
STATUTORY INSTRUMENTS

2020 No. 1622 (C. 46)

EXITING THE EUROPEAN UNION

The European Union (Withdrawal) Act 2018 and European Union (Withdrawal Agreement) Act 2020 (Commencement, Transitional and Savings Provisions) Regulations 2020

Made - - - - 21st December 2020

The Minister for the Cabinet Office, in exercise of the powers conferred by sections 23(6) and 25(4) of, and paragraphs 23(3) and 26 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾ and by sections 41(5) and 42(7) of, and paragraph 68(1) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020⁽²⁾, makes the following Regulations:

PART 1

Citation, commencement and interpretation

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the European Union (Withdrawal) Act 2018 and European Union (Withdrawal Agreement) Act 2020 (Commencement, Transitional and Savings Provisions) Regulations 2020.

(2) Part 3 (transitional and saving provisions) comes into force on IP completion day.

(3) In these Regulations—

“ECA 1972” means the European Communities Act 1972⁽³⁾;

“EU(A)A 2008” means the European Union (Amendment) Act 2008⁽⁴⁾;

“EU(W)A 2018” means the European Union (Withdrawal) Act 2018;

“EU(WA)A 2020” means the European Union (Withdrawal Agreement) Act 2020;

“GOWA 2006” means the Government of Wales Act 2006⁽⁵⁾;

(1) 2018 c. 16.
(2) 2020 c. 1.
(3) 1972 c. 68.
(4) 2008 c. 7.
(5) 2006 c. 32.

- “IA 1978” means the Interpretation Act 1978(6);
“ILR(S)A 2010” means the Interpretation and Legislative Reform (Scotland) Act 2010(7);
“NIA 1998” means the Northern Ireland Act 1998(8);
“SA 1998” means the Scotland Act 1998(9).

PART 2

Provisions coming into force

EU(W)A 2018 provisions coming into force on 31st December 2020

2. The day appointed for the coming into force of the following provisions of EU(W)A 2018 is 31st December 2020—
- (a) section 23(8) (consequential and transitional provision) insofar as it relates to the repeal of—
 - (i) the European Parliamentary Elections Act 2002(10) to the extent that it is not already repealed; and
 - (ii) the European Parliament (Representation) Act 2003(11);
 - (b) Schedule 9 (additional repeals) insofar as it relates to the repeal of those Acts.

EU(W)A 2018 provisions coming into force on IP completion day

3. The following provisions of EU(W)A 2018 come into force on IP completion day—
- (a) section 2 (saving for EU-derived domestic legislation);
 - (b) section 3 (incorporation of direct EU legislation);
 - (c) section 4 (saving for rights etc. under section 2(1) of ECA 1972);
 - (d) section 5 (exceptions to savings and incorporation) to the extent that it is not already in force;
 - (e) section 6(1) to (6) (interpretation of retained EU law) to the extent that it is not already in force;
 - (f) section 7 (status of retained EU law) to the extent that it is not already in force;
 - (g) section 12 (retaining EU restrictions in devolution legislation etc.) to the extent that it is not already in force;
 - (h) section 15(2) (publication and rules of evidence) to the extent that it is not already in force;
 - (i) section 23(5) and (7) (consequential and transitional provision) to the extent that it is not already in force;
 - (j) section 23(8) (consequential and transitional provision) insofar as it relates to the repeal of—
 - (i) the EU(A)A 2008 to the extent that it is not already repealed;

(6) 1978 c. 30.
(7) 2010 asp 10.
(8) 1998 c. 47.
(9) 1998 c. 46.
(10) 2002 c. 24.
(11) 2003 c. 7.

- (ii) the European Union (Finance) Act 2015(12) to the extent it is not already repealed;
- (k) Schedule 1 (further provision about exceptions to savings and incorporation) to the extent that it is not already in force;
- (l) Schedule 3 (further amendments of devolution legislation and reporting requirement) to the extent that it is not already in force;
- (m) paragraph 3 of Schedule 5 (rules of evidence: questions as to meaning of EU law);
- (n) Schedule 8 (consequential, transitional, transitory and saving provision) to the extent that it is not already in force;
- (o) Schedule 9 (additional repeals) to the extent that it relates to the repeal of—
 - (i) the EU(A)A 2008 to the extent that it is not already repealed;
 - (ii) the European Union (Finance) Act 2015 to the extent it is not already repealed.

