

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

SCHEDULES

SCHEDULE 8

Section 23(5) and (7)

CONSEQUENTIAL, TRANSITIONAL, TRANSITORY AND SAVING PROVISION

PART 1

GENERAL CONSEQUENTIAL PROVISION

Existing ambulatory references to [F1assimilated direct] legislation

Textual Amendments

F1 Words in Sch. 8 para. 1 cross-heading substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(a) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

- 1 (1) Any reference [F2so far as it], immediately before [F3IP completion day]—
- (a) exists in—
 - (i) any enactment,
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, or
 - (iii) any document relating to anything falling within sub-paragraph (i) or (ii), and
 - (b) is a reference to (as it has effect from time to time) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3,
- is to be read, on or after [F3IP completion day], as a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as it forms part of domestic law by virtue of section 3 and, unless the contrary intention appears, as modified by domestic law from time to time.
- (2) Sub-paragraph (1) does not apply to any reference [F4so far as it] forms part of a power to make, confirm or approve subordinate legislation so far as the power to make the subordinate legislation—
- (a) continues to be part of domestic law by virtue of section 2, and
 - (b) is subject to a procedure before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.
- (3) Sub-paragraphs (1) and (2) are subject to any other provision made by or under this Act or any other enactment.

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Textual Amendments

- F2** Words in Sch. 8 para. 1(1) substituted (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), regs. 1(3), **3(2)(a)(i)**
- F3** Words in Sch. 8 para. 1(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 54(2)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F4** Words in Sch. 8 para. 1(2) substituted (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), regs. 1(3), **3(2)(a)(ii)**

Commencement Information

- I1** Sch. 8 para. 1 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(n)** (with reg. 19)

[^{F5}Existing ambulatory references to relevant separation agreement law

Textual Amendments

- F5** Sch. 8 para. 1A and cross-heading inserted (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), regs. 1(3), **3(2)(b)**

- 1A (1) Any reference which, immediately before IP completion day—
- (a) exists in—
 - (i) any enactment,
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, or
 - (iii) any document relating to anything falling within sub-paragraph (i) or (ii), and
 - (b) is a reference to (as it has effect from time to time) any of the EU Treaties, any EU instrument or any other document of an EU entity,
- is, if the treaty, instrument or document has effect on or after IP completion day by virtue of section 7A or 7B and so far as required for the purposes of relevant separation agreement law, to be read on or after that day as, or including, a reference to the treaty, instrument or document as it so has effect (including, so far as so required, as it has effect from time to time).
- (2) In sub-paragraph (1) “treaty” includes any international agreement (and any protocol or annex to a treaty or international agreement).
- (3) Sub-paragraphs (1) and (2) are subject to any other provision made by or under this Act or any other enactment.]

Other existing ambulatory references

- 2 (1) Any reference [^{F6}so far as it]—
- (a) exists, immediately before [^{F7}IP completion day], in—
 - (i) any enactment,
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, or

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- (iii) any document relating to anything falling within sub-paragraph (i) or (ii),
- (b) is not a reference to which paragraph 1(1) applies, and
- (c) is, immediately before [^{F7}IP completion day], a reference to (as it has effect from time to time) any of the EU Treaties, any EU instrument or any other document of an EU entity,
- is to be read, on or after [^{F7}IP completion day], as a reference to the EU Treaty, instrument or document as it has effect immediately before [^{F7}IP completion day].
- (2) Sub-paragraph (1) does not apply to any reference [^{F8}so far as it] forms part of a power to make, confirm or approve subordinate legislation so far as the power to make the subordinate legislation—
- (a) continues to be part of domestic law by virtue of section 2, and
- (b) is subject to a procedure before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.
- [^{F9}(2A) Sub-paragraph (1) does not apply so far as any reference forms part of relevant separation agreement law.]
- (3) Sub-paragraphs (1) [^{F10}to (2A)] are subject to any other provision made by or under this Act or any other enactment.

Textual Amendments

- F6** Words in Sch. 8 para. 2(1) substituted (31.12.2020) by The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 (S.I. 2020/1447), regs. 1(3), **3(2)(c)(i)**
- F7** Words in Sch. 8 para. 2(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(3)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F8** Words in Sch. 8 para. 2(2) substituted (31.12.2020) by The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 (S.I. 2020/1447), regs. 1(3), **3(2)(c)(ii)**
- F9** Sch. 8 para. 2(2A) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(3)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F10** Words in Sch. 8 para. 2(3) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(3)(c)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Modifications etc. (not altering text)

- C1** Sch. 8 para. 2 excluded (30.1.2020) by Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2), s. 9(3), **Sch. 1 para. 2**

Commencement Information

- I2** Sch. 8 para. 2 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with reg. 19)

[^{F11}Existing non-ambulatory references

Textual Amendments

- F11** Sch. 8 para. 2A and cross-heading inserted (31.12.2020) by The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 (S.I. 2020/1447), regs. 1(3), **3(2)(d)** (as amended by S.I. 2020/1636, regs. 1(3), **4(2)**)

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- 2A (1) Any reference which, immediately before IP completion day—
- (a) exists in—
 - (i) any enactment, or
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, and
 - (b) is a reference to any of the EU Treaties, any EU instrument or any other document of an EU entity as it has effect at a particular time which is earlier than IP completion day,
- is to be read, on or after IP completion day, in accordance with one or more of sub-paragraphs (2) to (4).
- (2) If the treaty, instrument or document has effect by virtue of section 7A or 7B on or after IP completion day and so far as required for the purposes of relevant separation agreement law, the reference is to be read on or after that day as, or as including, a reference to the treaty, instrument or document as it so has effect (including, so far as so required, as it has effect from time to time).
- (3) So far as—
- (a) the reference is a reference to—
 - (i) any EU regulation, EU decision or EU tertiary legislation,
 - (ii) any provision of the EEA agreement, or
 - (iii) any part of anything falling within sub-paragraph (i) or (ii),
 - (b) what has been referred to (“the subject law”) is to form part of domestic law by virtue of section 3 or forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, and
 - (c) there has been no relevant modification of the subject law after the particular time and before IP completion day (or, where the subject law forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, before exit day),
- the reference is to be read, on or after IP completion day, as a reference to the subject law as it forms part of domestic law by virtue of section 3 or (as the case may be) section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.
- (4) So far as the reference is not to be read in accordance with sub-paragraphs (2) and (3), the reference is to be read, on or after IP completion day, as a reference to the treaty, instrument or document as it had effect in EU law at the particular time.
- (5) Sub-paragraph (3) does not determine whether, where the subject law is modified by domestic law on or after IP completion day, the reference is to be read as a reference to the subject law as modified; but, where the subject law forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 and is modified by domestic law before IP completion day, the reference is to be read by virtue of sub-paragraph (3) as a reference to the subject law as so modified.
- (6) This paragraph is subject to any provision made by or under this Act or any other enactment.
- (6A) This paragraph does not apply to a reference in—
- (a) the Direct Payments to Farmers (Legislative Continuity) Act 2020 or any subordinate legislation made under that Act, or

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- (b) any [^{F12}assimilated direct] CAP legislation (within the meaning given by section 2(10) of that Act).

