

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/1†Repeal of the European Communities Act 1972

***Repeal of the ECA***

**1 Repeal of the European Communities Act 1972**

The European Communities Act 1972 is repealed on exit day.

**NOTES**

**Initial Commencement**

*To be appointed*

To be appointed: see s 25(4).

<b>Document information</b>
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/2†Saving for EU-derived domestic legislation

***Retention of existing EU law***

**2 Saving for EU-derived domestic legislation**

- (1) EU-derived domestic legislation, as it has effect in domestic law immediately before exit day, continues to have effect in domestic law on and after exit day.
- (2) In this section "EU-derived domestic legislation" means any enactment so far as--
  - (a) made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972,
  - (b) passed or made, or operating, for a purpose mentioned in section 2(2)(a) or (b) of that Act,
  - (c) relating to anything--
    - (i) which falls within paragraph (a) or (b), or
    - (ii) to which section 3(1) or 4(1) applies, or
  - (d) relating otherwise to the EU or the EEA,

but does not include any enactment contained in the European Communities Act 1972.

- (3) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation).

**NOTES**

**Initial Commencement**

*To be appointed*

To be appointed: see s 25(4).

<b>Document information</b>
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/3†Incorporation of direct EU legislation

### 3 Incorporation of direct EU legislation

- (1) Direct EU legislation, so far as operative immediately before exit day, forms part of domestic law on and after exit day.
- (2) In this Act "direct EU legislation" means--
- (a) any EU regulation, EU decision or EU tertiary legislation, as it has effect in EU law immediately before exit day and so far as--
- (i) it is not an exempt EU instrument (for which see section 20(1) and Schedule 6),
  - (ii) it is not an EU decision addressed only to a member State other than the United Kingdom, and
  - (iii) its effect is not reproduced in an enactment to which section 2(1) applies,
- (b) any Annex to the EEA agreement, as it has effect in EU law immediately before exit day and so far as--
- (i) it refers to, or contains adaptations of, anything falling within paragraph (a), and
  - (ii) its effect is not reproduced in an enactment to which section 2(1) applies, or
- (c) Protocol 1 to the EEA agreement (which contains horizontal adaptations that apply in relation to EU instruments referred to in the Annexes to that agreement), as it has effect in EU law immediately before exit day.
- (3) For the purposes of this Act, any direct EU legislation is operative immediately before exit day if--
- (a) in the case of anything which comes into force at a particular time and is stated to apply from a later time, it is in force and applies immediately before exit day,
  - (b) in the case of a decision which specifies to whom it is addressed, it has been notified to that person before exit day, and
  - (c) in any other case, it is in force immediately before exit day.
- (4) This section--
- (a) brings into domestic law any direct EU legislation only in the form of the English language version of that legislation, and
  - (b) does not apply to any such legislation for which there is no such version,
- but paragraph (a) does not affect the use of the other language versions of that legislation for the purposes of interpreting it.
- (5) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation).

### NOTES

#### Initial Commencement

*To be appointed*

To be appointed: see s 25(4).

<b>Document information</b>
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/4†Saving for rights etc under section 2(1) of the ECA

#### **4 Saving for rights etc under section 2(1) of the ECA**

(1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which, immediately before exit day--

(a) are recognised and available in domestic law by virtue of section 2(1) of the European Communities Act 1972, and

(b) are enforced, allowed and followed accordingly,

continue on and after exit day to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

(2) Subsection (1) does not apply to any rights, powers, liabilities, obligations, restrictions, remedies or procedures so far as they--

(a) form part of domestic law by virtue of section 3, or

(b) arise under an EU directive (including as applied by the EEA agreement) and are not of a kind recognised by the European Court or any court or tribunal in the United Kingdom in a case decided before exit day (whether or not as an essential part of the decision in the case).

(3) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation).

#### **NOTES**

##### **Initial Commencement**

*To be appointed*

To be appointed: see s 25(4).

