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**Changes to legislation:** European Union (Withdrawal) Act 2018, Cross Heading: Scope and nature of powers: general is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## SCHEDULES

### SCHEDULE 7

#### REGULATIONS

#### PART 3

#### GENERAL PROVISION ABOUT POWERS UNDER ACT

##### *Scope and nature of powers: general*

- 20 (1) Any power to make regulations under this Act—
- (a) so far as exercisable by a Minister of the Crown or by a Minister of the Crown acting jointly with a devolved authority, is exercisable by statutory instrument,
  - (b) so far as exercisable by the Welsh Ministers or by the Welsh Ministers acting jointly with a Minister of the Crown, is exercisable by statutory instrument, and
  - (c) so far as exercisable by a Northern Ireland department (other than when acting jointly with a Minister of the Crown), is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (SI 1979/1573 (NI 12)) (and not by statutory instrument).
- (2) For regulations made under this Act by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).
- 21 Any power to make regulations under this Act—
- (a) may be exercised so as to—
    - (i) modify [<sup>F1</sup>anything which continues to be domestic law by virtue of section 1B(2) or any][<sup>F2</sup>assimilated] law, or
    - (ii) make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas, and
  - (b) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision re-stating [<sup>F3</sup>anything which continues to be domestic law by virtue of section 1B(2), or any [<sup>F2</sup>assimilated] law,] in a clearer or more accessible way).

#### Textual Amendments

- F1** Words in Sch. 7 para. 21(a)(i) inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 53\(2\)\(a\)](#) (with s. 38(3), Sch. 5 para. 66)
- F2** Word in Sch. 7 para. 21 substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), [Sch. 2 para. 8\(14\)\(b\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

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- F3** Words in Sch. 7 para. 21(b) substituted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(6)(e)(x), **Sch. 5 para. 53(2)(b)** (with s. 38(3), Sch. 5 para. 66)

**Modifications etc. (not altering text)**

- C1** Sch. 7 para. 21 applied (with modifications) (26.10.2018) by [The Financial Regulators Powers \(Technical Standards etc.\) \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1115), regs. 1(2), **3(3)**
- C2** Sch. 7 para. 21 applied (31.12.2020) by Regulation (EC) No. 714/2009, Art. 6(7) (as substituted by [The Electricity and Gas \(Powers to Make Subordinate Legislation\) \(Amendment\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1286), regs. 1(2)(b), **4**; 2020 c. 1, Sch. 5 para. 1(1))
- C3** Sch. 7 para. 21 applied (31.12.2020) by Regulation (EC) No. 715/2009, Art. 6(7) (as substituted by [The Electricity and Gas \(Powers to Make Subordinate Legislation\) \(Amendment\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1286), regs. 1(2)(b), **10**; 2020 c. 1, Sch. 5 para. 1(1))

- 22 The fact that a power to make regulations is conferred by this Act does not affect the extent of any other power to make regulations under this Act.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(4\)](#)
- s. 6(6B) inserted by [2023 c. 28 s. 6\(6\)](#)
- s. 6A-6C inserted by [2023 c. 28 s. 6\(8\)](#)
- s. 6A word substituted by [2023 c. 28 Sch. 2 para. 8\(4\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)