(7) In this paragraph—

“relevant modification” means any modification in EU law which—

(a) is to form part of domestic law by virtue of section 3 or forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020, and

(b) would, if the reference were to the subject law as modified, result in an alteration to the effect of the reference (ignoring any alteration which is irrelevant in the context concerned);

“the subject law” has the meaning given by sub-paragraph (3)(b);

“treaty” includes any international agreement (and any protocol or annex to a treaty or international agreement).]

Textual Amendments

F12 Words in Sch. 8 para. 2A(6A)(b) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

Modifications etc. (not altering text)

C2 Sch. 8 para. 2A(3) excluded (31.12.2020) by The European Union (Withdrawal) Act 2018 and European Union (Withdrawal Agreement) Act 2020 (Commencement, Transitional and Savings Provisions) Regulations 2020 (S.I. 2020/1622), regs. 1(2), **19(1)**

Existing powers to make subordinate legislation etc.

3 (1) Any power to make, confirm or approve subordinate legislation which—

(a) was conferred before the day on which this Act is passed, ^{F13}...

^{F13}(b)

is to be read, so far as the context permits or requires, as being capable of being exercised to modify (or, as the case may be, result in the modification of) any [^{F14}assimilated direct] legislation ^{F15}....

^{F16}(2)

Textual Amendments

F13 Sch. 8 para. 3(1)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 9(2)(a), 22(1)(d)**

F14 Words in Sch. 8 para. 3(1) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F15 Words in Sch. 8 para. 3(1) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 89(6)(a)**

F16 Sch. 8 para. 3(2) omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 9(2)(b), 22(1)(d)**

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Modifications etc. (not altering text)

- C3** Sch. 8 paras. 3-8 applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\), ss. 2\(3\)-\(5\), 9\(3\)](#)

Commencement Information

- I3** Sch. 8 para. 3 in force at 30.1.2020 for specified purposes by [2020 c. 2, s. 2\(11\)\(a\)\(b\)](#)
I4 Sch. 8 para. 3 in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622, reg. 3\(n\)](#)

- 4 ^{F17}(1)
- ^{F17}(2)
- ^{F17}(3)
- ^{F17}(4)
- ^{F17}(5)
- [^{F18}(5A) Any subordinate legislation which is (or is to be) made, confirmed or approved by virtue of paragraph 3 is subject to the same procedure (if any) before Parliament, the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly as would apply to that legislation if it were amending or revoking an enactment contained in subordinate legislation made under a different power.]
- (6) Any provision which may be made, confirmed or approved by virtue of paragraph 3 may be included in the same instrument as any other provision which may be so made, confirmed or approved.
- (7) Where more than one procedure of a kind falling within sub-paragraph (8) would otherwise apply in the same legislature for an instrument falling within sub-paragraph (6), the higher procedure is to apply in the legislature concerned.
- (8) The order of procedures is as follows (the highest first)—
- (a) a procedure which requires a statement of urgency before the instrument is made and the approval of the instrument after it is made to enable it to remain in force,
 - (b) a procedure which requires the approval of the instrument in draft before it is made,
 - (c) a procedure not falling within paragraph (a) which requires the approval of the instrument after it is made to enable it to come into, or remain in, force,
 - (d) a procedure which provides for the annulment of the instrument after it is made,
 - (e) a procedure not falling within any of the above paragraphs which provides for the laying of the instrument after it is made,
 - (f) no procedure.
- (9) The references in this paragraph to ^{F19}... amending or revoking an enactment contained in subordinate legislation do not include references to ^{F19}... amending or revoking an enactment contained in any Northern Ireland legislation which is an Order in Council.
- ^{F20}(10)

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Textual Amendments

- F17** Sch. 8 para. 4(1)-(5) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(3\)\(a\)](#), [22\(1\)\(d\)](#)
- F18** Sch. 8 para. 4(5A) inserted (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(3\)\(b\)](#), [22\(1\)\(d\)](#)
- F19** Words in Sch. 8 para. 4(9) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(3\)\(c\)](#), [22\(1\)\(d\)](#)
- F20** Sch. 8 para. 4(10) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(3\)\(d\)](#), [22\(1\)\(d\)](#)

Modifications etc. (not altering text)

- C3** Sch. 8 paras. 3-8 applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020](#) (c. 2), [ss. 2\(3\)-\(5\)](#), [9\(3\)](#)
- C4** Sch. 8 para. 4 excluded (29.6.2023) by 2006 c. 51, s. 12(3) (as inserted by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 16\(3\)](#), [22\(1\)\(d\)](#))

Commencement Information

- I5** Sch. 8 para. 4 in force at 30.1.2020 for specified purposes by [2020 c. 2, s. 2\(11\)\(a\)\(b\)](#)
- I6** Sch. 8 para. 4 in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622, reg. 3\(n\)](#)

F21₅

Textual Amendments

- F21** Sch. 8 para. 5 omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(4\)](#), [22\(1\)\(d\)](#)

F22₆

Textual Amendments

- F22** Sch. 8 para. 6 omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 9\(4\)](#), [22\(1\)\(d\)](#)

[^{F23}7 Any power to make, confirm or approve subordinate legislation which, immediately before exit day, is subject to an implied restriction that it is exercisable only compatibly with EU law is to be read—

(a) on or after exit day, without that restriction, and

(b) on or after IP completion day, without any corresponding restriction in relation to compatibility with [^{F24}assimilated] law,

so far as the restriction concerned is not applicable to and in the United Kingdom by virtue of the withdrawal agreement.]

Textual Amendments

- F23** Sch. 8 para. 7 substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 54\(4\)](#) (with s. 38(3), Sch. 5 para. 66); [S.I. 2020/75, reg. 4\(n\)\(xxv\)](#)
- F24** Word in Sch. 8 para. 7 substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(3), [Sch. 2 para. 8\(15\)\(c\)](#) (with s. 22(6)); [S.I. 2023/1363, reg. 3\(e\)](#)

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Modifications etc. (not altering text)

- C3** Sch. 8 paras. 3-8 applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\), ss. 2\(3\)-\(5\), 9\(3\)](#)

Commencement Information

- I7** Sch. 8 para. 7 in force at 30.1.2020 for specified purposes by [2020 c. 2, s. 2\(11\)\(a\)\(b\)](#)
I8 Sch. 8 para. 7 in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622, reg. 3\(n\)](#)

- 8 (1) Paragraphs 3 to 7 and this paragraph—
- (a) do not prevent the conferral of wider powers,
 - ^{F25}(b) ... and
 - (c) are subject to any other provision made by or under this Act or any other enactment.
- (2) For the purposes of paragraphs 3 and 5—
- (a) a power is conferred whether or not it is in force, and
 - (b) a power in [^{F26}assimilated direct] legislation is not conferred before the day on which this Act is passed.
- (3) A power which, by virtue of paragraph 3 or 5 or any Act of Parliament passed before, and in the same Session as, this Act, is capable of being exercised to modify any retained EU law is capable of being so exercised before [^{F27}IP completion day] so as to come into force on or after [^{F27}IP completion day].

