

**EXPLANATORY MEMORANDUM TO**  
**THE EUROPEAN UNION (WITHDRAWAL) ACT 2018 (CONSEQUENTIAL**  
**MODIFICATIONS AND REPEALS) (EU EXIT) REGULATIONS 2019**

**2019 No. [XXXX]**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Exiting the European Union and is laid before Parliament by Act.
- 1.2 This memorandum contains information for the Sifting Committees.

**2. Purpose of the instrument**

- 2.1 The purpose of this instrument is to ensure that the UK statute book works coherently and effectively following the UK's withdrawal from the EU. It clarifies how certain terms, including EU-related definitions, should be interpreted in domestic legislation on or after exit day.
- 2.2 This instrument also clarifies how non-ambulatory cross-references to EU legislation should be read where such references relate to a time before exit day. Non-ambulatory references are references which are not automatically updated.<sup>1</sup>
- 2.3 The regulations make technical repeals to redundant provisions within primary legislation arising from the European Union (Withdrawal) Act 2018 ("the EUWA"). These are primarily repeals of *amending* provisions, in particular relating to the European Communities Act 1972 ("the ECA"), where the EUWA has already provided for the repeal of the *amended* provisions. The purpose of the repeals in these Regulations is to tidy up the statute book and they have no substantive effect.

*Explanations*

What did any relevant EU law do before exit day?

- 2.4 This instrument does not amend retained direct EU legislation ("RDEUL") but makes general interpretative provision and makes various repeals to redundant EU-derived domestic legislation.
- 2.5 The EU-derived domestic legislation that is being repealed is domestic law rather than EU law. The provisions being repealed amended the ECA and other Acts repealed by the EUWA. More detailed information on the repeals is found in section 7 of this explanatory memorandum.
- 2.6 The interpretation legislation amended by this instrument is not EU law; it is domestic legislation, which is being updated in consequence of the EUWA.

Why is it being changed?

- 2.7 Certain provisions within primary legislation are being repealed because they are redundant in consequence of the EUWA. These are primarily repeals of amending

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<sup>1</sup> Provision is made for ambulatory cross-references to EU legislation, made up to the point immediately before exit, in paragraphs 1 and 2 of schedule 8 to the EUWA:  
<http://www.legislation.gov.uk/ukpga/2018/16/contents/enacted>

provisions, in particular relating to the ECA, where the EUWA has already repealed the amended provisions. The repeals are being made to ensure a clean and tidy statute book after exit and to ensure that the UK's legal system continues to function effectively. More information on the changes is included at section 7.

- 2.8 Domestic interpretation legislation is being amended to clarify how certain terms, including EU-related definitions, should be interpreted in domestic legislation on or after exit day. Transitional provision is also needed to clarify how non-ambulatory references to EU legislation in pre-exit legislation are to be read after exit day.

*What will it now do?*

- 2.9 These regulations make a further amendment to the Interpretation Act 1978 to incorporate RDEUL and clarify the interpretation of certain EU-related definitions included in Scottish interpretation legislation by virtue of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019 ("the 2019 Regulations").
- 2.10 Non-ambulatory references to direct EU legislation which are intended to relate to a time before exit day will continue to do so.
- 2.11 The EU-derived domestic legislation that is redundant is being repealed and will no longer have effect. It will no longer sit on the UK statute book, reflecting the UK's new status as a non-EU member state.

### **3. Matters of special interest to Parliament**

*Matters of special interest to the Sifting Committees*

- 3.1 This SI is being laid for sifting by the Sifting Committees in accordance with paragraph 17(2) of Schedule 7 to the EUWA.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

### **4. Extent and Territorial Application**

- 4.1 Subject to paragraphs 4.2 to 4.4 below, this instrument extends and applies to the United Kingdom.
- 4.2 Regulation 3 and the Schedule make provision to repeal primary legislation. The extent and application of these provisions is the United Kingdom (given the extent and application of all the legislation being repealed or revoked is the United Kingdom).
- 4.3 Regulation 4(2) amends the Interpretation Act (Northern Ireland) 1954 and extends and applies to Northern Ireland.
- 4.4 Regulation 5 amends the Interpretation and Legislative Reform (Scotland) Act 2010 and extends and applies to Scotland.