EU(WA)A 2020 provisions coming into force on 31st December 2020

4. The day appointed for the coming into force of the following provisions of EU(WA)A 2020 is 31st December 2020—

- (a) section 41(4) so far as relating to paragraph 57 of Schedule 5, and
- (b) paragraph 57 of Schedule 5.

EU(WA)A 2020 provisions coming into force on IP completion day

5. The following provisions of EU(WA)A 2020 come into force on IP completion day—
- (a) section 15(3) (Independent Monitoring Authority for the Citizens' Rights Agreements) to the extent that it is not already in force;
 - (b) section 23 (protection for certain rights, safeguards etc. in Belfast Agreement) to the extent that it is not already in force;
 - (c) section 24 (no alteration of North-South co-operation);
 - (d) section 25 (retention of saved EU law at end of implementation period) to the extent that it is not already in force;
 - (e) section 26(1) (interpretation of retained EU law and relevant separation agreement law) to the extent that it is not already in force;
 - (f) section 30 (certain dispute procedures under withdrawal agreement);
 - (g) subject to regulation 4 above and except insofar as it concerns paragraph 56(7)(b) of Schedule 5 in relation to the making of regulations under Part 1 of Schedule 2 to EU(W)A 2018, section 41(4) and (6) (consequential and transitional provision etc.) to the extent that it is not already in force;
 - (h) Schedule 2 (Independent Monitoring Authority for the Citizens' Rights Agreements) to the extent that it is not already in force;
 - (i) Schedule 3 (protection for certain rights, safeguards etc. in Belfast Agreement) to the extent that it is not already in force;
 - (j) subject to regulation 4 above and with the exception of paragraph 56(7)(b) insofar as it relates to the making of regulations under Part 1 of Schedule 2 to EU(W)A 2018, Schedule 5 (consequential and transitional provision etc.) to the extent that it is not already in force.

PART 3

Transitional and saving provisions

European Communities Act 1972

6. Despite the ECA 1972 ceasing to have effect by virtue of section 1A(5) of EU(W)A 2018, section 11(2) of ECA 1972 continues to have effect on and after IP completion day in relation to the communication, or public disclosure, of any classified information on or after IP completion day by a person who acquired, or obtained cognisance of, the classified information before IP completion day.

Interpretation Act 1978

7.—(1) The repeal by paragraph 22(a) of Schedule 8 to EU(W)A 2018 of the definitions of “the Treaties” and “the EU Treaties” (as defined by section 1(2) of ECA 1972(13)) in Schedule 1 to IA 1978, and the insertion by paragraph 22(e) of Schedule 8 to EU(W)A 2018 of definitions of those expressions in Schedule 1 to IA 1978, 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 its application to an Act passed, or subordinate legislation made, before 19th June 2008, the definition of “the Communities” in Schedule 1 to IA 1978, as inserted by paragraph 22(e) of Schedule 8 to EU(W)A 2018, has effect on and after IP completion day, in its application in relation to a time before 19th June 2008, as if the words from “but” to the end were omitted.

(3) In this regulation—

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

“subordinate legislation” has the same meaning as in IA 1978.

European Union (Amendment) Act 2008

8.—(1) Despite the repeal of EU(A)A 2008 by section 23(8) of, and Schedule 9 to, EU(W)A 2018—

(a) section 3(2) of EU(A)A 2008 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, and

(b) section 3(6) of EU(A)A 2008 continues to have effect on and after IP completion day in relation to any reference to all or any of the Communities to which it applied immediately before IP completion day.

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

(3) Paragraph (1)(b) does not apply where the reference to all or any of the Communities is to be construed in accordance with a new definition of “the Communities”.