Textual Amendments

- F25** Sch. 8 para. 8(1)(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\), regs. 1\(1\), 6\(4\)\(c\)](#)
F26 Words in Sch. 8 para. 8(2) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(3\), Sch. 2 para. 8\(15\)\(b\)](#) (with s. 22(6)); [S.I. 2023/1363, reg. 3\(e\)](#)
F27 Words in Sch. 8 para. 8(3) substituted (30.1.2020 for specified purposes, 31.1.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(5\)\(b\)](#) (with s. 38(3), Sch. 5 para. 66); [2020 c. 2, s. 2\(11\)\(c\); S.I. 2020/75, reg. 4\(n\)\(xxv\)](#)

Modifications etc. (not altering text)

- C3** Sch. 8 paras. 3-8 applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\), ss. 2\(3\)-\(5\), 9\(3\)](#)

Commencement Information

- I9** Sch. 8 para. 8 in force at 30.1.2020 for specified purposes by [2020 c. 2, s. 2\(11\)\(a\)\(b\)](#)
I10 Sch. 8 para. 8 in force at 31.1.2020 in so far as not already in force by [S.I. 2020/74, reg. 2\(c\)\(i\)](#)

Review provisions in existing subordinate legislation

- 9 (1) In carrying out a review of a provision of subordinate legislation on or after [^{F28}IP completion day] (whether under provision made in accordance with section 28 of the Small Business, Enterprise and Employment Act 2015 or otherwise), a person is not required, by any [^{F29}pre-IP completion day] enactment, to have regard to how any former EU obligation is implemented elsewhere than in the United Kingdom.

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(2) In this paragraph—

“former EU obligation” means an obligation by which the United Kingdom is, as a result of the United Kingdom's withdrawal from the EU, no longer bound at the time of the review;

“^{F30}pre-IP completion day] enactment” means an Act passed, or subordinate legislation made, before ^{F31}IP completion day];

“subordinate legislation” does not include an instrument made under an Act of the Scottish Parliament, Northern Ireland legislation or a Measure or Act of the National Assembly for Wales.

Textual Amendments

- F28** Words in Sch. 8 para. 9(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(6\)\(a\)\(i\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F29** Words in Sch. 8 para. 9(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(6\)\(a\)\(ii\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F30** Words in Sch. 8 para. 9(2) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(6\)\(b\)\(i\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F31** Words in Sch. 8 para. 9(2) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 54\(6\)\(b\)\(ii\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Commencement Information

- I11** Sch. 8 para. 9 in force at 31.12.2020 by [S.I. 2020/1622, reg. 3\(n\)](#)

Future powers to make subordinate legislation

^{F32}10

Textual Amendments

- F32** [Sch. 8 para. 10](#) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), ss. 9\(5\), 22\(1\)\(d\)](#)

^{F33}11

Textual Amendments

- F33** [Sch. 8 para. 11](#) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), ss. 9\(5\), 22\(1\)\(d\)](#)

^{F34}11A —

(1) This paragraph applies to a power to make, confirm or approve subordinate legislation which is conferred—

- (a) on or after the day on which this Act is passed, and
- (b) before the day on which [section 9](#) of the [Retained EU Law \(Revocation and Reform\) Act 2023](#) comes into force.

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- (2) The power is to be read, so far as the context permits or requires, as being capable of being exercised to modify (or, as the case may be, result in the modification of) any [^{F35}assimilated direct] legislation ^{F36}....
- (3) But **sub-paragraph (2)** enables a power in [^{F37}assimilated direct minor] legislation to be exercised to modify (or result in the modification of) any [^{F38}assimilated direct principal] legislation ^{F39}... only if—
- (a) the modification is—
 - (i) consistent with any [^{F38}assimilated direct principal] legislation ^{F39}..., and
 - (ii) supplementary, incidental or consequential in connection with any modification of any [^{F37}assimilated direct minor] legislation, or
 - (b) the power is a power to make, confirm or approve transitional, transitory or saving provision.]

Textual Amendments

- F34** Sch. 8 paras. 11A, 11B inserted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 9(6), 22(1)(d)**
- F35** Words in Sch. 8 para. 11A(2) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F36** Words in Sch. 8 para. 11A(2) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 89(6)(b)**
- F37** Words in Sch. 8 para. 11A(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(d)(i)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F38** Words in Sch. 8 para. 11A(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(d)(ii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F39** Words in Sch. 8 para. 11A(3) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 89(6)(b)**

[^{F34}11B —

- (1) This paragraph applies to a power to make, confirm or approve subordinate legislation which is conferred on or after the day on which [section 9](#) of the Retained EU Law (Revocation and Reform) Act 2023 comes into force.
- (2) The power is to be read, so far as applicable and unless the contrary intention appears, as being capable of being exercised to modify (or, as the case may be, result in the modification of) any [^{F40}assimilated direct] legislation ^{F41}....
- (3) But **sub-paragraph (2)** enables a power in [^{F42}assimilated direct minor] legislation to be exercised to modify (or result in the modification of) any [^{F43}assimilated direct principal] legislation ^{F44}... only if—
- (a) the modification is—
 - (i) consistent with any [^{F42}assimilated direct principal] legislation ^{F44}..., and
 - (ii) supplementary, incidental or consequential in connection with any modification of any [^{F42}assimilated direct minor] legislation, or

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- (b) the power is a power to make, confirm or approve transitional, transitory or saving provision.
- (4) For the purposes of [sub-paragraph \(2\)](#), there is no contrary intention merely because a power is expressed as being capable of being exercised—
 - (a) to modify all enactments or a particular category of enactments, or
 - (b) to make a particular category of modifications to all enactments or to a particular category of enactments.]

Textual Amendments

- F34** Sch. 8 paras. 11A, 11B inserted (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), [ss. 9\(6\)](#), 22(1)(d)
- F40** Words in Sch. 8 para. 11B(2) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), [Sch. 2 para. 8\(15\)\(b\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F41** Words in Sch. 8 para. 11B(2) omitted (1.1.2024) by virtue of [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 89\(6\)\(c\)](#)
- F42** Words in Sch. 8 para. 11B(3) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), [Sch. 2 para. 8\(15\)\(d\)\(i\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F43** Words in Sch. 8 para. 11B(3) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), [Sch. 2 para. 8\(15\)\(d\)\(ii\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F44** Words in Sch. 8 para. 11B(3) omitted (1.1.2024) by virtue of [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 89\(6\)\(c\)](#)

- 12 (1) Paragraphs [\[^{F45}11A and 11B\]](#) and this paragraph—
- (a) do not prevent the conferral of wider powers,
 - [\[^{F46}\(b\)\]](#) ... and
 - (c) are subject to any other provision made by or under this Act or any other enactment.
- (2) For the purposes of paragraphs [\[^{F47}11A and 11B\]](#)—
- (a) a power is conferred whether or not it is in force,
 - (b) a power in [\[^{F48}assimilated direct\]](#) legislation is conferred on or after the day on which this Act is passed, and
 - (c) the references to powers conferred include powers conferred by regulations under this Act (but not powers conferred by this Act).
- (3) A power which, by virtue of paragraph 10 or 11 or any Act of Parliament passed after [\[^{F49}this Act and before IP completion day\]](#), is capable of being exercised to modify any retained EU law is capable of being so exercised before [\[^{F50}IP completion day\]](#) so as to come into force on or after [\[^{F50}IP completion day\]](#).
- [\[^{F51}\(4\)\]](#) [Sub-paragraph \(5\)](#) applies in relation to a power if—
- (a) [paragraph 11A](#) applies in relation to the power, and
 - (b) immediately before the coming into force of [section 9](#) of the Retained EU Law (Revocation and Reform) Act 2023, and by virtue of a combination of provision in the power and paragraph 10 or 11 as it then had effect, the power was capable of being exercised to modify (or, as the case may be, result in the modification of) any retained direct EU legislation [\[^{F52}....](#)

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- (5) The continued existence of the provision in the power does not prevent the context from permitting or requiring the power to be read in accordance with [paragraph 11A](#) so far as the reading provided for by that paragraph is not provided for by the provision concerned (and, accordingly, the power continues to be capable of being exercised as mentioned in [sub-paragraph \(4\)](#) on and after the coming into force of [section 9](#) of the Retained EU Law (Revocation and Reform) Act 2023.)]

