

UK MINISTERS ACTING IN DEVOLVED AREAS

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

Laid in the UK Parliament: 29 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	11 December 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	w/c 10 December 2018
Date sifting period ends in UK Parliament	18 December 2018
Written statement under SO 30C:	Paper 29
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to [section[s][] of the European Union (Withdrawal) Act 2018. The purpose of this instrument is to ensure that the UK statute book accommodates “retained EU law”, a new body of domestic law introduced by the European Union (Withdrawal) Act 2018 (“the EUWA 2018”), coherently and effectively after the UK’s withdrawal from the EU.

This instrument amends the Interpretation Act 1978 (and 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.

This instrument makes provision for how non-ambulatory cross-references to European Union legislation up to the point immediately before exit should be read, including in devolved areas. Non-ambulatory references

are references which are not automatically updated. It also makes provision for how cross-references to EU legislation post-exit should be read.

(It also adds a number of words and expressions to the ILRA 2010 and the Interpretation Act (Northern Ireland) 1954 and provides general rules of interpretation in light of the introduction of “retained EU law”.)

These Regulations repeal and revoke primary and secondary legislations in consequence of the repeal of the European Communities Act 1972 (“the ECA 1972”) and arising from the withdrawal of the UK from the EU, including in devolved areas. These repeals and revocations are needed to remove redundant provisions of domestic legislation. These Regulations also make transitional and savings provisions in relation to the repeals. Legal Advisers agree with the statement laid by the Welsh Government dated 3 December 2018 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.