(13) The definition of “Treaties” and “the EU Treaties” in section 1(2) of the European Communities Act 1972 (c. 68) was amended by the European Communities (Greek Accession) Act 1979 (c. 57), section 1; the European Communities (Spanish and Portuguese Accession) Act 1985 (c. 75), section 1; the European Communities (Amendment) Act 1986 (c. 58), section 1; the European Communities (Amendment) Act 1993 (c. 32), section 1; the European Parliamentary Elections Act 1993 (c. 41), section 3; the European Economic Area Act 1993 (c. 51), section 1; the European Union (Accessions) Act 1994 (c. 38), section 1; the European Communities (Amendment) Act 1998 (c. 21), section 1; the European Communities (Finance) Act 2001 (c. 22), section 1; the European Communities (Amendment) Act 2002 (c. 3), section 1; the European Union (Accessions) Act 2003 (c. 35), section 1; the European Union (Accessions) Act 2006 (c. 2), section 1; the European Union (Amendment) Act 2008 (c. 7), paragraph 1, the Schedule; the European Union Act 2011 (c. 12), section 15; the European Union (Croatian Accession and Irish Protocol) Act 2013 (c. 5), section 3; the European Union (Finance) Act 2015 (c. 32), section 1; S.I. 2011/1043.

- (4) In this regulation, “new definition” means a definition—
- (a) inserted into Schedule 1 to IA 1978 by paragraph 22(e) of Schedule 8 to EU(W)A 2018,
 - (b) inserted into Schedule 1 to ILR(S)A 2010 by paragraph 35(b) of Schedule 8 to EU(W)A 2018, or
 - (c) treated as inserted into Schedule 2 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999(14) by virtue of regulation 4(5) of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019(15).

Further savings in relation to the European Union (Amendment) Act 2008

9. The repeal of section 3(3), (4) and (5) of, and the Schedule to, EU(A)A 2008 by section 23(8) of, and Schedule 9 to, EU(W)A 2018 does not affect an amendment of an enactment made under section 3(3), (4) or (5) of, or the Schedule to, EU(A)A 2008 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.

Devolution

10.—(1) Paragraphs 41(1) and (2) and 42 of Schedule 8 to EU(W)A 2018 apply on and after IP completion day to the amendments made by—

- (a) Part 3 of Schedule 3 to that Act;
- (b) paragraph 29 of Schedule 8 to that Act; and
- (c) paragraphs 18, 19, 21, 23, 25, 26, 28, 29 and 30 of Schedule 5 to EU(WA)A 2020;

as they apply to the amendments made by Part 1 of Schedule 3 to that Act.

(2) Paragraph 42 of Schedule 8 to EU(W)A 2018 applies on and after IP completion day to acts (other than the making, confirming or approving of subordinate legislation) done before IP completion day by any person.

(3) The amendments made by—

- (a) section 12 of EU(W)A 2018;
- (b) Parts 1 and 3 of Schedule 3 to that Act;
- (c) paragraph 29 of Schedule 8 to that Act; and
- (d) paragraphs 18, 19, 21, 23, 25, 26, 28, 29 and 30 of Schedule 5 to EU(WA)A 2020

do not apply on and after IP completion day in relation to any pre-IPCD failure.

(4) Accordingly—

- (a) for the purposes of determining whether a question relating to pre-IPCD legislation, a pre-IPCD act or a pre-IPCD failure is a devolution issue within the meaning of Schedule 6 to SA 1998, paragraph 1 of that Schedule(16) continues to have effect on and after IP completion day without the amendments made by paragraph 23 of Schedule 3 to EU(W)A 2018,

(14) S.I. 1999/1379; revoked by article 8 of that Order but subject to savings specified in s. 55(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(15) S.I. 2019/628.

(16) Amended by section 12 and 36 Scotland Act 2012 (c. 11) and S.I. 2011/1043.