Textual Amendments

- F45** Words in [Sch. 8 para. 12\(1\)](#) substituted (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), [ss. 9\(7\)\(a\)](#), [22\(1\)\(d\)](#)
- F46** [Sch. 8 para. 12\(1\)\(b\)](#) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), [regs. 1\(1\)](#), [6\(4\)\(c\)](#)
- F47** Words in [Sch. 8 para. 12\(2\)](#) substituted (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), [ss. 9\(7\)\(a\)](#), [22\(1\)\(d\)](#)
- F48** Words in [Sch. 8 para. 12\(2\)\(b\)](#) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), [s. 22\(3\)](#), [Sch. 2 para. 8\(15\)\(b\)](#) (with [s. 22\(6\)](#)); [S.I. 2023/1363](#), [reg. 3\(e\)](#)
- F49** Words in [Sch. 8 para. 12\(3\)](#) substituted (30.1.2020 for specified purposes, 31.1.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), [s. 42\(7\)](#), [Sch. 5 para. 54\(7\)\(b\)\(i\)](#) (with [s. 38\(3\)](#), [Sch. 5 para. 66](#)); [2020 c. 2](#), [s. 2\(11\)\(c\)](#); [S.I. 2020/75](#), [reg. 4\(n\)\(xxv\)](#)
- F50** Words in [Sch. 8 para. 12\(3\)](#) substituted (30.1.2020 for specified purposes, 31.1.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), [s. 42\(7\)](#), [Sch. 5 para. 54\(7\)\(b\)\(ii\)](#) (with [s. 38\(3\)](#), [Sch. 5 para. 66](#)); [2020 c. 2](#), [s. 2\(11\)\(c\)](#); [S.I. 2020/75](#), [reg. 4\(n\)\(xxv\)](#)
- F51** [Sch. 8 para. 12\(4\)\(5\)](#) inserted (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), [ss. 9\(7\)\(b\)](#), [22\(1\)\(d\)](#)
- F52** Words in [Sch. 8 para. 12\(4\)\(b\)](#) omitted (1.1.2024) by virtue of [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), [reg. 1\(2\)](#), [Sch. para. 89\(6\)\(d\)](#)

Modifications etc. (not altering text)

- C5** [Sch. 8 paras. 10-12](#) applied (with modifications) (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\)](#), [ss. 2\(3\)-\(5\)](#), [9\(3\)](#)

Commencement Information

- I12** [Sch. 8 para. 12](#) in force at 30.1.2020 for specified purposes by [2020 c. 2](#), [s. 2\(11\)\(a\)\(b\)](#)
- I13** [Sch. 8 para. 12](#) in force at 31.1.2020 in so far as not already in force by [S.I. 2020/74](#), [reg. 2\(c\)\(ii\)](#)

F53 ...

Textual Amendments

- F53** [Sch. 8 para. 13 cross-heading](#) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), [ss. 10\(1\)](#), [22\(1\)\(d\)](#) (with [s. 10\(3\)](#))

F54 13

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

Textual Amendments

F54 Sch. 8 para. 13 omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 10(1)(a), 22(1)(d) (with s. 10(3))

F55
...

Textual Amendments

F55 Sch. 8 para. 14 cross-heading omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 10(1), 22(1)(d) (with s. 10(3))

F56 14

Textual Amendments

F56 Sch. 8 para. 14 omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 10(1)(b), 22(1)(d) (with s. 10(3))

*Explanatory statements for instruments amending or
revoking regulations etc. under section 2(2) of the ECA*

F57 15

Textual Amendments

F57 Sch. 8 para. 15 omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 10(1)(c), 22(1)(d) (with s. 10(3))

- 16 (1) This paragraph applies where, on or after [F58 IP completion day]—
- (a) a Scottish statutory instrument which amends or revokes any subordinate legislation made under section 2(2) of the European Communities Act 1972, or
 - (b) a draft of such an instrument,
- is to be laid before the Scottish Parliament.
- (2) Before the instrument or draft is laid, the relevant authority must make a statement as to why, in the opinion of the relevant authority, there are good reasons for the amendment or revocation.
- (3) Before the instrument or draft is laid, the relevant authority must make a statement otherwise explaining—
- (a) the law which is relevant to the amendment or revocation, and
 - (b) the effect of the amendment or revocation on [F59 assimilated] law.
- (4) If the relevant authority fails to make a statement required by sub-paragraph (2) or (3) before the instrument or draft is laid, the relevant authority must make a statement explaining why the relevant authority has failed to make the statement as so required.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

- (5) A statement under sub-paragraph (2), (3) or (4) must be made in writing and be published in such manner as the relevant authority considers appropriate.
- (6) This paragraph applies in relation to instruments whether the power to make them is conferred before, on or after ^{F60}[IP completion day] including where the power is conferred by regulations under this Act (but not where it is conferred by this Act).
- ^{F61}(7) The references in this paragraph to subordinate legislation made under section 2(2) of the European Communities Act 1972—
- (a) do not include references to any provision of such legislation which is made (whether or not by way of amendment) otherwise than under section 2(2) of that Act, and
 - (b) do include references to subordinate legislation made otherwise than under section 2(2) of that Act so far as that legislation is amended by provision made under that section (but do not include references to any primary legislation so far as so amended).]
- (8) In this paragraph “the relevant authority” means—
- (a) in the case of a Scottish statutory instrument which is not made by the Scottish Ministers, other than an Order in Council, the person who makes, or is to make, the instrument, and
 - (b) in any other case, the Scottish Ministers.
- ^{F62}(9) This paragraph does not apply where the amendment or revocation of subordinate legislation is for the purposes of—
- (a) the withdrawal agreement (other than Part 4 of that agreement),
 - (b) the EEA EFTA separation agreement, ^{F63}...
 - (c) the Swiss citizens' rights agreement ^{F64}, or
 - (d) a future relationship agreement].]