<b>Document information</b>
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/5†Exceptions to savings and incorporation

## 5 Exceptions to savings and incorporation

- (1) The principle of the supremacy of EU law does not apply to any enactment or rule of law passed or made on or after exit day.
- (2) Accordingly, the principle of the supremacy of EU law continues to apply on or after exit day so far as relevant to the interpretation, disapplication or quashing of any enactment or rule of law passed or made before exit day.
- (3) Subsection (1) does not prevent the principle of the supremacy of EU law from applying to a modification made on or after exit day of any enactment or rule of law passed or made before exit day if the application of the principle is consistent with the intention of the modification.
- (4) The Charter of Fundamental Rights is not part of domestic law on or after exit day.
- (5) Subsection (4) does not affect the retention in domestic law on or after exit day in accordance with this Act of any fundamental rights or principles which exist irrespective of the Charter (and references to the Charter in any case law are, so far as necessary for this purpose, to be read as if they were references to any corresponding retained fundamental rights or principles).
- (6) Schedule 1 (which makes further provision about exceptions to savings and incorporation) has effect.

## NOTES

### Initial Commencement

*To be appointed*

To be appointed: see s 25(4).

### Appointment

Sub-s (6): Appointment (for certain purposes): 4 July 2018: see SI 2018/808, regs 2, 3(a).

Document information
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/6† Interpretation of retained EU law

## 6 Interpretation of retained EU law

(1) A court or tribunal--

- (a) is not bound by any principles laid down, or any decisions made, on or after exit day by the European Court, and
- (b) cannot refer any matter to the European Court on or after exit day.

(2) Subject to this and subsections (3) to (6), a court or tribunal may have regard to anything done on or after exit day by the European Court, another EU entity or the EU so far as it is relevant to any matter before the court or tribunal.

(3) Any question as to the validity, meaning or effect of any retained EU law is to be decided, so far as that law is unmodified on or after exit day and so far as they are relevant to it--

- (a) in accordance with any retained case law and any retained general principles of EU law, and
- (b) having regard (among other things) to the limits, immediately before exit day, of EU competences.

(4) But--

- (a) the Supreme Court is not bound by any retained EU case law,
- (b) the High Court of Justiciary is not bound by any retained EU case law when--
  - (i) sitting as a court of appeal otherwise than in relation to a compatibility issue (within the meaning given by section 288ZA(2) of the Criminal Procedure (Scotland) Act 1995) or a devolution issue (within the meaning given by paragraph 1 of Schedule 6 to the Scotland Act 1998), or
  - (ii) sitting on a reference under section 123(1) of the Criminal Procedure (Scotland) Act 1995, and
- (c) no court or tribunal is bound by any retained domestic case law that it would not otherwise be bound by.

(5) In deciding whether to depart from any retained EU case law, the Supreme Court or the High Court of Justiciary must apply the same test as it would apply in deciding whether to depart from its own case law.

(6) Subsection (3) does not prevent the validity, meaning or effect of any retained EU law which has been modified on or after exit day from being decided as provided for in that subsection if doing so is consistent with the intention of the modifications.

(7) In this Act--

"retained case law" means--

- (a) retained domestic case law, and
- (b) retained EU case law;

"retained domestic case law" means any principles laid down by, and any decisions of, a court or tribunal in the United Kingdom, as they have effect immediately before exit day and so far as they--

- (a) relate to anything to which section 2, 3 or 4 applies, and
- (b) are not excluded by section 5 or Schedule 1, (as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

"retained EU case law" means any principles laid down by, and any decisions of, the European Court, as they have effect in EU law immediately before exit day and so far as they--

- (a) relate to anything to which section 2, 3 or 4 applies, and
- (b) are not excluded by section 5 or Schedule 1, (as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

"retained EU law" means anything which, on or after exit day, continues to be, or forms part of, domestic law by virtue of section 2, 3 or 4 or subsection (3) or (6) above (as that body of law is added to or otherwise modified by or under this Act or by other domestic law from time to time);

"retained general principles of EU law" means the general principles of EU law, as they have effect in EU law immediately before exit day and so far as they--

- (a) relate to anything to which section 2, 3 or 4 applies, and
- (b) are not excluded by section 5 or Schedule 1, (as those principles are modified by or under this Act or by other domestic law from time to time).

## NOTES

### Initial Commencement

*To be appointed*

To be appointed: see s 25(4).

### Appointment

Sub-s (7): Appointment: 4 July 2018: see SI 2018/808, regs 2, 3(b).

<b>Document information</b>
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018



UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/7†Status of retained EU law

## 7 Status of retained EU law

(1) Anything which--

- (a) was, immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind, and
- (b) continues to be domestic law on and after exit day by virtue of section 2,

continues to be domestic law as an enactment of the same kind.