- (b) for the purposes of determining whether a question relating to pre-IPCD legislation, a pre-IPCD act or a pre-IPCD failure is a compatibility issue within the meaning of section 288ZA of the Criminal Procedure (Scotland) Act 1995(17), that section continues to have effect on and after IP completion day without the amendments made by paragraph 29 of Schedule 8 to EU(W)A 2018,
 - (c) for the purposes of determining whether a question relating to a pre-IPCD act or a pre-IPCD failure is a devolution issue within the meaning of Schedule 10 to NIA 1998, paragraph 1 of that Schedule(18) continues to have effect on and after IP completion day without the amendment made by paragraph 62 of Schedule 3 to EU(W)A 2018, and
 - (d) for the purposes of determining whether a question relating to a pre-IPCD act or a pre-IPCD failure is a devolution issue within the meaning of Schedule 9 to GOWA 2006, paragraphs 1(1)(c) and (d) of that Schedule continue to have effect on and after IP completion day as if the references to section 80(1), (7) and (8) of that Act were to those provisions without the amendments made by paragraph 2 or 37 of Schedule 3 to EU(W)A 2018.
- (5) It does not matter whether the question referred to in paragraph (4)(a), (b), (c) or (d) arises before or on or after IP completion day or whether it arises in proceedings which begin before or on or after IP completion day.
- (6) In this regulation—
- “pre-IPCD legislation” means an Act of the Scottish Parliament, or a provision of such an Act, the Bill for which received Royal Assent before IP completion day;
 - “pre-IPCD act” means an act, or a purported or proposed act, before IP completion day;
 - “pre-IPCD failure” means a failure to act before IP completion day;
- and references to Part 3 of Schedule 3 to EU(W)A 2018 do not include any provisions of that Part which have come into force before IP completion day.

Scotland Act 1998

- 11.**—(1) Despite its repeal by paragraph 11 of Schedule 3 to EU(W)A 2018, section 34 of SA 1998(19) continues to have effect on and after IP completion day in relation to a Bill where—
- (a) a reference has been made in relation to the Bill under section 33 of SA 1998(20) before IP completion day,
 - (b) a reference for a preliminary ruling (within the meaning of section 34 of that Act) has been made before IP completion day by the Supreme Court in connection with that reference, and
 - (c) neither of those references has been decided or otherwise disposed of before IP completion day.
- (2) Where section 34 of SA 1998 continues to have effect in relation to a Bill by virtue of paragraph (1), the following do not apply in relation to the Bill—
- (a) the amendments made to section 32 of SA 1998(21) by paragraph 10 of Schedule 3 to EU(W)A 2018, and

(17) 1995 c. 46. Section 288ZA was inserted by section 34 of the Scotland Act 2012 (c. 11).

(18) Amended by S.I. 2011/1043.

(19) Amended by the Constitutional Reform Act 2005 (c. 4), paragraph 97, Schedule 9, and S.I. 2012/1809.

(20) Amended by the Constitutional Reform Act 2005 (c. 4), paragraph 96, Schedule 9, and the Scotland Act 2016 (c. 11), section 11.

(21) Amended by the Constitutional Reform Act 2005 (c. 4), paragraph 95, Schedule 9, and the Scotland Act 2016 (c. 11), section 11.

- (b) the amendments made to section 36 of SA 1998(22) by paragraph 12 of Schedule 3 to EU(W)A 2018.

Scottish Taxpayers

12.—(1) The amendments made to sections 80D and 80DA of SA 1998(23) by paragraphs 14 and 15 of Schedule 3 to EU(W)A 2018 have effect in relation to the tax year 2020-21 and subsequent tax years.

(2) In paragraph (1), “tax year” means a year beginning on 6th April and ending on the following 5th April.

Interpretation and Legislative Reform (Scotland) Act 2010

13.—(1) The repeal by paragraph 35(a) of Schedule 8 to EU(W)A 2018 of the definitions of “the Treaties” and “the EU Treaties” (as defined by section 1(2) of ECA 1972) in Schedule 1 to ILR(S)A 2010 and the insertion by paragraph 35(b) of Schedule 8 to EU(W)A 2018 of definitions of those expressions in Schedule 1 to ILR(S)A 2010 and the amendment of those definitions by paragraph 37(f) of Schedule 5 to EU(W)A 2020 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—

- (a) “pre-IPCD legislation” means an Act of the Scottish Parliament the Bill for which received Royal Assent before IP completion day or a Scottish instrument made before IP completion day;
- (b) “Scottish instrument” has the same meaning as in Part 1 of ILR(S)A 2010.