Textual Amendments

- F58** Words in Sch. 8 para. 16(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(11)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F59** Word in Sch. 8 para. 16(3)(b) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(c)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F60** Words in Sch. 8 para. 16(6) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(11)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F61** Sch. 8 para. 16(7) substituted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 10(2)(b), 22(1)(d)** (with s. 10(3))
- F62** Sch. 8 para. 16(9) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 54(11)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F63** Word in Sch. 8 para. 16(9)(b) omitted (31.12.2020) by virtue of European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 6 para. 8(a)**; S.I. 2020/1662, reg. 2(ff)
- F64** Sch. 8 para. 16(9)(d) and word inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 6 para. 8(b)**; S.I. 2020/1662, reg. 2(ff)

Commencement Information

- I14** Sch. 8 para. 16 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)**

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PART 2

SPECIFIC CONSEQUENTIAL PROVISION

Finance Act 1973

- 17 In section 56 of the Finance Act 1973 (charges for services etc. by Government departments), in subsection (1), omit “any EU obligation or”.

Commencement Information

I15 Sch. 8 para. 17 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

Interpretation Act 1978

- 18 The Interpretation Act 1978 is amended as follows.

Commencement Information

I16 Sch. 8 para. 18 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(i)

- 19 In section 21(1) (meaning of “subordinate legislation”) after “any Act” insert “ or made or to be made on or after exit day under any retained direct EU legislation [^{F65}other than retained direct EU CAP legislation as so defined] ”.

Textual Amendments

F65 Words in Sch. 8 para. 19 inserted (30.4.2020) by The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 (S.I. 2020/463), regs. 1(1), 8

Commencement Information

I17 Sch. 8 para. 19 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n)

- 20 After section 23 (application to other instruments) insert—

“23ZA Retained direct EU legislation

- (1) The provisions of this Act (except sections 1 to 4, 13 and 19(2)) apply, so far as applicable and unless the contrary intention appears, to any retained direct EU legislation so far as it—
- (a) is amended by an Act, subordinate legislation or devolution legislation, and
 - (b) is not subordinate legislation,
- as they apply to an Act passed at the corresponding time.
- (2) In their application by virtue of subsection (1)—
- (a) section 10 has effect as if the reference to the passing of the Act were a reference to the corresponding time,

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- (b) section 11 has effect as if the second reference to an Act included a reference to the retained direct EU legislation so far as unamended (as well as a reference to that legislation so far as amended), and
 - (c) section 16(1) has effect as if the reference to the repealing Act not being passed were a reference to the repeal not having been made.
- (3) References in this Act to the repeal of an enactment are to be read, in the case of an enactment which is retained direct EU legislation, as references to the revocation of the enactment.
- (4) In Schedule 1—
- (a) in the definition of “Commencement”, the references to an enactment do not include any retained direct EU legislation other than—
 - (i) any such legislation to which subsection (1) applies, or
 - (ii) any instrument made on or after exit day under any retained direct EU legislation, and
 - (b) in the definitions of “The Corporation Tax Acts” and “The Income Tax Acts”, the references to an enactment do not include any retained direct EU legislation.
- (5) For the application of this Act to retained direct EU legislation which is subordinate legislation, see section 23(1) and (2).
- (6) In this section—
- “corresponding time” means the time when the amending Act, subordinate legislation or devolution legislation was passed or (as the case may be) made, and
- “devolution legislation” means—
- (a) an Act of the Scottish Parliament,
 - (b) a Measure or Act of the National Assembly for Wales,
 - (c) Northern Ireland legislation (for the meaning of which see section 24(5)), or
 - (d) an instrument made under anything falling within paragraph (a), (b) or (c).”

Commencement Information

I18 Sch. 8 para. 20 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(ii)

- 21 In section 24 (application to Northern Ireland), in subsection (4)—
- (a) omit “and related expressions”,
 - (b) after “Corporation Tax Acts;” insert—
 - “E.C.S.C. Treaty;
 - E.E.C. Treaty;”
 - (c) after “state;” insert—
 - “Entry date;
 - The EU or the European Union;

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- EU institution;
- EU instrument;
- Euratom, Economic Community and Coal and Steel Community;
- Euratom Treaty;
- European Court;”,
- (d) after “Income Tax Acts;” insert— “ Member (in the expression “member State”); ”, and
- (e) after “The Tax Acts” insert “;
The Treaties or the EU Treaties”.

Commencement Information

I19 Sch. 8 para. 21 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

- 22 In Schedule 1 (words and expressions defined)—
- (a) omit “ “The EU” or “the EU Treaties” and other expressions defined by section 1 of and Schedule 1 to the European Communities Act 1972 have the meanings prescribed by that Act.”,
 - (b) omit the definition of “EEA agreement”,
 - (c) omit the definition of “EEA state”,
 - (d) in the definition of “enactment”, before “does” insert “ includes any retained direct EU legislation but ”, and
 - (e) at the end insert—

“Definitions relating to the EU and the United Kingdom's withdrawal

“The Communities” means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU.

“E.C.S.C. Treaty” means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951.

“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time, but does not include any retained direct EU legislation. [8 January 2007]

“EEA state”, in relation to a time, means—

- (a) a state which at that time is a member State, or
- (b) any other state which at that time is a party to the EEA agreement. [8 January 2007]

“E.E.C. Treaty” means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957.

“Entry date” means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU).

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

“The EU” or “the European Union” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom.

“EU institution” means any institution of the EU.

“EU instrument” means any instrument issued by an EU institution other than any retained direct EU legislation.

“Euratom”, “Economic Community” and “Coal and Steel Community” mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of “the Communities” for provision as to the construction of references to those Communities).

“Euratom Treaty” means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957.

“European Court” means the Court of Justice of the European Union.

“Exit day” (and related expressions) have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).

“Member”, in the expression “member State”, refers to membership of the EU.

“Retained EU law”, “retained direct minor EU legislation”, “retained direct principal EU legislation” and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see sections 6(7), 7(6) and 20(1) of that Act).

“Retained EU obligation” means an obligation that—

- (a) was created or arose by or under the EU Treaties before exit day, and
- (b) forms part of retained EU law,

as modified from time to time.

“The Treaties” or “the EU Treaties” means the Treaties or EU Treaties, within the meaning given by section 1(2) of the European Communities Act 1972 as that Act had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018, as at immediately before exit day.”

Commencement Information

- I20** Sch. 8 para. 22(d)(e) in force at 4.7.2018 for specified purposes by [S.I. 2018/808](#), [reg. 3\(g\)\(iii\)\(iv\)](#)
- I21** Sch. 8 para. 22(a)-(c) in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [regs. 7, 22](#))
- I22** Sch. 8 para. 22(d)(e) in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [reg. 7](#))

European Economic Area Act 1993

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

Commencement Information

I23 Sch. 8 para. 23 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n)

24 Omit section 1 (EEA agreement to be an EU Treaty).

Commencement Information

I24 Sch. 8 para. 24 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

25 (1) Section 2 (consistent application of law to the whole of the EEA) is amended as follows.

(2) In subsection (3)—

- (a) in paragraph (a), after “Act” insert “ as at immediately before exit day ”, and
- (b) omit paragraph (b), the “or” before that paragraph and the words after that paragraph.

(3) After that subsection insert—

“(3A) This section is subject to any amendment, repeal, revocation or other modification of retained EU law on or after exit day.”

(4) Omit subsections (4) to (6).

Commencement Information

I25 Sch. 8 para. 25 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

26 (1) Section 3 (general implementation of the EEA agreement) is amended as follows.

(2) In subsection (3)—

- (a) in paragraph (a), after “Act” insert “ as at immediately before exit day ”, and
- (b) omit paragraph (b), the “or” before that paragraph and the words after that paragraph.

