

2023 No. 1

EXITING THE EUROPEAN UNION

**The Exception from the Duty to Publish (Department for
Business and Trade) (No. 1) Direction 2023**

The Secretary of State gives the following Direction to the King's Printer in exercise of the powers conferred by paragraph 2(1) of Schedule 5 to the European Union (Withdrawal) Act 2018(a).

The Secretary of State is satisfied that the instrument(s) specified in the Schedule to this Direction have not become retained direct EU legislation.

Citation

1. This Direction may be cited as the Exception from the Duty to Publish (Department for Business and Trade) (No. 1) Direction 2023.

Exception from the Duty to Publish relevant instruments

2. The instruments specified in the Schedule are excepted from the duty on the King's Printer under paragraph 1(1) of Schedule 5 to the European Union (Withdrawal) Act 2018 to make arrangements for the publication of relevant instruments.

22nd May 2023

Kevin Hollinrake
Parliamentary Under Secretary of State
Department for Business and Trade

SCHEDULE

Direction 2

Specified Instruments

Table 1

Regulations

<i>Document Year/Number</i>	<i>Parts to which the exception applies</i>	<i>Title</i>
<i>(EU) No 537/2014</i>	<i>Articles 5(3), 12, 15, 16(2), 16(4), 16(5), 17(1), 17(3), 17(5), 17(6), 22, 23(2) – (6), 24(2), 24(3); the first</i>	<i>Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements</i>

(a) 2018 c. 16.

	<i>subparagraph of Article 4(1); the third subparagraph of Article 4(2); and the first subparagraph of Article 18.</i>	<i>regarding statutory audit of public interest entities and repealing Commission Decision 2005/909/EC</i>
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EXPLANATORY NOTE

(This note is not part of the Direction)

Under paragraph 2 of Schedule 5 to the European Union (Withdrawal) Act 2018 (“the Act”), a Minister of the Crown may create an exception from the duty under paragraph 1(1) of the same Schedule for the King’s Printer to make arrangements for the publication of relevant instruments (i.e. EU regulations, EU decisions and EU tertiary legislation) published before exit day by an EU entity.

The instrument set out in the Schedule to this Direction relates to European Union law on the statutory audit of ‘public interest entities’ (as defined in the Statutory Auditors and Third Country Auditors Regulations 2016 (S.I. 2016 No. 649)). The provisions set out in the Schedule to this Direction are exempt from publication on account of their transposition into UK legislation. Section 3(2)(a)(iii) of the Act therefore applies, with the effect that those provisions do not constitute “direct EU legislation” within the meaning of the Act.