



# European Union (Withdrawal Agreement) Act 2020

## 2020 CHAPTER 1

### PART 4

#### OTHER SUBJECT AREAS

##### *Relationship to EUWA 2018*

#### **25 Retention of saved EU law at end of implementation period**

- (1) In section 2 of the European Union (Withdrawal) Act 2018 (saving for EU-derived domestic legislation)—
- (a) in subsection (1) for “exit day”, in both places where it appears, substitute “IP completion day”,
  - (b) omit subsection (2), and
  - (c) in subsection (3) after “incorporation” insert “ and section 5A (savings and incorporation: supplementary) ”.
- (2) In section 3 of that Act (incorporation of direct EU legislation)—
- (a) in subsection (1) for “exit day”, in both places where it appears, substitute “IP completion day”,
  - (b) in subsection (2)(a)—
    - (i) for “exit day” substitute “IP completion day”,
    - (ii) before sub-paragraph (i) insert—
      - “(ai) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
      - (bi) it neither has effect nor is to have effect by virtue of section 7A or 7B,”,
    - (iii) at the end of sub-paragraph (i) insert “ and ”, and

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*Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, Section 25. (See end of Document for details)*

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- (iv) omit sub-paragraph (ii) and the word “and” at the end of the sub-paragraph,
  - (c) in subsection (2)(b)—
    - (i) for “exit day” substitute “IP completion day”, and
    - (ii) before sub-paragraph (i) insert—
      - “(ai) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
      - (bi) it neither has effect nor is to have effect by virtue of section 7A or 7B,”
  - (d) in subsection (2)(c) for “exit day” substitute “IP completion day and so far as—
    - (i) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement, and
    - (ii) it neither has effect nor is to have effect by virtue of section 7A or 7B,”
  - (e) in subsection (3) for “exit day”, wherever it appears, substitute “IP completion day”, and
  - (f) in subsection (5) after “incorporation” insert “and section 5A (savings and incorporation: supplementary) ”.
- (3) In section 4 of that Act (saving for rights etc. under section 2(1) of the ECA)—
- (a) in subsection (1) for “exit day”, in both places where it appears, substitute “IP completion day ”,
  - (b) in subsection (2)—
    - (i) after paragraph (a) (and before the “or” at the end of the paragraph) insert—
      - “(aa) are, or are to be, recognised and available in domestic law (and enforced, allowed and followed accordingly) by virtue of section 7A or 7B,” and
    - (ii) in paragraph (b) for “exit day” substitute “IP completion day ”, and
  - (c) in subsection (3) after “incorporation” insert “and section 5A (savings and incorporation: supplementary) ”.
- (4) In section 5 of that Act (exceptions to savings and incorporation)—
- (a) in subsections (1) to (5) for “exit day”, wherever it appears, substitute “IP completion day ”, and
  - (b) after subsection (6) insert—
    - “(7) Subsections (1) to (6) and Schedule 1 are subject to relevant separation agreement law (for which see section 7C).”
- (5) After section 5 of that Act insert—

**“5A Savings and incorporation: supplementary**

The fact that anything which continues to be, or forms part of, domestic law on or after IP completion day by virtue of section 2, 3 or 4 has an effect immediately before IP completion day which is time-limited by reference to the implementation period does not prevent it from having an indefinite effect on and after IP completion day by virtue of section 2, 3 or 4.”

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(6) In Schedule 1 to that Act (further provision about exceptions to savings and incorporation)—

- (a) for “exit day”, wherever it appears, substitute “ IP completion day ”, and
- (b) in paragraph 5(1) for “in accordance with this Act” substitute “ by virtue of section 2, 3, 4 or 6(3) or (6) and otherwise in accordance with this Act ”.

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**Commencement Information**

- I1** S. 25(1)-(3), (4)(a)(5)(6)(b) in force at 31.12.2020 by S.I. 2020/1622, **reg. 5(d)**
- I2** S. 25(4)(b)(6)(a) in force at 31.1.2020 for specified purposes by S.I. 2020/75, **reg. 4(h)**
- I3** S. 25(4)(b)(6)(a) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, **reg. 5(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, Section 25.