



European Union (Withdrawal Agreement) Act 2020

2020 CHAPTER 1

PART 5

GENERAL AND FINAL PROVISION

Parliamentary sovereignty

38 Parliamentary sovereignty [^{F1}and the constitutional status of Northern Ireland]

- (1) It is recognised that the Parliament of the United Kingdom is sovereign.
- (2) In particular, its sovereignty subsists notwithstanding—
 - (a) directly applicable or directly effective EU law continuing to be recognised and available in domestic law by virtue of section 1A or 1B of the European Union (Withdrawal) Act 2018 (savings of existing law for the implementation period),
 - (b) section 7A of that Act (other directly applicable or directly effective aspects of the withdrawal agreement [^{F2}(including the Windsor Framework)]),
 - (c) section 7B of that Act (deemed direct applicability or direct effect in relation to the EEA EFTA separation agreement and the Swiss citizens' rights agreement), and
 - (d) section 7C of that Act (interpretation of law relating to the withdrawal agreement [^{F2}(including the Windsor Framework)] (other than the implementation period), the EEA EFTA separation agreement and the Swiss citizens' rights agreement).
- (3) Accordingly, nothing in this Act derogates from the sovereignty of the Parliament of the United Kingdom.
- [^{F3}(4) The Windsor Framework is without prejudice to these matters (in particular), which are recognised and continue—

Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, Section 38. (See end of Document for details)

- (a) the constitutional status of Northern Ireland as part of the United Kingdom,
 - (b) Northern Ireland's part in the economy of the United Kingdom, including its customs territory and internal market,
 - (c) the power of the Parliament of the United Kingdom to make laws for Northern Ireland, and
 - (d) the vesting of executive power in Northern Ireland in His Majesty.
- (5) The enactments which make provision—
- (a) about the constitutional status of Northern Ireland, the power of the Parliament of the United Kingdom to make laws for Northern Ireland and the vesting of executive power in Northern Ireland include—
 - (i) the Northern Ireland Act 1998 (section 1 of which relates to the principle of consent), and
 - (ii) the Union with Ireland Act 1800 and the Act of Union (Ireland) 1800, and
 - (b) about Northern Ireland's part in the economy of the United Kingdom, including its customs territory and internal market, include the United Kingdom Internal Market Act 2020.]

Textual Amendments

- F1** Words in s. 38 heading inserted (20.2.2024) by [The Windsor Framework \(Constitutional Status of Northern Ireland\) Regulations 2024 \(S.I. 2024/164\)](#), regs. 1(2), **2(2)(a)**
- F2** Words in s. 38(2) inserted (20.2.2024) by [The Windsor Framework \(Constitutional Status of Northern Ireland\) Regulations 2024 \(S.I. 2024/164\)](#), regs. 1(2), **2(2)(b)**
- F3** S. 38(4)(5) inserted (20.2.2024) by [The Windsor Framework \(Constitutional Status of Northern Ireland\) Regulations 2024 \(S.I. 2024/164\)](#), regs. 1(2), **2(2)(c)**

Changes to legislation:

There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, Section 38.