## 5. European Convention on Human Rights

- 5.1 The Parliamentary Under-Secretary of State at the Department for Exiting the European Union, Mr James Cleverly MP, has made the following statement regarding Human Rights:

“In my view the provisions of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals) (EU Exit) Regulations 2019 are compatible with the Convention rights.”

## 6. Legislative Context

- 6.1 On 23 June 2016, the EU referendum took place and the people of the UK voted to leave the EU. Following the UK’s exit from the EU, the supremacy of EU law over UK law will come to an end. The EUWA achieves this legal severance through the repeal of the ECA on the day the UK leaves the EU.
- 6.2 In order to ensure that the domestic legal system continues to function correctly outside the EU, the EUWA converts and saves particular elements of EU law as it stands at the moment of exit into domestic law before the UK leaves the EU and preserves laws made in the UK to implement EU obligations. In doing so, the EUWA creates a new body of domestic law, known as “retained EU law”, which includes RDEUL and EU-derived domestic legislation.<sup>2</sup>
- 6.3 The EUWA also confers temporary powers to make secondary legislation to enable corrections and consequential modifications to be made to laws that would otherwise no longer operate appropriately once the UK has left the EU. These Regulations are made in exercise of the consequential powers at section 23 of, and paragraphs 21 and 26 of Schedule 7 to, the EUWA.
- 6.4 The 2019 Regulations amended the Interpretation Act 1978, the Interpretation and Legislative Reform (Scotland) Act 2010 (“the ILRA 2010”) and the Interpretation Act (Northern Ireland) 1954, which set out general rules of interpretation for legislation. That instrument also provided for how cross-references to EU legislation post-exit and non-ambulatory cross-references to EU legislation up to the point immediately before exit should be read. It added a number of words and expressions to the ILRA 2010 and the Interpretation Act (Northern Ireland) 1954 and provided general rules of interpretation in light of the introduction of “retained EU law”. It also repealed and revoked primary and secondary legislation in consequence of the repeal of the ECA and arising from the withdrawal of the UK from the EU.
- 6.5 These Regulations make further provision relating to the interpretation of certain EU-related definitions and non-ambulatory references. They also make a further change to the Interpretation Act 1978 on the general rules of interpretation to ensure that the rules and definitions apply, as appropriate, to retained EU law. In addition, they make further repeals which are necessary to remove provisions of legislation which are redundant in consequence of EUWA.

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<sup>2</sup> A definition of retained EU law can be found at section 6(7) of the EUWA.

## 7. Policy background

### *What is being done and why?*

- 7.1 These regulations make various consequential amendments and repeals in respect of retained EU law and other EU-derived domestic legislation. This is to ensure that the UK statute book operates effectively and coherently in relation to EU-derived domestic legislation, and removes from the statute book domestic legislation that is made redundant as a result of the EUWA.

### *Amendment of Interpretation Act 1978*

- 7.2 The EUWA ensures that direct EU legislation, which applies to the UK by virtue of the ECA, is converted and saved to the UK statute book as a new form of domestic law called “retained direct EU legislation” (“RDEUL”). An example of such legislation would be EU Regulations. To ensure that RDEUL functions effectively in UK law, the Interpretation Act 1978 was amended by the EUWA to clarify that the definition of “enactment” included RDEUL.
- 7.3 These regulations make a further amendment to the Interpretation Act 1978, to make it clear that the new definition of “enactment” (including RDEUL) applies to any statutory reference to “enactment”. Without this change, there could have been questions about whether references to “enactment” found in subordinate legislation made *prior* to the Interpretation Act 1978 were covered.