(2) Retained direct principal EU legislation cannot be modified by any primary or subordinate legislation other than--

- (a) an Act of Parliament,
- (b) any other primary legislation (so far as it has the power to make such a modification), or
- (c) any subordinate legislation so far as it is made under a power which permits such a modification by virtue of--
  - (i) paragraph 3, 5(3)(a) or (4)(a), 8(3), 10(3)(a) or (4)(a), 11(2)(a) or 12(3) of Schedule 8,
  - (ii) any other provision made by or under this Act,
  - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
  - (iv) any provision made on or after the passing of this Act by or under primary legislation.

(3) Retained direct minor EU legislation cannot be modified by any primary or subordinate legislation other than--

- (a) an Act of Parliament,
- (b) any other primary legislation (so far as it has the power to make such a modification), or
- (c) any subordinate legislation so far as it is made under a power which permits such a modification by virtue of--
  - (i) paragraph 3, 5(2) or (4)(a), 8(3), 10(2) or (4)(a) or 12(3) of Schedule 8,
  - (ii) any other provision made by or under this Act,
  - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
  - (iv) any provision made on or after the passing of this Act by or under primary legislation.

(4) Anything which is retained EU law by virtue of section 4 cannot be modified by any primary or subordinate legislation other than--

- (a) an Act of Parliament,
- (b) any other primary legislation (so far as it has the power to make such a modification), or
- (c) any subordinate legislation so far as it is made under a power which permits such a modification by virtue of--

- (i) paragraph 3, 5(3)(b) or (4)(b), 8(3), 10(3)(b) or (4)(b), 11(2)(b) or 12(3) of Schedule 8,
  - (ii) any other provision made by or under this Act,
  - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
  - (iv) any provision made on or after the passing of this Act by or under primary legislation.
- (5) For other provisions about the status of retained EU law, see--
- (a) section 5(1) to (3) (status of retained EU law in relation to other enactments or rules of law),
  - (b) section 6 (status of retained case law and retained general principles of EU law),
  - (c) section 15(2) and Part 2 of Schedule 5 (status of retained EU law for the purposes of the rules of evidence),
  - (d) paragraphs 13 to 16 of Schedule 8 (affirmative and enhanced scrutiny procedure for, and information about, instruments which amend or revoke subordinate legislation under section 2(2) of the European Communities Act 1972 including subordinate legislation implementing EU directives),
  - (e) paragraphs 19 and 20 of that Schedule (status of certain retained direct EU legislation for the purposes of the Interpretation Act 1978), and
  - (f) paragraph 30 of that Schedule (status of retained direct EU legislation for the purposes of the Human Rights Act 1998).
- (6) In this Act--
- "retained direct minor EU legislation" means any retained direct EU legislation which is not retained direct principal EU legislation;
- "retained direct principal EU legislation" means--
- (a) any EU regulation so far as it--
    - (i) forms part of domestic law on and after exit day by virtue of section 3, and
    - (ii) was not EU tertiary legislation immediately before exit day, or
  - (b) any Annex to the EEA agreement so far as it--
    - (as modified by or under this Act or by other domestic law from time to time).
    - (i) forms part of domestic law on and after exit day by virtue of section 3, and
    - (ii) refers to, or contains adaptations of, any EU regulation so far as it falls within paragraph (a),

## NOTES

### Initial Commencement

*To be appointed*

To be appointed: see s 25(4).

Document information
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/8†Dealing with deficiencies arising from withdrawal

***Main powers in connection with withdrawal***

**8 Dealing with deficiencies arising from withdrawal**

(1) A Minister of the Crown may by regulations make such provision as the Minister considers appropriate to prevent, remedy or mitigate--

- (a) any failure of retained EU law to operate effectively, or
- (b) any other deficiency in retained EU law,

arising from the withdrawal of the United Kingdom from the EU.

(2) Deficiencies in retained EU law are where the Minister considers that retained EU law--

- (a) contains anything which has no practical application in relation to the United Kingdom or any part of it or is otherwise redundant or substantially redundant,
- (b) confers functions on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom or any part of it,
- (c) makes provision for, or in connection with, reciprocal arrangements between--
  - (i) the United Kingdom or any part of it or a public authority in the United Kingdom, and
  - (ii) the EU, an EU entity, a member State or a public authority in a member State,

which no longer exist or are no longer appropriate,

- (d) makes provision for, or in connection with, other arrangements which--
  - (i) involve the EU, an EU entity, a member State or a public authority in a member State, or
  - (ii) are otherwise dependent upon the United Kingdom's membership of the EU,

and which no longer exist or are no longer appropriate,

- (e) makes provision for, or in connection with, any reciprocal or other arrangements not falling within paragraph (c) or (d) which no longer exist, or are no longer appropriate, as a result of the United Kingdom ceasing to be a party to any of the EU Treaties,
- (f) does not contain any functions or restrictions which--
  - (i) were in an EU directive and in force immediately before exit day (including any power to make EU tertiary legislation), and
  - (ii) it is appropriate to retain, or
- (g) contains EU references which are no longer appropriate.