(3) After subsection (4) insert—

“(4A) This section is subject to any amendment, repeal, revocation or other modification of retained EU law on or after exit day.”

Commencement Information

I26 Sch. 8 para. 26 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

27 Omit section 4 (modification of section 3 of the European Communities Act 1972).

Commencement Information

I27 Sch. 8 para. 27 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

- 28 In section 6 (interpretation), in subsection (1), in the definition of “the 1972 Act”, after “1972” insert (before its repeal by section 1 of the European Union (Withdrawal) Act 2018)”.

Commencement Information

I28 Sch. 8 para. 28 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n)

Criminal Procedure (Scotland) Act 1995

- 29 (1) Section 288ZA of the Criminal Procedure (Scotland) Act 1995 (right of Advocate General to take part in proceedings) is amended as follows.

^{F66}(2)

(3) In subsection (3), omit paragraph (c).

Textual Amendments

F66 Sch. 8 para. 29(2) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 6(5)(b)

Commencement Information

I29 Sch. 8 para. 29 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 22)

Human Rights Act 1998

- 30 (1) This paragraph has effect for the purposes of the Human Rights Act 1998.
- (2) Any [^{F67}assimilated direct principal] legislation is to be treated as primary legislation.
- (3) Any [^{F68}assimilated direct minor] legislation is to be treated as primary legislation so far as it amends any primary legislation but otherwise is to be treated as subordinate legislation.
- (4) In this paragraph “amend”, “primary legislation” and “subordinate legislation” have the same meaning as in the Human Rights Act 1998.

Textual Amendments

F67 Words in Sch. 8 para. 30 substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(d)(ii) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F68 Words in Sch. 8 para. 30 substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(15)(d)(i) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

Commencement Information

I30 Sch. 8 para. 30 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n)

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)

31 The Interpretation and Legislative Reform (Scotland) Act 2010 is amended as follows.

Commencement Information

I31 Sch. 8 para. 31 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

32 (1) Section 1 (application of Part 1 of the Act) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (b), after “day” insert “, in the case of Scottish instruments made as mentioned in paragraph (a) or (b) of the definition of “Scottish instrument” in subsection (4), ”, and

(b) after paragraph (b) (but before the “and” at the end of that paragraph) insert—

“(ba) Scottish instruments made on or after exit day, in the case of Scottish instruments made as mentioned in paragraph (c) or (d) of the definition of “Scottish instrument” in subsection (4).”

(3) In subsection (4)—

(a) omit the “or” at the end of paragraph (a), and

(b) after paragraph (b) insert—

“(c) an Act of the Scottish Parliament (whenever passed) and any retained direct EU legislation (whenever made), or

(d) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed) and any retained direct EU legislation (whenever made).”

(4) After subsection (9) insert—

“(10) In this section “exit day” (and related expressions) and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).”

Commencement Information

I32 Sch. 8 para. 32 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

33 In section 30 (other instruments laid before the Scottish Parliament), after subsection (6), insert—

“(7) This section does not apply in relation to any regulations made in accordance with paragraph 6 of Schedule 7 to the European Union (Withdrawal) Act 2018 (including that paragraph as applied by paragraph 19(7) of that Schedule).”

Commencement Information

I33 Sch. 8 para. 33 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

- 34 In section 37 (interpretation of Part 2 of the Act)—
- (a) in the definition of “enactment”, at the end insert “ and any retained direct EU legislation ”,
 - (b) after that definition insert—
 - ““retained direct EU legislation” has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act),” and
 - (c) at the end insert—
 - ““subordinate legislation” includes an instrument made or to be made under any retained direct EU legislation on or after exit day (within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act)).”

Commencement Information

I34 Sch. 8 para. 34 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

- 35 In Schedule 1 (definitions of words and expressions)—
- (a) omit from “the EU” to “meanings given by that Act”, and
 - (b) at the end insert—

“Definitions relating to the EU

“The Communities” means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU.

“E.C.S.C. Treaty” means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951.

“E.E.C. Treaty” means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957.

“Entry date” means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU).

“The EU” or “the European Union” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom.

“EU institution” means any institution of the EU.

“EU instrument” means any instrument issued by an EU institution other than any retained direct EU legislation (within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act)).

“Euratom”, “Economic Community” and “Coal and Steel Community” mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of “the Communities” for provision as to the construction of references to those Communities).

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

“Euratom Treaty” means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957.

“European Court” means the Court of Justice of the European Union.

“Member”, in the expression “member State”, refers to membership of the EU.

“The Treaties” or “the EU Treaties” means the Treaties or EU Treaties, within the meaning given by section 1(2) of the European Communities Act 1972 as that Act had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018, as at immediately before exit day (within the meaning of that Act (see section 20(1) to (5) of that Act)).”

Commencement Information

I35 Sch. 8 para. 35 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with regs. 13, 22)

Small Business, Enterprise and Employment Act 2015

36 In section 30 of the Small Business, Enterprise and Employment Act 2015 (meaning of “provision for review”), in subsection (3)—

- (a) omit “EU obligation or any other”, and
- (b) omit “Member States or”.

Commencement Information

I36 Sch. 8 para. 36 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(vi) (with reg. 5) (as amended (29.1.2020) by S.I. 2020/74, reg. 3(4))

PART 3

GENERAL TRANSITIONAL, TRANSITORY OR SAVING PROVISION

Continuation of existing acts etc.

[^{F69}36A(1) Anything done—

- (a) in connection with anything which continues to be domestic law by virtue of section 1A(2) or 1B(2), or
- (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA,

if in force or effective immediately before exit day, continues to be in force or effective on and after exit day.

(2) Anything done—

- (a) in connection with anything which continues to be domestic law by virtue of section 1A(2) or 1B(2), or
- (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA,

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

which, immediately before exit day, is in the process of being done continues to be done on and after exit day.

- (3) Sub-paragraphs (1) and (2) are subject to—
- (a) sections 1 to 1B and the withdrawal of the United Kingdom from the EU,
 - (b) any provision made under section 23(6) of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020, and
 - (c) any other provision made by or under this Act, the European Union (Withdrawal Agreement) Act 2020 or any other enactment.
- (4) References in this paragraph to anything done include references to anything omitted to be done.]

