
STATUTORY INSTRUMENTS

2020 No. 74 (C. 6)

EXITING THE EUROPEAN UNION

**The European Union (Withdrawal) Act
2018 (Commencement No. 5, Transitional
Provisions and Amendment) Regulations 2020**

Made - - - - *29th January 2020*

The Secretary of State, in exercise of the powers conferred by sections 23(6) and 25(4) of the European Union (Withdrawal) Act 2018(1), makes the following Regulations:

Citation

1. These Regulations may be cited as the European Union (Withdrawal) Act 2018 (Commencement No. 5, Transitional Provisions and Amendment) Regulations 2020.

Provisions coming into force on exit day

2. The following provisions of the European Union (Withdrawal) Act 2018 come into force on exit day(2)—

- (a) section 7(1) and (6) (status of retained EU law);
- (b) section 23(5) (consequential provision) so far as relating to any provision in paragraph (c) (i) and (ii); and
- (c) the following paragraphs of Schedule 8—
 - (i) 7 and 8 (existing powers to make subordinate legislation etc.); and
 - (ii) 10 to 12 (future powers to make subordinate legislation).

Amendment of the European Union (Withdrawal) Act 2018 (Commencement and Transitional Provisions) Regulations 2018

3.—(1) The European Union (Withdrawal) Act 2018 (Commencement and Transitional Provisions) Regulations 2018(3) are amended as follows.

- (2) In the heading to regulation 4, for “exit day” substitute “IP completion day”.

(1) 2018 c. 16.

(2) “Exit day” means 31st January 2020 at 11 p.m. in accordance with section 20(1) of the European Union (Withdrawal) Act 2018 (c. 16). The definition of “exit day” was amended by S.I. 2019/718, 2019/859 and 2019/1423.

(3) S.I. 2018/808.

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(3) In regulation 4, for “exit day” substitute “IP completion day”.

(4) In regulation 5, for the words from “exit day” to the end of that regulation substitute “IP completion day, as a reference to an “international obligation to the extent it is not an EU obligation.””.

29th January 2020

Steve Barclay
Secretary of State for Exiting the European
Union
Department for Exiting the European Union

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 Act”) on “exit day”. “Exit day” means 31 January 2020 at 11 p.m. in accordance with section 20(1) of the Act.

Regulation 2 brings into force section 7(1) and (6), which relates to the status of retained EU law, and paragraphs 7, 8 and 10 to 12 of Schedule 8, which provide glosses to existing and future powers to make subordinate legislation respectively.

These Regulations also amend the European Union (Withdrawal) Act 2018 (Commencement and Transitional Provisions) Regulations 2018 (S.I. 2018/808) (“the First Commencement Regulations”).

Regulation 3 amends the day appointed for the coming into force of provisions in the Act relating to the repeal of the European Union Act 2011 (c. 12) (to the extent not already been commenced) from exit day to IP completion day (31 December 2020 at 11 p.m.). It also amends the transitional provision in the First Commencement Regulations to make it clear that following the repeal of the reference to EU obligations in section 30 of the Small Business, Enterprise and Employment Act 2015 (c. 26) the remaining reference to international obligations does not include EU obligations during the period from 4 July 2018 to IP completion day.

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.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 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(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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 23(8) (partially)	Exit day(4)	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
Paragraph 2 of Schedule 5	4 July 2018	2018/808
Paragraph 4 of Schedule 5	4 July 2018	2018/808
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(5)	2018/808

(4) Amended by Regulation 3 of these Regulations.

(5) Amended by Regulation 3 of these Regulations.