### *Repeals*

- 7.4 Regulation 3 and the Schedule repeal provisions within primary legislation that have become redundant as a result of the EUWA. The EUWA repealed a number of *amended* provisions of legislation, and these Regulations repeal the *amending* provisions that lay behind them. Their existence on the statute book has no practical effect in light of the repeals already provided for in the EUWA. The purpose of the repeals in these Regulations is merely to tidy up the statute book to ensure that it is clear and effective on exit day.
- 7.5 Most of the amending enactments repealed by the Schedule to these Regulations amend the ECA. The ECA is repealed by section 1 of the EUWA and the continuing effect of regulations made under section 2(2) of the ECA is provided for by section 2 of the EUWA. These regulations include a saving provision in regulation 3(2) to make clear that the repeals are not intended to interfere with the operation of any related saving or transitional provision where the amending enactment is repealed by the EUWA.
- 7.6 The following paragraphs explain what is being repealed.
- 7.7 Section 32(3) of the Criminal Law Act 1977 amends paragraph 1(1)(d) of Schedule 2 to the ECA, which sets the maximum daily fine that regulations under section 2(2) of that Act can impose. Section 65(10)(e) sets out the territorial extent of that provision. As the ECA is being repealed, these provisions will be redundant and are being removed from the UK statute book.
- 7.8 Paragraph 12, in Part 1 of the Table, in Schedule 4 to the Customs and Excise Management Act 1979 amends sections 6(5) & (6) of the ECA (agricultural levies of the EU to be levied collected and paid etc as if they were EU customs duties), by updating references to legislation (including replacing a reference to the Customs and Excise Act 1952 with a reference to the Customs and Excise Management Act 1979).

As the ECA is being repealed, these amending provisions are redundant and are therefore also being repealed.

- 7.9 Paragraphs 3 to 5 in Schedule 2 to the Customs and Excise Duties (General Reliefs) Act 1979 make several amendments to the ECA, including provisions on the form and procedure for orders made under section 5(1) or (2) of that Act (customs duties) 2 and related reporting requirements to Parliament. Again, the repeal of the ECA makes these sections redundant and so they are also being repealed.
- 7.10 Paragraph 4 of Schedule 1 to the Agricultural Statistics Act 1979 amends section 12 of the ECA (furnishing of information to Communities) by substituting a reference to the Agriculture Act 1947 with a reference to the Agricultural Statistics Act 1979. As the ECA is being repealed, this provision is redundant and is also being repealed.
- 7.11 Paragraph 8 of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 amends section 11 of the ECA (offence of making a false statement before the European Court). This provision updates a reference in section 11 of the ECA to the “False Oaths (Scotland) Act 1933” with a reference to the “Criminal Law (Consolidation) (Scotland) Act 1995”. This amending provision is redundant on the repeal of the ECA and so is also being repealed.
- 7.12 Paragraph 1(3) in Schedule 7 to the Justice (Northern Ireland) Act 2002 amends section 12(2) of the Northern Ireland Act 1998, which relates to the procedure to be followed where the Northern Ireland Assembly wishes to reconsider a Bill referred to the ECJ. In particular, it changes references to Northern Ireland Law Officers. As section 12 of the Northern Ireland Act 1998 is repealed by the EUWA<sup>3</sup>, this amending provision is redundant and is also being repealed.
- 7.13 Section 103(2), and paragraph 1(1)(b) and 10(b) of Schedule 6 to, the Railways and Transport Safety Act 2003 make references to section 2 of the ECA. These are redundant on the repeal of the ECA and are therefore also being repealed.
- 7.14 Paragraph 3 of Schedule 27 to the Criminal Justice Act 2003 amends para 1 of Schedule 2 to the ECA (maximum term of imprisonment section 2(2) regulations can impose). On the repeal of the ECA, this provision is redundant and is therefore also being repealed.
- 7.15 Paragraphs 97 and 110 of Schedule 9 to the Constitutional Reform Act 2005 amend section 34 of the Scotland Act 1998 and section 12 of the Northern Ireland Act 1998 respectively. These provisions substitute “Supreme Court” for “Judicial Committee” in relation to ECJ references. As section 34 of the Scotland Act 1998 and section 12 of the Northern Ireland Act 1998 are repealed by the EUWA<sup>4</sup>, the amending provisions are redundant and so are also being repealed.
- 7.16 Section 20 of the Legislative and Regulatory Reform Act 2006 (“LRRRA 2006”) enables new order-making powers to be exercised together with and by the same instrument as the power to make an order under section 2(2) ECA. Section 29 provides for the procedure which applies. These sections are being repealed, as after the UK leaves the EU, powers under section 2(2) ECA will no longer apply, and the sections will therefore become redundant.

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<sup>3</sup> See paragraph 52 in Part 3 of Schedule 3 to the EUWA.

<sup>4</sup> See paragraphs 11 and 52 of Part 3 of Schedule 3 to EUWA.