Government of Wales Act 2006

14.—(1) Despite its repeal by paragraph 39 of Schedule 3 to EU(W)A 2018, section 113 of GOWA 2006(24) continues to have effect on and after IP completion day in relation to a Bill where—

- (a) a reference has been made in relation to the Bill under section 112 of GOWA 2006(25) before IP completion day,
- (b) a reference for a preliminary European Court ruling (within the meaning of section 113 of that Act) has been made before IP completion day by the Supreme Court in connection with that reference, and
- (c) neither of those references has been decided or otherwise disposed of before IP completion day.

(2) Where section 113 of GOWA 2006 continues to have effect in relation to a Bill by virtue of paragraph (1), the following do not apply in relation to the Bill—

- (a) the amendments made to section 111 of GOWA 2006(26) by paragraph 38 of Schedule 3 to EU(W)A 2018, and

(22) Amended by the Constitutional Reform Act 2005 (c. 4), paragraph 99, Schedule 9, and the Scotland Act 2016 (c. 11), section 11.

(23) Section 80D was inserted by the Scotland Act 2012 (c. 11), section 25 and amended by the Wales Act 2014 (c. 29), section 11; Section 80DA was inserted by the Wales Act 2014, section 11.

(24) Amended by the Wales Act 2017 (c. 4), section 12, the Senedd and Elections (Wales) Act 2020 (anaw 1), paragraph 2, Schedule 1, and S.I. 2012/1809.

(25) Amended by the Wales Act 2017 (c. 4), sections 10 and 12 and the Senedd and Elections (Wales) Act 2020 (anaw 1), paragraph 2, Schedule 1.

(26) Amended by the Wales Act 2014 (c. 29), section 6, the Wales Act 2017 (c. 4), section 10, and the Senedd and Elections (Wales) Act 2020 (anaw 1), paragraph 2, Schedule 1.

- (b) the amendments made to section 115 of GOWA 2006(27) by paragraph 40 of Schedule 3 to EU(W)A 2018.

Welsh taxpayers

15.—(1) The amendments made to sections 116E and 116F of GOWA 2006(28) by paragraphs 41 and 42 of Schedule 3 to EU(W)A 2018 have effect in relation to the tax year 2020-21 and subsequent tax years.

(2) In paragraph (1), “tax year” means a year beginning on 6th April and ending on the following 5th April.

Northern Ireland Act 1998

16.—(1) Despite its repeal by paragraph 52 of Schedule 3 to EU(W)A 2018, section 12 of NIA 1998(29) continues to have effect on and after IP completion day in relation to a Bill where—

- (a) a reference has been made in relation to the Bill under section 11 of NIA 1998(30) before IP completion day,
- (b) a reference for a preliminary ruling (within the meaning of section 12 of that Act) has been made before IP completion day by the Supreme Court in connection with that reference, and
- (c) neither of those references has been decided or otherwise disposed of before IP completion day.

(2) Where section 12 of NIA 1998 continues to have effect in relation to a Bill by virtue of paragraph (1), the following do not apply in relation to the Bill—

- (a) the amendment made to section 13 of NIA 1998(31) by paragraph 53 of Schedule 3 to EU(W)A 2018, and
- (b) the amendments made to section 14 of NIA 1998(32) by paragraph 54 of Schedule 3 to EU(W)A 2018.

Transitional provision for section 5A of EU(W)A 2018

17. Nothing in section 5A of EU(W)A 2018 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).

Transitional provision for paragraph 14 of Schedule 8 to EU(W)A 2018

18. Paragraph 14 of Schedule 8 to EU(W)A 2018 does not apply to a statutory instrument which was made before IP completion day but which would otherwise be subject to that paragraph.

(27) Amended by the Wales Act 2017 (c. 4), sections 10 and 12, the Senedd and Elections (Wales) Act 2020 (anaw 1), paragraph 2, Schedule 1, and S.I. 2011/1011.

(28) Inserted by the Wales Act 2014 (c. 29), section 8, and the Senedd and Elections (Wales) Act 2020 (anaw 1), paragraph 2, Schedule 1.

(29) Amended by the Constitutional Reform Act 2005 (c. 4), paragraph 110, Schedule 9, the Justice (Northern Ireland) Act 2002 (c. 26), paragraph 1, Schedule 7, and S.I. 2012/1809.

(30) Amended by the Constitutional Reform Act 2005 (c. 4), paragraph 109, Schedule 9, and the Justice (Northern Ireland) Act 2002 (c. 26), paragraph 1, Schedule 7.

