



European Union (Withdrawal) Act 2018

2018 CHAPTER 16

Retention of [F¹ saved EU law at end of implementation period]

3 Incorporation of direct EU legislation

- (1) Direct EU legislation, so far as operative immediately before [F¹IP completion day], forms part of domestic law on and after [F¹IP completion day].
- (2) In this Act “direct EU legislation” means—
 - (a) any EU regulation, EU decision or EU tertiary legislation, as it has effect in EU law immediately before [F²IP completion day] and so far as—
 - [F³(ai) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
 - [F⁴(bi) it neither has effect nor is to have effect by virtue of section 7A or 7B,]
 - (i) it is not an exempt EU instrument (for which see section 20(1) and Schedule 6), [F⁵and]
 - [F⁶(ii)
 - (iii) its effect is not reproduced in an enactment to which section 2(1) applies,
 - (b) any Annex to the EEA agreement, as it has effect in EU law immediately before [F⁷IP completion day] and so far as—
 - [F⁸(ai) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement,
 - (bi) it neither has effect nor is to have effect by virtue of section 7A or 7B,]
 - (i) it refers to, or contains adaptations of, anything falling within paragraph (a), and
 - (ii) its effect is not reproduced in an enactment to which section 2(1) applies, or
 - (c) Protocol 1 to the EEA agreement (which contains horizontal adaptations that apply in relation to EU instruments referred to in the Annexes to that agreement), as it has effect in EU law immediately before [F⁹IP completion day] and so far as—

Changes to legislation: European Union (Withdrawal) Act 2018, Section 3 is up to date with all changes known to be in force on or before 05 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

- (i) it is applicable to and in the United Kingdom by virtue of Part 4 of the withdrawal agreement, and
 - (ii) it neither has effect nor is to have effect by virtue of section 7A or 7B].
- (3) For the purposes of this Act, any direct EU legislation is operative immediately before [F10IP completion day] if—
- (a) in the case of anything which comes into force at a particular time and is stated to apply from a later time, it is in force and applies immediately before [F10IP completion day],
 - (b) in the case of a decision which specifies to whom it is addressed, it has been notified to that person before [F10IP completion day], and
 - (c) in any other case, it is in force immediately before [F10IP completion day].
- (4) This section—
- (a) brings into domestic law any direct EU legislation only in the form of the English language version of that legislation, and
 - (b) does not apply to any such legislation for which there is no such version, but paragraph (a) does not affect the use of the other language versions of that legislation for the purposes of interpreting it.
- (5) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation) [F11and section 5A (savings and incorporation: supplementary)].

Textual Amendments

- F1** Words in s. 3(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(a\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F2** Words in s. 3(2)(a) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(b\)\(i\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F3** S. 3(2)(a)(ai)(bi) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(b\)\(ii\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F4** S. 3(2)(a)(bi) omitted for specified purposes (31.12.2020) by virtue of [Agriculture Act 2020 \(c. 21\), ss. 18, 57\(1\)\(a\)](#)
- F5** Word in s. 3(2)(a)(i) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(b\)\(iii\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F6** S. 3(2)(a)(ii) and word omitted (31.12.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(b\)\(iv\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F7** Words in s. 3(2)(b) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(c\)\(i\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F8** S. 3(2)(b)(ai)(bi) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(c\)\(ii\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F9** Words in s. 3(2)(c) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(d\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F10** Words in s. 3(3) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(e\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F11** Words in s. 3(5) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 25\(2\)\(f\), 42\(7\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)

Modifications etc. (not altering text)

- C1** S. 3 modified (31.12.2020) by virtue of [Agriculture Act 2020 \(c. 21\), ss. 18, 57\(1\)\(a\)](#)

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Commencement Information

II S. 3 in force at 31.12.2020 by [S.I. 2020/1622, reg. 3\(b\)](#)

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.)