- 7.17 Section 27(1) and (2) makes consequential amendments to the ECA, changing the word “regulations” to “order, rules, regulations or scheme”. Section 28 amends the ECA by inserting a provision to allow subordinate legislation to make ambulatory references to EU legislation. As the ECA is repealed, these provisions are redundant and are also being repealed.
- 7.18 The LRA 2006 also amends the Interpretation Act 1978 and the Scotland Act 1998. Section 26(1) inserts definitions of the “EEA agreement” and “EEA state” into the Interpretation Act 1978. As the definitions are being repealed and replaced by EUWA<sup>5</sup>, this provision is redundant and is also being repealed. Section 27(4) makes a consequential amendment to paragraph 15(3) of Schedule 8 to the Scotland Act 1998, reflecting a change made to the ECA, so that the word “regulations” is changed to “order, rules, regulations or scheme”. Paragraph 15 of Schedule 8 to the Scotland Act 1998 is repealed by the EUWA making the amending provision redundant too.<sup>6</sup>
- 7.19 Section 12(2)(b) of the Wales Act 2017 amends section 113(2)(a) of the Government of Wales Act 2006 (“GOWA 2006”), which relates to ECJ references, to replace the term “Clerk” with “Presiding Officer”. Section 20 of the Wales Act 2017 gives Welsh Ministers an automatic right to make regulations under section 2(2) of the European Communities Act 1972 implementing EU law by inserting a new section 58B into, and amending section 59 of, the GOWA 2006. Sections 113, 58B and the relevant parts of section 59 of the GOWA 2006 are repealed by Part 3 of Schedule 3 of the EUWA, which makes the amending provisions contained in the Wales Act 2017 redundant and so these are also being repealed.

***Interpretation of non-ambulatory references to direct EU legislation***

- 7.20 Non-ambulatory references are references to an EU instrument in the form it was in when the reference was made (regardless of whether the EU instrument has been subsequently amended). This is in contrast to ambulatory references, which are references to EU instruments that automatically update when the EU instrument is updated.<sup>7</sup>
- 7.21 Regulation 2(2) of the 2019 Regulations sets out that following the UK’s exit from the EU, up-to-date non-ambulatory cross-references to EU legislation should be read as references to the retained version of that legislation.<sup>8</sup>
- 7.22 Regulation 4 clarifies what happens in certain cases where these references relate to a time before exit day - for example, where provisions of an enforcement regime apply and refer to an EU Regulation. After exit day, by virtue of the EUWA, that enforcement regime would apply and refer to the post-exit retained version of the EU Regulation. However, if a court were applying that regime and reference to a breach of the EU Regulation before exit day, then this instrument ensures that the application of the regime and reference would be to the pre-exit EU law version of the regulation

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<sup>5</sup> See paragraph 22 of Schedule 8 EUWA.

<sup>6</sup> Paragraph 15 of the Scotland Act 1998 is repealed by Part 3 of Schedule 3 to the EUWA.

<sup>7</sup> Provision is made for ambulatory references (which do not automatically update) in paragraphs 1 and 2 of Schedule 8 to the EUWA.

<sup>8</sup> Assuming the legislation forms part of RDEUL by virtue of section 3 of the EUWA. Where the EU legislation in question does not form part of RDEUL, or is not up-to-date, the non-ambulatory cross-reference is to be read as a reference to the legislation as it had effect in EU law at the time the reference was made.

as it was at the time of the breach. This ensures that there is no inadvertent retrospective change to any rules that were in place.

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

- 7.23 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, which sets out general rules of interpretation for Scottish legislation made before 4 June 2010.<sup>9</sup> In essence, this regulation saves the pre-exit day meaning of terms including “Treaties”, “EU treaties” or “Communities” for a number of limited purposes, for example as such terms may apply to pre-exit matters.
- 7.24 At present, references to EU Treaties will, upon our departure from the EU, become references to the EU Treaties as they stood immediately before exit day. However, there are certain situations where pre-exit day legislation refers to “the Treaties” or “the EU treaties” and on or after exit day the expression will need to be interpreted in relation to a time before exit day. This regulation retains the existing position and ensures that the interpretation of the reference to the EU Treaties on and after exit day is unaffected by the new definition of EU Treaties as applying as they stood immediately before exit day.
- 7.25 The new definition of “the Communities” includes the words “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”. Those words reflect the effect of the gloss in section 3(6) of the EU (Amendment) Act 2008. But they go wider than that gloss as the section 3(6) gloss does not apply to Acts passed or instruments made before the passing of the 2008 Act (19 June 2008) in their application to a reference to any or all of the Communities in relation to a time before the passing of that Act. Provision is needed to ensure that the “but a reference...” wording in the new definition does not apply in such a pre-19 June 2008 case.