(31) Amended by the Constitutional Reform Act 2005 (c. 4), paragraph 111, Schedule 9.

(32) Amended by the Constitutional Reform Act 2005 (c. 4), paragraph 112, Schedule 9, the Justice (Northern Ireland) Act 2002 (c. 26), paragraph 1, Schedule 7, and the Northern Ireland (Miscellaneous Provision) Act 2014 (c. 13), section 6.

Cross-references

19.—(1) Paragraphs 1 and 2A(3) of Schedule 8 to EU(W)A 2018 do 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 interpretation legislation

20.—(1) Parts 3 and 4 of Schedule 8 to EU(W)A 2018, Part 3 of Schedule 5 to EU(WA)A 2020, these Regulations and other regulations made under section 23(6) of EU(W)A 2018 or section 41(5) of EU(WA)A 2020 are without prejudice (so far as it is required) to section 16 of IA 1978 or any provision of interpretation legislation which corresponds to that section.

(2) In this regulation, “interpretation legislation” means ILR(S)A 2010, the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999, the Interpretation Act (Northern Ireland) 1954⁽³³⁾ or the Legislation (Wales) Act 2019⁽³⁴⁾.

General saving provision

21. Any saving of a provision by Part 4 of Schedule 8 to EU(W)A 2018, these Regulations or other regulations made under section 23(6) of that Act or section 41(5) of EU(WA)A 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

22. The repeal of an enactment by EU(W)A 2018 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.

21st December 2020

Michael Gove
Minister for the Cabinet Office
Cabinet Office

⁽³³⁾ 1954 c. 33 (N.I.).

⁽³⁴⁾ 2019 anaw 4.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) and of the European Union (Withdrawal Agreement) Act 2020 (“the 2020 Act”). Regulations 3 and 5 bring the majority of those provisions into force on “IP completion day”. “IP completion day” means 31st December 2020 at 11 p.m. in accordance with section 39(1) of the 2020 Act. Regulation 2 appoints 31st December 2020 as the day that section 23(8) of and Schedule 9 to the 2018 Act come into force insofar as they relate to the repeal of the European Parliamentary Elections Act 2002 (c. 24) and the European Parliament (Representation) Act 2003 (c. 7). Regulation 4 appoints 31st December 2020 as the day that paragraph 57 of Schedule 5 to the 2020 Act comes into force.

Part 3 of these Regulations makes transitional and saving provision in connection with the coming into force of those provisions.

Regulation 6 provides a saving for the offence previously contained in section 11(2) of the European Communities Act 1972.

Regulation 7 provides that certain terms defined in the Interpretation Act 1978 will be read after IP completion day in the same manner as they were before IP completion day in relation to events occurring before IP completion day.

Regulations 8 and 9 concern the European Union (Amendment) Act 2008 and provide that the repeal of that Act does not affect the reading of certain amendments made by that Act and references to which it applied immediately before IP completion day insofar as such references are not to be construed in accordance with the new definitions referred to.

Regulation 10 makes transitional provision in relation to removal of the EU law restriction on the competence of the devolved administrations. It provides that the relevant restrictions are still read as referring to EU law where it would be appropriate to do so.

Regulation 11 provides that any references to the Court of Justice of the European Union made in connection with section 34 of the Scotland Act 1998 may continue where the process has begun, but not completed, before IP completion day.

Regulation 12 provides that changes being made to the definition of Scottish taxpayers by the 2018 Act do not take effect until the start of the next tax year.

Regulation 13 provides that certain terms defined in the Interpretation and Legislative Reform (Scotland) Act 2010 will be read after IP completion day in the same manner as they were before IP completion day in relation to events occurring before IP completion day.

Regulation 14 provides that any references to the Court of Justice of the European Union made in connection with section 113 of the Government of Wales Act 2006 may continue where the process has begun, but not completed, before IP completion day.

Regulation 15 provides that changes being made to the definition of Welsh taxpayers by the 2018 Act do not take effect until the start of the next tax year.

Regulation 16 provides that any references to the Court of Justice of the European Union made in connection with section 12 of the Northern Ireland Act 1998 may continue where the process has begun, but not completed, before IP completion day.