(3) There is also a deficiency in retained EU law where the Minister considers that there is--

- (a) anything in retained EU law which is of a similar kind to any deficiency which falls within subsection (2), or

- (b) a deficiency in retained EU law of a kind described, or provided for, in regulations made by a Minister of the Crown.
- (4) But retained EU law is not deficient merely because it does not contain any modification of EU law which is adopted or notified, comes into force or only applies on or after exit day.
- (5) Regulations under subsection (1) may make any provision that could be made by an Act of Parliament.
- (6) Regulations under subsection (1) may (among other things) provide for functions of EU entities or public authorities in member States (including making an instrument of a legislative character or providing funding) to be--
  - (a) exercisable instead by a public authority (whether or not established for the purpose) in the United Kingdom, or
  - (b) replaced, abolished or otherwise modified.
- (7) But regulations under subsection (1) may not--
  - (a) impose or increase taxation or fees,
  - (b) make retrospective provision,
  - (c) create a relevant criminal offence,
  - (d) establish a public authority,
  - (e) be made to implement the withdrawal agreement,
  - (f) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
  - (g) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 21(b) of Schedule 7 to this Act or are amending or repealing any provision of those Acts which modifies another enactment).
- (8) No regulations may be made under this section after the end of the period of two years beginning with exit day.
- (9) The reference in subsection (1) to a failure or other deficiency arising from the withdrawal of the United Kingdom from the EU includes a reference to any failure or other deficiency arising from that withdrawal taken together with the operation of any provision, or the interaction between any provisions, made by or under this Act.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 26 June 2018: see s 25(1)(a).

### Subordinate Legislation

Vehicle Drivers (Certificates of Professional Competence) (Amendment) (EU Exit) Regulations 2018, SI 2018/1004 (made under sub-s (1)).

Timber and Timber Products and FLEGT (EU Exit) Regulations 2018, SI 2018/1025 (made under sub-s (1)).

Animal Health and Welfare (Miscellaneous Amendments) (England) (EU Exit) Regulations 2018, SI 2018/1033 (made under sub-s (1)).

Seal Products (Amendments) (EU Exit) Regulations 2018, SI 2018/1034 (made under sub-s (1)).

Consumer Credit (Amendment) (EU Exit) Regulations 2018, SI 2018/1038 (made under sub-s (1)).

Friendly Societies (Amendment) (EU Exit) Regulations 2018, SI 2018/1039 (made under sub-s (1)).

Groceries Code Adjudicator Act 2013, Small Business, Enterprise and Employment Act 2015 and Enterprise Act 2016 (Amendment) (EU Exit) Regulations 2018, SI 2018/1046 (made under sub-s (1)).

Design Right (Semiconductor Topographies) (Amendment) (EU Exit) Regulations 2018, SI 2018/1052 (made under sub-s (1)).

Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018, SI 2018/1080 (made under sub-s (1)).

Airport Charges (Amendment) (EU Exit) Regulations 2018, SI 2018/1081 (made under sub-s (1)).

Public Lending Right Scheme 1982 (Amendment) (EU Exit) Regulations 2018, SI 2018/1083 (made under sub-s (1)).

Return of Cultural Objects (Revocation) (EU Exit) Regulations 2018, SI 2018/1086 (made under sub-s (1)).

Airports (Groundhandling) (Amendment) (EU Exit) Regulations 2018, SI 2018/1088 (made under sub-s (1)).

Feed-in Tariffs and Contracts for Difference (Amendment) (EU Exit) Regulations 2018, SI 2018/1092 (made under sub-s (1)).

Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) (Amendment) (EU Exit) Regulations 2018, SI 2018/1093 (made under sub-s (1)).

Special Fissile Materials (Right of Use and Consumption) (EU Exit) Regulations 2018, SI 2018/1094 (made under sub-s (1)).

Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018, SI 2018/1105 (made under sub-s (1)).

Zoonotic Disease Eradication and Control (Amendment) (England) (EU Exit) Regulations 2018, SI 2018/1110 (made under sub-s (1)).

Financial Regulators' Powers (Technical Standards etc) (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1115.

Animal By-Products and Transmissible Spongiform Encephalopathies (England) (Amendment) (EU Exit) Regulations 2018, SI 2018/1120 (made under sub-s (1)).

Department for Transport (Fees) (Amendment) (EU Exit) Regulations 2018, SI 2018/1121 (made under sub-s (1)).

Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) (EU Exit) Regulations 2018, SI 2018/1124 (made under sub-s (1)).

International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018, SI 2018/1125 (made under sub-s (1)).

Communication of Investments (Revocation) (EU Exit) Regulations 2018, SI 2018/1147 (made under sub-s (1)).

EEA Passport Rights (Amendment, etc, and Transitional Provisions) (EU Exit) Regulations 2018, SI 2018/1149 (made under sub-s (1)).

Export of Objects of Cultural Interest (Control) (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1186 (made under sub-s (1)).

Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018, SI 2018/1201 (made under sub-s (1)).

Merchant Shipping (Miscellaneous Provisions) (Amendments etc) (EU Exit) Regulations 2018, SI 2018/1221 (made under sub-s (1)).

Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018, SI 2018/1232 (made under sub-s (1)).

Planning (Hazardous Substances and Miscellaneous Amendments) (EU Exit) Regulations 2018, SI 2018/1234 (made under sub-s (1)).

Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018, SI 2018/1235 (made under sub-s (1)).

Livestock (Records, Identification and Movement) (England) (Amendment) (EU Exit) Regulations 2018, SI 2018/1238 (made under sub-s (1)).

Official Controls (Animals, Feed and Food) (England) (Amendment) (EU Exit) Regulations 2018, SI 2018/1241 (made under sub-s (1)).

Open Internet Access (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1243 (made under sub-s (1)).

Driving Licences (Amendment) (EU Exit) Regulations 2018, SI 2018/1251 (made under sub-s (1)).

Inquiries and Coroners (Amendment) (EU Exit) Regulations 2018, SI 2018/1252 (made under sub-s (1)).

Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018, SI 2018/1257 (made under sub-s (1)).

Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018, SI 2018/1278 (made under sub-s (1)).

European Network of Employment Services (EU Exit) Regulations 2018, SI 2018/1283 (made under sub-s (1)).

Deposit Guarantee Scheme and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018, SI 2018/1285 (made under sub-s (1)).

Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2018, SI 2018/1286 (made under sub-s (1)).

Civil Aviation (Insurance) (Amendment) (EU Exit) Regulations 2018, SI 2018/1363 (made under sub-s (1)).

Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018, SI 2018/1403 (made under sub-s (1)).

Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018, SI 2018/1165 (made under sub-s (1)).

Central Counterparties (Amendment, etc, and Transitional Provision) (EU Exit) Regulations 2018, SI 2018/1184 (made under sub-ss (1), (2)(a), (b), (d), (g)).

Building Societies Legislation (Amendment) (EU Exit) Regulations 2018, SI 2018/1187 (made under sub-s (1)).

Credit Transfers and Direct Debits in Euro (Amendment) (EU Exit) Regulations 2018, SI 2018/1199 (made under sub-s (1)).

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Miscellaneous Amendments) (EU Exit) Regulations 2018, SI 2018/1202 (made under sub-s (1)).

Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration (Amendment) (EU Exit) Regulations 2018, SI 2018/1206 (made under sub-s (1)).

Trade Barriers (Revocation) (EU Exit) Regulations 2018, SI 2018/1294 (made under sub-s (1)).

Road Vehicles (Registration, Registration Plates and Excise Exemption) (Amendment) (EU Exit) Regulations 2018, SI 2018/1295 (made under sub-s (1)).

European Public Limited-Liability Company (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1298 (made under sub-s (1)).

European Economic Interest Grouping (Amendment) (EU Exit) Regulations 2018, SI 2018/1299 (made under sub-s (1)).

European Parliamentary Elections Etc (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018, SI 2018/1310 (made under sub-s (1)).

European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1311 (made under sub-s (1)).

Bank of England (Amendment) (EU Exit) Regulations 2018, SI 2018/1297 (made under sub-s (1)).