Textual Amendments

F69 Sch. 8 para. 36A inserted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 55(2) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxvi)

Commencement Information

I37 Sch. 8 para. 36A in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with reg. 20)

- 37 (1) Anything done—
- (a) in connection with anything which continues to be, or forms part of, domestic law by virtue of section 2, 3, 4 or 6(3) or (6), or
 - (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA,
- if in force or effective immediately before [^{F70}IP completion day], continues to be in force or effective on and after exit day.
- (2) Anything done—
- (a) in connection with anything which continues to be, or forms part of, domestic law by virtue of section 2, 3, 4 or 6(3) or (6), or
 - (b) for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 or otherwise related to the EU or the EEA,
- which, immediately before exit day, is in the process of being done continues to be done on and after [^{F71}IP completion day].
- (3) Sub-paragraphs (1) and (2) are subject to—
- (a) [^{F72}sections 1 to 1B] and the withdrawal of the United Kingdom from the EU,
 - (b) sections 2 to [^{F73}7C] and Schedule 1,
 - (c) any provision made under section 23(6) [^{F74}of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020], and
 - (d) any other provision made by or under this Act [^{F75}, the European Union (Withdrawal Agreement) Act 2020] or any other enactment.
- (4) References in this paragraph to anything done include references to anything omitted to be done.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

Textual Amendments

- F70** Words in Sch. 8 para. 37(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F71** Words in Sch. 8 para. 37(2) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F72** Words in Sch. 8 para. 37(3)(a) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F73** Word in Sch. 8 para. 37(3)(b) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(c)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F74** Words in Sch. 8 para. 37(3)(c) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(d)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F75** Words in Sch. 8 para. 37(3)(d) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 55(3)(e)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Modifications etc. (not altering text)

- C6** Sch. 8 para. 37(1) excluded (31.12.2020) by The Central Counterparties (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2018 (S.I. 2018/1184), regs. 1(2), **10** (with arts. 11-20) (as amended by: S.I. 2019/405, **reg. 8**; S.I. 2020/56, **reg. 7**; S.I. 2020/646, **reg. 4**; and S.I. 2020/1301, reg. 3, **Sch. para. 3(b)**); and with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**

Commencement Information

- I38** Sch. 8 para. 37 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with reg. 20)

PART 4

SPECIFIC TRANSITIONAL, TRANSITORY AND SAVING PROVISION

Retention of ^{F76}saved EU law at end of implementation period

Textual Amendments

- F76** Words in Sch. 8 para. 38 cross-heading substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(2)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

^{F77}37A The repeal of section 1A(1) to (4) by section 1A(5) and the repeal of section 1B(1) to (5) by section 1B(6) do not prevent an enactment to which section 2 applies from continuing to be read, on and after IP completion day and by virtue of section 2, in accordance with section 1B(3) or (4).]

Textual Amendments

- F77** Sch. 8 para. 37A inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(3)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

38 Section 4(2)(b) does not apply in relation to any rights, powers, liabilities, obligations, restrictions, remedies or procedures so far as they are of a kind recognised by a court or tribunal in the United Kingdom in a case decided on or

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after [^{F78}IP completion day] but begun before [^{F78}IP completion day] (whether or not as an essential part of the decision in the case).

Textual Amendments

F78 Words in Sch. 8 para. 38 substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(4)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Commencement Information

I39 Sch. 8 para. 38 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with regs. 20, 21)

- 39 (1) Subject as follows and subject to [^{F79}relevant separation agreement law (for which see section 7C) and] any provision made by regulations under section 23(6) [^{F80}of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020], section 5(4) and paragraphs [^{F81}1 and 4] of Schedule 1 apply in relation to anything occurring before [^{F82}IP completion day] (as well as anything occurring on or after [^{F82}IP completion day]).
- (2) Section 5(4) and paragraphs [^{F83}1 and 4] of Schedule 1 do not affect any decision of a court or tribunal made before [^{F82}IP completion day].
- (3) Section 5(4) and [^{F84}paragraph] 4 of Schedule 1 do not apply in relation to any proceedings begun, but not finally decided, before a court or tribunal in the United Kingdom before [^{F82}IP completion day].
- (4) Paragraphs [^{F85}1 and 4] of Schedule 1 do not apply in relation to any conduct which occurred before [^{F82}IP completion day] which gives rise to any criminal liability.
- ^{F86}(5)
- ^{F86}(6)
- (7) Paragraph 4 of Schedule 1 does not apply in relation to any proceedings begun within the period of two years beginning with [^{F82}IP completion day] so far as the proceedings relate to anything which occurred before [^{F82}IP completion day].

Textual Amendments

F79 Words in Sch. 8 para. 39(1) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(b)(i)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

F80 Words in Sch. 8 para. 39(1) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(b)(ii)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

F81 Words in Sch. 8 para. 39(1) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(a), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F82 Words in Sch. 8 para. 39 substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

F83 Words in Sch. 8 para. 39(2) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(b), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F84 Word in Sch. 8 para. 39(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(c), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F85 Words in Sch. 8 para. 39(4) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(7)(d), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

F86 Sch. 8 para. 39(5)(6) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(7)(e), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

Commencement Information

I40 Sch. 8 para. 39 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with regs. 20, 21)

Main powers in connection with withdrawal

- 40 The prohibition on making regulations under section [F876(5A),] 8, [F888A]F89 ... or 23(1) or [F90Part 1 or 1A of] Schedule 2 after a particular time does not affect the continuation in force of regulations made at or before that time (including the exercise after that time of any power conferred by regulations made at or before that time).

Textual Amendments

- F87** Word in Sch. 8 para. 40 inserted (19.5.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 56(6)(a) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(p)(iii)
- F88** Word in Sch. 8 para. 40 inserted (23.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(6)(e)(xi), Sch. 5 para. 56(6)(b) (with s. 38(3), Sch. 5 para. 66)
- F89** Word in Sch. 8 para. 40 omitted (23.1.2020) by virtue of European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(6)(e)(xi), Sch. 5 para. 56(6)(c) (with s. 38(3), Sch. 5 para. 66)
- F90** Words in Sch. 8 para. 40 inserted (23.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(6)(e)(xi), Sch. 5 para. 56(6)(d) (with s. 38(3), Sch. 5 para. 66)

Commencement Information

I41 Sch. 8 para. 40 in force at 4.7.2018 by S.I. 2018/808, reg. 3(h)

Devolution

- 41 (1) The amendments made by section 12 and Part 1 of Schedule 3 do not affect the validity of—
- any provision of an Act of the Scottish Parliament, Act of the National Assembly for Wales or Act of the Northern Ireland Assembly made before [F91IP completion day],
 - any subordinate legislation which is subject to confirmation or approval and is made and confirmed or approved before [F91IP completion day], or
 - any other subordinate legislation made before [F91IP completion day].
- (2) Accordingly and subject to sub-paragraphs (3) to (10), the validity of anything falling within sub-paragraph (1)(a), (b) or (c) is to be decided by reference to the law before [F91IP completion day].
- (3) Section 29(2)(d) of the Scotland Act 1998, so far as relating to EU law, does not apply to any provision of an Act of the Scottish Parliament made before [F91IP completion day] if the provision—
- comes into force on or after [F91IP completion day] or comes into force before that day and is a power to make, confirm or approve subordinate legislation, and