Regulation 17 preserves the intended effect of any legislation which is time-limited by reference to the transition period.

Regulation 18 provides that changes being made by the 2018 Act to parliamentary procedure for certain statutory instruments do not affect instruments for which the existing procedure has already begun.

Regulation 19 makes transitional provision in relation to ambulatory and non-ambulatory references to EU instruments so that they can be read as references to the EU version so far as the reference relates to a time before IP completion day (unless a contrary intention appears in relation to the reference concerned).

Regulation 20 clarifies that the specific transitional and savings provisions referred to are without prejudice to the general savings provisions in section 16 of the Interpretation Act 1978 or equivalent provisions in similar legislation relevant to the devolved administrations (so far as those provisions are required).

Regulation 21 provides that additional provisions which are necessary for the effective operation of any saved provision are also saved and regulation 22 provides that repeals made by the 2018 Act do not repeal amendments made by the enactments so repealed.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the European Union (Withdrawal) Act 2018 (c. 16) have been brought into force by commencement regulations made before the date of these Regulations.

Provision	Date of Commencement	S.I. No.
Section 1	17 August 2019	2019/1198
Section 5(6) (partially)	4 July 2018	2018/808
Section 6(7)	4 July 2018	2018/808
Section 7(1)	Exit day	2020/74
Section 7(6)	Exit day	2020/74
Section 12(9) to (11) and (13)	4 July 2018	2018/808
Section 15 (partially)	4 July 2018	2018/808
Section 15(1) (remainder)	3 July 2019	2019/1077
Section 19	4 July 2018	2018/808
Section 23(5) (partially)	4 July 2018	2018/808
Section 23(5) (partially)	Exit day	2020/74
Section 23(7) (partially)	4 July 2018	2018/808
Section 23(7) (partially)	1 March 2019	2019/399
Section 23(8) (partially)	4 July 2018	2018/808
Section 23(8) (partially)	Exit day	2018/808
Paragraph 1(2)(b) of Schedule 1 (partially)	4 July 2018	2018/808
Paragraph 1(3) of Schedule 1	4 July 2018	2018/808
Paragraph 1 of Schedule 5	3 July 2019	2019/1077

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Provision	Date of Commencement	S.I. No.
Paragraph 2 of Schedule 5	4 July 2018	2018/808
Paragraph 4 of Schedule 5	4 July 2018	2018/808
Paragraphs 7 and 8 of Schedule 8	Exit day	2020/74
Paragraphs 10 to 12 of Schedule 8	Exit day	2020/74
Paragraph 18 of Schedule 8	4 July 2018	2018/808
Paragraph 20 of Schedule 8	4 July 2018	2018/808
Paragraph 22(d) of Schedule 8 (partially)	4 July 2018	2018/808
Paragraph 22(e) of Schedule 8 (partially)	4 July 2018	2018/808
Paragraphs 31 to 34 of Schedule 8	4 July 2018	2018/808
Paragraph 36 of Schedule 8	4 July 2018	2018/808
Paragraph 40 of Schedule 8	4 July 2018	2018/808
Paragraph 41(3) to (9) of Schedule 8	1 March 2019	2019/399
Schedule 9 (partially)	4 July 2018	2018/808
Schedule 9 (partially)	Exit day	2018/808

The following provisions of the European Union (Withdrawal Agreement) Act 2020 (c. 1) have been brought into force by commencement regulations made before the date of these Regulations.

Provision	Date of Commencement	S.I. No.
Section 1	Exit day	2020/75
Section 2	Exit day	2020/75
Sections 5 and 6	Exit day	2020/75
Sections 7 to 9	19 May 2020	2020/518
Section 10	Exit day	2020/75
Sections 12 to 14	19 May 2020	2020/518
Section 15(1) and (2)	Exit day	2020/75
Section 15(3) (partially)	Exit day	2020/75
Section 15(3) (partially)	19 March 2020	2020/317
Sections 18 and 19	19 May 2020	2020/518
Sections 21 and 22	19 May 2020	2020/518
Section 23 (partially)	19 May 2020	2020/518
Section 25(4)(b) and (6)(a) (partially)	Exit day	2020/75
Section 26(1)(a) (partially)	Exit day	2020/75
Section 26(1)(d)	19 May 2020	2020/518
Section 26(2)	Exit day	2020/75