**8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument is not being made to address a deficiency in retained EU law but relates to the withdrawal of the United Kingdom from the European Union because it is being made under section 23(1) and (2) of, and paragraphs 21 and 26 of Schedule 7 to, the EUWA. The Minister has made any relevant statements in Part 2 of the Annex to this Explanatory Memorandum.

**9. Consolidation**

- 9.1 This instrument is not consolidating any other provisions.

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<sup>9</sup> Regulation 1(2)(b)(3), 4(5)(a) and (b) of the 2019 Regulations added these terms to The Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of Scottish Parliament) Order 1999 by amending section 55(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. S.I. 1999/1379 was revoked by article 8 of that Order but subject to savings specified in section 55(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

## **10. Consultation outcome**

- 10.1 No public consultation was required as the Regulations make only limited technical changes to existing legislation with no impact on businesses, charities or voluntary bodies.
- 10.2 We have consulted the Scottish Government, the Welsh Government and the Northern Irish Civil Service (in the absence of a Northern Irish Executive) on these regulations. No concerns were raised about any of the changes made by these regulations.

## **11. Guidance**

- 11.1 Guidance is not being provided in relation to this instrument.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because we expect it to have no impact on businesses.

## **13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 No specific monitoring arrangements are needed.
- 14.2 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required.

## **15. Contact**

- 15.1 The parliamentary team at the Department for Exiting the European Union, email: [parliamentary.business@dexeu.gov.uk](mailto:parliamentary.business@dexeu.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 James Gerard, Deputy Director for Legislation and Constitution, at the Department for Exiting the European Union can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Parliamentary Under-Secretary of State for Exiting the European Union, Mr James Cleverly MP at the Department for Exiting the European Union can confirm that this Explanatory Memorandum meets the required standard.



# Annex

## Statements under the European Union (Withdrawal) Act 2018

### Part 1

#### Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them.  State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

## Part 2

### Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

#### 1. Sifting statement(s)

- 1.1 The Parliamentary Under Secretary of State at the Department for Exiting the European Union, Mr James Cleverly MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals) (EU Exit) Regulations 2019 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)”.

- 1.2 This is the case because the SI is purely technical. The consequential amendments to interpretation legislation are being made to ensure that “retained EU law” is accommodated coherently and effectively after the UK’s withdrawal. The repeal of provisions in primary legislation are of a technical and consequential nature only and remove provisions made redundant by the repeal of the ECA and other Acts repealed by EUWA to tidy the statute book.

#### 2. Appropriateness statement

- 2.1 The Parliamentary Under Secretary of State for Exiting the European Union, Mr James Cleverly MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals) (EU Exit) Regulations 2019 do no more than is appropriate”.

- 2.2 This is the case because the instrument ensures that the UK statute book accommodates “retained EU law” coherently and effectively after the UK’s withdrawal from the EU.
- 2.3 Although the instrument repeals some primary legislation, these are of a technical and consequential nature and simply remove provisions made redundant by the EUWA and in particular, by the repeal of the ECA.

#### 3. Good reasons

- 3.1 The Parliamentary Under Secretary of State for Exiting the European Union, Mr James Cleverly MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action”.

- 3.2 These are that without this instrument there would be a lack of clarity about how certain EU-related terms and references to EU legislation in domestic legislation should be interpreted when the UK leaves the EU. Also, many provisions of EU-derived domestic legislation would remain on the UK statute book, despite being redundant as a result of the EUWA.

#### **4. Equalities**

- 4.1 The Parliamentary Under Secretary of State for Exiting the European Union, Mr James Cleverly MP, has made the following statement(s):

“The draft instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts”.

#### **5. Explanations**

- 5.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.