provision of these Regulations that amends or repeals an enactment has the same extent as the enactment amended or repealed.

(5) In these Regulations, “the 2019 Regulations” means the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019(b).

**Amendment of Interpretation Act 1978**

2. After paragraph 7 of Schedule 2 to the Interpretation Act 1978(c) insert—

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(a) 2018 c. 16.  
(b) S.I. 2019/628.  
(c) 1978 c. 30.

“8. The definition in Schedule 1 of “enactment”, in so far as it relates to retained direct EU legislation, applies to subordinate legislation made at any time before the commencement of this Act as it applies to Acts passed at that time.”

## Repeals

3.—(1) The enactments mentioned in the Schedule are repealed to the extent specified.

(2) Where—

- (a) paragraph (1) and the Schedule repeal an enactment (“the amending enactment”) which inserts or otherwise amends another enactment, and
- (b) the inserted or amended enactment is repealed by the European Union (Withdrawal) Act 2018 and there is related transitional or saving provision,

the repeal of the amending enactment does not affect the operation of that transitional or saving provision.

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

4.—(1) In regulation 2 of the 2019 Regulations, after paragraph (4), insert—

“(4A) Paragraph (2) does not apply to any reading on or after exit day of a reference so far as the reference relates to a time before exit day (unless a contrary intention appears in relation to the reference concerned).”

(2) Accordingly, in regulation 6(1) of the 2019 Regulations, in the subsection (1B) to be inserted in section 11 of the Interpretation Act (Northern Ireland) 1954(a), for “which” substitute “so far as the reference”.

## Interpretation of “the Treaties”, “the EU Treaties” and “the Communities”

5.—(1) The fact that by virtue of regulation 4(5) of the 2019 Regulations—

- (a) the definitions of “the Treaties” and “the EU Treaties” (as defined by section 1(2) of the European Communities Act 1972(b)) in Schedule 2 to the 1999 Order are treated as revoked, and
- (b) definitions of those expressions are treated as inserted into that Schedule,

does not affect the interpretation of those expressions on and after exit day in relation to a time before exit day.

(2) In its application to Acts of the Scottish Parliament the Bills for which received Royal Assent before 19th June 2008 or to Scottish subordinate legislation made before that date, the definition of “the Communities”, which by virtue of regulation 4(5) of the 2019 Regulations is treated as inserted into Schedule 2 to the 1999 Order, has effect on and after exit day, in its application in relation to a time before 19th June 2008, as if the words from “but” to the end were omitted.

(3) In this regulation—

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

(b) The definition of “Treaties” and “the EU Treaties” in section 1(2) of the European Communities Act 1972 (c. 68) was amended by the European Communities (Greek Accession) Act 1979 (c. 57), section 1; the European Communities (Spanish and Portuguese Accession) Act 1985 (c. 75), section 1; the European Communities (Amendment) Act 1986 (c. 58), section 1; the European Communities (Amendment) Act 1993 (c. 32), section 1; the European Parliamentary Elections Act 1993 (c. 41), section 3; the European Economic Area Act 1993 (c. 51), section 1; the European Union (Accessions) Act 1994 (c. 38), section 1; the European Communities (Amendment) Act 1998 (c. 21), section 1; the European Communities (Finance) Act 2001 (c. 22), section 1; the European Communities (Amendment) Act 2002 (c. 3), section 1; the European Union (Accessions) Act 2003 (c. 35), section 1; the European Union (Accessions) Act 2006 (c. 2), section 1; the European Union (Amendment) Act 2008 (c. 7), paragraph 1, the Schedule; the European Union Act 2011 (c. 12), section 15; the European Union (Croatian Accession and Irish Protocol) Act 2013 (c. 5), section 3; the European Union (Finance) 2015 (c. 2015 (c. 32), section 1; S.I. 2011/1043.

“the 1999 Order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999(a);

“Scottish subordinate legislation” has the same meaning as in the 1999 Order.

Signatory text

Address  
Date

*Name*  
Parliamentary Under Secretary of State  
Department for Exiting the European Union

## SCHEDULE

Regulation 3

### Repeals

<i>Short title</i>	<i>Extent of repeal</i>
Criminal Law Act 1977(b)	Section 32(3). Section 65(10)(e).
Customs and Excise Management Act 1979(c)	In Schedule 4, in paragraph 12, in Part 1 of the Table, the entries relating to section 6(5) and (6) of the European Communities Act 1972 (and the heading preceding those entries).
Customs and Excise Duties (General Reliefs) Act 1979(d)	In Schedule 2, paragraphs 3 to 5 (and the heading preceding those paragraphs).
Agricultural Statistics Act 1979(e)	In Schedule 1, paragraph 4 (and the heading preceding that paragraph).
Criminal Procedure (Consequential Provisions) (Scotland) Act 1995(f)	In Schedule 4, paragraph 8 (and the heading preceding that paragraph).
Justice (Northern Ireland) Act 2002(g)	In Schedule 7, paragraph 1(3).
Railways and Transport Safety Act 2003(h)	In section 103(2), the words “or under section 2 of the European Communities Act 1972 (c.68) (implementation of Community obligations)”.
	In Schedule 6, in paragraph 1(1)(b), the words “or section 2 of the European Communities Act 1972 (c.68) (implementation of Community obligations)”.
	In Schedule 6, paragraph 10(b) and the “or” before that paragraph.
Criminal Justice Act 2003(i)	In Schedule 27, paragraph 3 (and the heading preceding that paragraph).
Constitutional Reform Act 2005(j)	In Schedule 9, paragraphs 97 and 110.

(a) S.I. 1999/1379; revoked by article 8 of that Order but subject to savings specified in s. 55(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(b) 1977 c. 45.

(c) 1979 c. 2.

(d) 1979 c. 3.

(e) 1979 c. 13.

(f) 1995 c. 40.

(g) 2002 c. 26 (N.I.).

(h) 2003 c. 20.

(i) 2003 c. 44.

(j) 2005 c. 4.

Legislative and Regulatory Reform Act 2006(a)	Section 20. Section 26(1). Section 27(1), (2) and (4). Section 28. Section 29.
Wales Act 2017(b)	Section 12(2)(b). Section 20.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 23(1) and (2) of, and paragraphs 21 and 26 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”).

Regulation 2 amends the Interpretation Act 1978 (c. 30) to make it clear that the new definition of “enactment” (i.e. including retained direct EU legislation) which was added by the 2018 Act(c) applies to the interpretation of subordinate legislation (as well as Acts) made or passed before the Interpretation Act 1978 came into force.

Regulation 3, and the Schedule, to these Regulations repeals primary legislation that has become redundant in consequence of the 2018 Act (c. 16).

Regulation 4 makes transitional provision for regulation 2(2) and 6(1) of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019 (“the 2019 regulations”) (S.I. 2019/628), which relates to the interpretation of non-ambulatory references to direct EU legislation.

Regulation 5 makes transitional provision for certain definitions relating to the EU which were added to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/1379) by regulation 4(5) of the 2019 regulations.

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](http://www.legislation.gov.uk).

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(a) 2006 c. 51.

(b) 2017 c. 4.

(c) Paragraph 22(d) of Schedule 8 to the European Union (Withdrawal) Act 2018 amended the definition of “enactment” in Schedule 1 to the Interpretation Act 1978.