INSPIRE (Amendment) (EU Exit) Regulations 2018, SI 2018/1338 (made under sub-s (1)).

Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018, SI 2018/1325 (made under sub-s (1)).

Trade Repositories (Amendment and Transitional Provision) (EU Exit) Regulations 2018, SI 2018/1318 (made under sub-s (1)).

Central Securities Depositories (Amendment) (EU Exit) Regulations 2018, SI 2018/1320 (made under sub-s (1)).

Short Selling (Amendment) (EU Exit) Regulations 2018, SI 2018/1321 (made under sub-s (1)).

Consumer Protection (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1326 (made under sub-s (1)).

Provision of Services (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1329 (made under sub-s (1)).

CRC Energy Efficiency Scheme (Amendment) (EU Exit) Regulations 2018, SI 2018/1336 (made under sub-s (1)).

Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) (EU Exit) Regulations 2018, SI 2018/1352 (made under sub-s (1)).

Package Travel and Linked Travel Arrangements (Amendment) (EU Exit) Regulations 2018, SI 2018/1367 (made under sub-s (1)).

Timeshare, Holiday Products, Resale and Exchange Contracts (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1397 (made under sub-s (1)).

Textile Products (Amendment) (EU Exit) Regulations 2018, SI 2018/1398 (made under sub-s (1)).

Freedom of Information Act 2000 (Amendment) (EU Exit) Regulations 2018, SI 2018/1353 (made under sub-s (1)).

Health and Safety (Amendment) (EU Exit) Regulations 2018, SI 2018/1370 (made under sub-s (1)).

Health and Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2018, SI 2018/1377 (made under sub-s (1)).

Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) (Amendment) (EU Exit) Regulations 2018, SI 2018/1388.

Radio Spectrum (EU Exit) Regulations 2018, SI 2018/1385 (made under sub-s (1)).

Local Government (Miscellaneous Amendments) (EU Exit) Regulations 2018, SI 2018/1386 (made under sub-s (1)).

Weighing and Measuring Equipment and Meters (Amendment of Secondary Legislation) (EU Exit) Regulations 2018, SI 2018/1387 (made under sub-s (1)).

Operation of Air Services (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1392 (made under sub-s (1)).

Nagoya Protocol (Compliance) (Amendment) (EU Exit) Regulations 2018, SI 2018/1393 (made under sub-s (1)).

Marine Environment (Amendment) (EU Exit) Regulations 2018, SI 2018/1399 (made under sub-s (1)).

Merchant Shipping (Accident Reporting and Investigation) and the Railways (Accident Investigation and Reporting) (Amendment) (EU Exit) Regulations 2018, SI 2018/1400 (made under sub-s (1)).

Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2018, SI 2018/1405 (made under sub-s (1)).

Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018, SI 2018/1407 (made under sub-s (1)).

Trade in Endangered Species of Wild Fauna and Flora (Amendment) (EU Exit) Regulations 2018, SI 2018/1408 (made under sub-s (1)).

European Institutions and Consular Protection (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1391 (made under sub-s (1)).

Capital Requirements (Amendment) (EU Exit) Regulations 2018, SI 2018/1401 (made under sub-s (1)).

Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018, SI 2018/1394 (made under sub-s (1)).

Exotic Disease (Amendment) (England) (EU Exit) Regulations 2018, SI 2018/1406 (made under sub-s (1)).

Equine Identification (England) (Amendment) (EU Exit) Regulations 2018, SI 2018/1409 (made under sub-s (1)).

Exotic Disease (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1410 (made under sub-s (1)).

Postal and Parcel Services (Amendment etc) (EU Exit) Regulations 2018, SI 2018/1417 (made under sub-s (1)).

Blood Safety and Quality (Amendment) (EU Exit) Regulations 2019, SI 2019/4 (made under sub-s (1)).

Protocol 1 to the EEA Agreement (Amendment) (EU Exit) Regulations 2019, SI 2019/6 (made under sub-s (1)).

Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019, SI 2019/25 (made under sub-s (1)).

Sanctions (Amendment) (EU Exit) Regulations 2019, SI 2019/26 (made under sub-s (1)).

Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019, SI 2019/39 (made under sub-s (1)).



Ionising Radiation (Environmental and Public Protection) (Miscellaneous Amendments) (EU Exit) Regulations 2019, SI 2019/24 (made under sub-s (1)).