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- (b) is made when there are no regulations under section 30A of the Scotland Act 1998 by virtue of which the provision would be in breach of the restriction in subsection (1) of that section when the provision comes into force (or, in the case of a provision which comes into force before [F91IP completion day], on or after [F91IP completion day]) if the provision were made and the regulations were in force at that time.
- (4) Section 108A(2)(e) of the Government of Wales Act 2006, so far as relating to EU law, does not apply to any provision of an Act of the National Assembly for Wales made before [F91IP completion day] if the provision—
- (a) comes into force on or after [F91IP completion day] or comes into force before that day and is a power to make, confirm or approve subordinate legislation, and
 - (b) is made when there are no regulations under section 109A of the Government of Wales Act 2006 by virtue of which the provision would be in breach of the restriction in subsection (1) of that section when the provision comes into force (or, in the case of a provision which comes into force before [F91IP completion day], on or after [F91IP completion day]) if the provision were made and the regulations were in force at that time.
- (5) Section 6(2)(d) of the Northern Ireland Act 1998, so far as relating to EU law, does not apply to any provision of an Act of the Northern Ireland Assembly made before [F91IP completion day] if the provision—
- (a) comes into force on or after [F91IP completion day] or comes into force before that day and is a power to make, confirm or approve subordinate legislation, and
 - (b) is made when there are no regulations under section 6A of the Northern Ireland Act 1998 by virtue of which the provision would be in breach of the restriction in subsection (1) of that section when the provision comes into force (or, in the case of a provision which comes into force before [F91IP completion day], on or after [F91IP completion day]) if the provision were made and the regulations were in force at that time.
- (6) Section 57(2) of the Scotland Act 1998, so far as relating to EU law, does not apply to the making, confirming or approving before [F91IP completion day] of any subordinate legislation if the legislation—
- (a) comes into force on or after [F91IP completion day], and
 - (b) is made, confirmed or approved when there are no regulations under subsection (4) of section 57 of the Scotland Act 1998 by virtue of which the making, confirming or approving would be in breach of the restriction in that subsection when the legislation comes into force if—
 - (i) the making, confirming or approving had occurred at that time,
 - (ii) in the case of legislation confirmed or approved, the legislation was made at that time, and
 - (iii) the regulations were in force at that time.
- (7) Section 80(8) of the Government of Wales Act 2006, so far as relating to EU law, does not apply to the making, confirming or approving before [F91IP completion day] of any subordinate legislation if the legislation—
- (a) comes into force on or after [F91IP completion day], and

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- (b) is made, confirmed or approved when there are no regulations under subsection (8) of section 80 of the Government of Wales Act 2006 by virtue of which the making, confirming or approving would be in breach of the restriction in that subsection, so far as relating to retained EU law, when the legislation comes into force if—
- (i) the making, confirming or approving had occurred at that time,
 - (ii) in the case of legislation confirmed or approved, the legislation was made at that time, and
 - (iii) the regulations were in force at that time.
- (8) Section 24(1)(b) of the Northern Ireland Act 1998, so far as relating to EU law, does not apply to the making, confirming or approving before [F91IP completion day] of any subordinate legislation if the legislation—
- (a) comes into force on or after [F91IP completion day], and
 - (b) is made, confirmed or approved when there are no regulations under subsection (3) of section 24 of the Northern Ireland Act 1998 by virtue of which the making, confirming or approving would be in breach of the restriction in that subsection when the legislation comes into force if—
 - (i) the making, confirming or approving had occurred at that time,
 - (ii) in the case of legislation confirmed or approved, the legislation was made at that time, and
 - (iii) the regulations were in force at that time.
- (9) For the purposes of sub-paragraphs (3) to (8) assume that the restrictions relating to retained EU law in—
- (a) sections 30A(1) and 57(4) of the Scotland Act 1998,
 - (b) sections 80(8) and 109A(1) of the Government of Wales Act 2006, and
 - (c) sections 6A(1) and 24(3) of the Northern Ireland Act 1998,
- come into force on [F91IP completion day].
- (10) Section 57(2) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 and section 24(1)(b) of the Northern Ireland Act 1998, so far as relating to EU law, do not apply to [F92the making of regulations under Schedule 2 or 4][F92—
- (a) the making of regulations before exit day under Part 1A of Schedule 2, or
 - (b) the making of regulations under—
 - (i) Part 1B or 1C of Schedule 2, or
 - (ii) Schedule 4.]

Textual Amendments

- F91** Words in Sch. 8 para. 41 substituted (31.1.2020 for specified purposes, 31.12.2020 in so far as not already in force) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 56(7)(a) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxvii); S.I. 2020/1622, reg. 5(j)
- F92** Sch. 8 para. 41(10)(a)(b) substituted for words (23.1.2020 for specified purposes, 19.5.2020 for specified purposes) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(6)(e)(ix), Sch. 5 para. 56(7)(b) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/518, reg. 2(p)(iv)

Commencement Information

- I42** Sch. 8 para. 41(10) in force at Royal Assent, see s. 25(1)(g)
- I43** Sch. 8 para. 41(1)(2) in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with regs. 10, 20, 21)

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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

I44 Sch. 8 para. 41(3)-(9) in force at 1.3.2019 by [S.I. 2019/399](#), [reg. 2\(a\)](#)

42 The amendments made by Part 1 of Schedule 3 do not affect the validity of any act (other than the making, confirming or approving of subordinate legislation) done before [^{F93}IP completion day] by a member of the Scottish Government, the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government, a Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland or a Northern Ireland department.

Textual Amendments

F93 Words in [Sch. 8 para. 42](#) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 56\(8\)](#) (with s. 38(3), [Sch. 5 para. 66](#)); [S.I. 2020/1622](#), [reg. 5\(j\)](#)

Commencement Information

I45 Sch. 8 para. 42 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [regs. 10, 20, 21](#))

^{F94}43

Textual Amendments

F94 [Sch. 8 para. 43](#) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022](#) (S.I. 2022/357), [regs. 1\(1\), 6\(5\)\(c\)](#)

Other provision

- 44 (1) The definition of “relevant criminal offence” in section 20(1) is to be read, until the appointed day, as if for the words “the age of 18 (or, in relation to Scotland or Northern Ireland, 21)” there were substituted “ the age of 21 ”.
- (2) In sub-paragraph (1), “the appointed day” means the day on which the amendment made to section 81(3)(a) of the Regulation of Investigatory Powers Act 2000 by paragraph 211 of Schedule 7 to the Criminal Justice and Court Services Act 2000 comes into force.
- 45 (1) The amendment made by paragraph 17 does not affect whether the payment of any fees or other charges may be required under section 56 of the Finance Act 1973 in connection with a service or facilities provided, or an authorisation, certificate or other document issued, before that amendment comes into force.
- (2) Sub-paragraph (3) applies where—
- (a) immediately before the amendment made by paragraph 17 comes into force, the payment of fees or other charges could be required, under section 56 of the Finance Act 1973, in connection with the provision of a service or facilities, or issuing an authorisation, certificate or other document, in pursuance of an EU obligation, and
 - (b) after the amendment made by paragraph 17 comes into force—
 - (i) regulations made under that section (whether or not modified under Part 2 of Schedule 4 or otherwise) prescribing the fees or charges, or under which the fees or charges are to be determined, form part of [^{F95}assimilated] law, and

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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](#)

- (ii) the service or facilities are provided, or the authorisation, certificate or other document is issued, under or in connection with [^{F96}assimilated] law.
- (3) Despite the amendment made by paragraph 17, the payment of fees or other charges may be required, under that section and in accordance with the regulations, in connection with the provision of the service or facilities, or the issuing of the authorisation, certificate or other document.

Textual Amendments

- F95** Word in Sch. 8 para. 45(2)(b)(i) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(c)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F96** Word in Sch. 8 para. 45(2)(b)(ii) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(15)(c)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
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Commencement Information

- I46** Sch. 8 para. 45 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)**

Changes to legislation:

European Union (Withdrawal) Act 2018, SCHEDULE 8 is up to date with all changes known to be in force on or before 04 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.

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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.)