

Subsidiary Legislation made under s.15(4) & para. 5 & 6 of Sch.3.

**European Union (Withdrawal) Act 2019 and European Union (Withdrawal Agreement) Act 2020 (Transitional and Savings Provisions) Regulations 2020**

**LN.2020/532**

*Commencement*

**1.1.2021**

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**ARRANGEMENT OF REGULATIONS.**

Regulation

1. Title.
2. Commencement.
3. Interpretation and General Clauses Act.
4. European Communities Act.
5. Transitional provision for section 8A of the European Union (Withdrawal) Act 2019.
6. Cross-references.
7. Relation to the Interpretation and General Clauses Act.
8. General saving provision.
9. General provision relating to repeals.

**2019-01**

## European Union (Withdrawal)

**2020/532**

### **European Union (Withdrawal) Act 2019 and European Union (Withdrawal Agreement) Act 2020 (Transitional and Savings Provisions) Regulations 2020**

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*In exercise of the powers conferred upon him by section 15(4) and paragraphs 5 and 6 of Schedule 3 of the European Union (Withdrawal) Act 2019 and section 25(4) of the European Union (Withdrawal Agreement) Act 2020, the Chief Minister makes the following Regulations-*

#### **Title.**

1. These Regulations may be cited as the European Union (Withdrawal) Act 2019 and European Union (Withdrawal Agreement) Act 2020 (Transitional and Savings Provisions) Regulations 2020.

#### **Commencement.**

2. These Regulations come into operation on IP completion day.

#### **Interpretation and General Clauses Act.**

3.(1) The insertion by paragraph 11(b) of Schedule 4 to the European Union (Withdrawal) Act 2019 of the definitions of “the Treaties” and “the EU Treaties” (as defined by section 2(1) of the European Communities Act) in section 2 of the Interpretation and General Clauses Act do not affect the interpretation of those expressions in pre-IPCD legislation on and after IP completion day in relation to a time before IP completion day.

(2) In this regulation-

“pre-IPCD legislation” means an Act passed, or subsidiary legislation made, before IP completion day;

“subsidiary legislation” as the same meaning as in the Interpretation and General Clauses Act.

4.(1) In its application to an Act passed, or subsidiary legislation made, before 19 June 2008, the definition of “the Communities” in section 2 of the Interpretation and General Clauses Act, as inserted by paragraph 11(b) of Schedule 4 of the European Union (Withdrawal) Act 2019, has effect on and after IP completion day, in its application in relation to a time before 19 June 2008, as if the words from “but” to the end were omitted.

(2) In this regulation “subsidiary legislation” has the same meaning as in the Interpretation and General Clauses Act.

#### **European Communities Act.**

5.(1) Despite the repeal of the European Communities Act by section 4 of the European Union (Withdrawal) Act 2019, section 2(1B) of the European Communities Act continues to have effect on and after IP completion day in relation to any reference to the EU to which it applied immediately before IP completion day.

(2) Subregulation (1) does not apply where the reference to the EU is to be construed in accordance with a new definition of “the EU”.

(3) In this regulation, “new definition” means a definition inserted into section 2 of the Interpretation and General Clauses Act by paragraph 11(b) of Schedule 4 to the European Union (Withdrawal) Act 2019.

**Transitional provision for section 8A of the European Union (Withdrawal) Act 2019.**

6. Nothing in section 8A of the European Union (Withdrawal) Act 2019 prevents the modification on or after IP completion day of retained EU law by an enactment passed or made before IP completion day and coming into force or otherwise having effect on or after IP completion day (whether or not that enactment is itself retained EU law).

**Cross-references.**

7.(1) Paragraph 1 and 2A(3) of Schedule 4 to the European Union (Withdrawal) Act 2019 does not apply to any reading on or after IP completion day of a reference so far as the reference relates to a time before IP completion day (unless a contrary intention appears in relation to the reference concerned).

(2) Paragraph 2 of that Schedule does not apply to any reading on or after IP completion day of a reference so far as the reference relates to a time before IP completion day which is earlier than immediately before IP completion day (unless a contrary intention appears in relation to the reference concerned).

**Relation to the Interpretation and General Clauses Act.**

8. Parts 3 and 4 of Schedule 4 to the European Union (Withdrawal) Act 2019, Part 3 of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020, these Regulations and other regulations made under section 15(4) of the European Union (Withdrawal) Act 2019 or section 25(4) of the European Union (Withdrawal Agreement) Act 2020 are without prejudice (so far as it is required) to section 33(2) of the Interpretation and General Clauses Act.

**2019-01**

**European Union (Withdrawal)**

**2020/532** **European Union (Withdrawal) Act 2019 and European Union (Withdrawal Agreement) Act 2020 (Transitional and Savings Provisions) Regulations 2020**

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**General saving provision.**

9. Any saving of a provision by Part 4 of Schedule 4 to the European Union (Withdrawal) Act 2019, these Regulations or other regulations made under section 15(4) of that Act or section 25(4) of the European Union (Withdrawal Agreement) Act 2020 includes, so far as is required for the operation of the saved provision, the saving of any other provision relating to that provision.

**General provision relating to repeals.**

10. The repeal of an enactment by the European Union (Withdrawal) Act 2019 does not affect an amendment of an enactment made by the repealed enactment so far as-

- (a) the enactment as amended otherwise continues to have effect (whether by virtue of transitional or saving provision or otherwise); or
- (b) any other transitional or saving provision relating to the enactment as amended otherwise continues to have effect.