Drainage (Environmental Impact Assessment) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019, SI 2019/31 (made under sub-s (1)).

Water and Floods (Amendment) (Northern Ireland) (EU Exit) Regulations 2019, SI 2019/32 (made under sub-s (1)).

Horizon 2020 Framework Programme for Research and Innovation (EU Exit) Regulations 2019, SI 2019/21 (made under sub-s (1)).

Renewables Obligation (Amendment) (EU Exit) Regulations 2019, SI 2019/35 (made under sub-s (1)).

Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019, SI 2019/41 (made under sub-s (1)).

Credit Institutions and Insurance Undertakings Reorganisation and Winding Up (Amendment) (EU Exit) Regulations 2019, SI 2019/38 (made under sub-s (1)).

Statistics of Trade (Amendment etc) (EU Exit) Regulations 2019, SI 2019/47 (made under sub-s (1)).

<b>Document information</b>
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/9†Implementing the withdrawal agreement

## 9 Implementing the withdrawal agreement

- (1) A Minister of the Crown may by regulations make such provision as the Minister considers appropriate for the purposes of implementing the withdrawal agreement if the Minister considers that such provision should be in force on or before exit day, subject to the prior enactment of a statute by Parliament approving the final terms of withdrawal of the United Kingdom from the EU.
- (2) Regulations under this section may make any provision that could be made by an Act of Parliament.
- (3) But regulations under this section may not--
- (a) impose or increase taxation or fees,
  - (b) make retrospective provision,
  - (c) create a relevant criminal offence,
  - (d) establish a public authority, or
  - (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it.
- (4) No regulations may be made under this section after exit day.

### NOTES

#### Initial Commencement

*Specified date*

Specified date: 26 June 2018: see s 25(1)(a).

<b>Document information</b>
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European Union (Withdrawal) Act 2018

**Date made**

26/06/2018

UK Parliament Acts/E/EU-EZ/European Union (Withdrawal) Act 2018 (2018 c 16)/SCHEDULE 1 Further Provision about Exceptions to Savings and Incorporation

## SCHEDULE 1

### FURTHER PROVISION ABOUT EXCEPTIONS TO SAVINGS AND INCORPORATION

#### Section 5(6)

##### *Challenges to validity of retained EU law*

1

(1) There is no right in domestic law on or after exit day to challenge any retained EU law on the basis that, immediately before exit day, an EU instrument was invalid.

(2) Sub-paragraph (1) does not apply so far as--

- (a) the European Court has decided before exit day that the instrument is invalid, or
- (b) the challenge is of a kind described, or provided for, in regulations made by a Minister of the Crown.

(3) Regulations under sub-paragraph (2)(b) may (among other things) provide for a challenge which would otherwise have been against an EU institution to be against a public authority in the United Kingdom.

##### *General principles of EU law*

2

No general principle of EU law is part of domestic law on or after exit day if it was not recognised as a general principle of EU law by the European Court in a case decided before exit day (whether or not as an essential part of the decision in the case).

3

(1) There is no right of action in domestic law on or after exit day based on a failure to comply with any of the general principles of EU law.

(2) No court or tribunal or other public authority may, on or after exit day--

- (a) disapply or quash any enactment or other rule of law, or
- (b) quash any conduct or otherwise decide that it is unlawful,

because it is incompatible with any of the general principles of EU law.

##### *Rule in Francovich*

4

There is no right in domestic law on or after exit day to damages in accordance with the rule in *Francovich*.

##### *Interpretation*

**5**

(1) References in section 5 and this Schedule to the principle of the supremacy of EU law, the Charter of Fundamental Rights, any general principle of EU law or the rule in *Francovich* are to be read as references to that principle, Charter or rule so far as it would otherwise continue to be, or form part of, domestic law on or after exit day in accordance with this Act.

(2) Accordingly (among other things) the references to the principle of the supremacy of EU law in section 5(2) and (3) do not include anything which would bring into domestic law any modification of EU law which is adopted or notified, comes into force or only applies on or after exit day.

**NOTES**

**Initial Commencement**

*To be appointed*

To be appointed: see s 25(4).

**Appointment**

Para 1(2)(b): Appointment (for certain purposes): 4 July 2018: see SI 2018/808, regs 2, 3(a).

Para 1(3): Appointment: 4 July 2018: see SI 2018/808, regs 2, 3(a).

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**Date made**

26/06/2018