Provision	Date of Commencement	S.I. No.
Section 27	Exit day	2020/75
Section 28	19 May 2020	2020/518
Section 41(4) (partially)	Immediately before exit day	2020/75
Section 41(4) and (6) (partially)	Exit day	2020/75
Section 41(4) and (6) (partially)	19 May 2020	2020/518
Schedule 1	19 May 2020	2020/518
Paragraphs 1 to 13 of Schedule 2	Exit day	2020/75
Paragraphs 14 to 17 of Schedule 2	19 March 2020	2020/317
Paragraphs 18 and 19 of Schedule 2	Exit day	2020/75
Paragraphs 20 and 21 of Schedule 2	19 March 2020	2020/317
Paragraph 22(3) of Schedule 2 (partially)	19 March 2020	2020/317
Paragraph 32 of Schedule 2	19 March 2020	2020/317
Paragraph 34 of Schedule 2	Exit day	2020/75
Paragraph 41 of Schedule 2	Exit day	2020/75
Paragraph 5 of Schedule 3	23 March 2020	2020/317
Paragraph 1(1) and (2) of Schedule 5	Immediately before exit day	2020/75
Paragraph 3(1) of Schedule 5	Exit day	2020/75
Paragraph 7(c) of Schedule 5	Exit day	2020/75
Paragraph 11 of Schedule 5	Exit day	2020/75
Paragraph 12(c) of Schedule 5	Exit day	2020/75
Paragraph 18 of Schedule 5 (partially)	Exit day	2020/75
Paragraph 19 of Schedule 5 (partially)	Exit day	2020/75
Paragraph 23 of Schedule 5 (partially)	Exit day	2020/75
Paragraph 25 of Schedule 5 (partially)	Exit day	2020/75
Paragraph 28 of Schedule 5 (partially)	Exit day	2020/75
Paragraph 29 of Schedule 5 (partially)	Exit day	2020/75
Paragraph 33 of Schedule 5	Exit day	2020/75
Paragraph 35 of Schedule 5	Exit day	2020/75
Paragraph 36(c) of Schedule 5	Exit day	2020/75
Paragraph 37(d) of Schedule 5	Exit day	2020/75
Paragraph 40(1), (2) and (5) of Schedule 5	Exit day	2020/75
Paragraph 43 of Schedule 5	Exit day	2020/75
Paragraph 44(2)(b) and (c) of Schedule 5	Exit day	2020/75
Paragraph 44(2)(f) to (h) of Schedule 5	Exit day	2020/75

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provision	Date of Commencement	S.I. No.
Paragraph 44(4) of Schedule 5	Exit day	2020/75
Paragraph 47(3) and (5) of Schedule 5	Exit day	2020/75
Paragraph 48(1), (2) and (4) of Schedule 5	Exit day	2020/75
Paragraph 49 of Schedule 5	Exit day	2020/75
Paragraph 51 of Schedule 5 (partially)	Exit day	2020/75
Paragraph 51 of Schedule 5 (remainder)	19 May 2020	2020/518
Paragraph 52(2) of Schedule 5	19 May 2020	2020/518
Paragraph 53(5) of Schedule 5	Exit day	2020/75
Paragraph 53(7)(b) of Schedule 5	Exit day	2020/75
Paragraph 53(8)(b) of Schedule 5	Exit day	2020/75
Paragraph 54(1) of Schedule 5	Exit day	2020/75
Paragraph 54(4) and (5) of Schedule 5	Exit day	2020/75
Paragraph 54(7) of Schedule 5	Exit day	2020/75
Paragraph 55(1) and (2) of Schedule 5	Exit day	2020/75
Paragraph 56(6)(a) of Schedule 5	19 May 2020	2020/518
Paragraph 56(7)(a) of Schedule 5 (partially)	Exit day	2020/75
Paragraph 56(7)(b) (partially)	19 May 2020	2020/518
Paragraphs 58 to 63 of Schedule 5	Exit day	2020/75
Paragraph 64 of Schedule 5	19 May 2020	2020/518