European Union (Withdrawal) Act 2018

2018 CHAPTER 16

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

7   Status of [^{F1}assimilated] law

(1) Anything which—

    (a)   was, immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind, and

    (b)   continues to be domestic law on and after exit day by virtue of [^{F2}section 1A(2) or 1B(2)],

continues to be domestic law as an enactment of the same kind.

[^{F3}(1A) Anything which—

    (a)   was, immediately before IP completion day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind, and

    (b)   continues to be domestic law on and after IP completion day by virtue of section 2,

continues to be domestic law as an enactment of the same kind.]

[^{F4}(4A) [^{F5}Assimilated direct] legislation ^{F6}... may only be modified by—

    (a)   primary legislation, or

    (b)   subordinate legislation so far as it is made under a power which permits such a modification by virtue of—

        (i) paragraph 3, 8(3), 11A, 11B or 12(3) of Schedule 8,

        (ii) any other provision made by or under this Act,

        (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or

        (iv) any provision made on or after the passing of this Act by or under primary legislation.]

(5) For other provisions about the status of [^{F7}assimilated] law, see—

(a)   section 5 [**F8**(A1) to (A3)][**F9**and (7)] (status of [**F7**assimilated] law in relation to other enactments or rules of law),

(b)   section 6 (status of [**F10**assimilated] case law **F11**...),

[**F12**(ba)   section 7C (status of case law of European Court etc. in relation to [**F7**assimilated] law which is relevant separation agreement law),]

(c)   section 15(2) and Part 2 of Schedule 5 (status of [**F7**assimilated] law for the purposes of the rules of evidence),

[**F13**(d)   paragraph 16 of Schedule 8 (information about Scottish instruments which amend or revoke subordinate legislation under section 2(2) of the European Communities Act 1972),]

(e)   paragraphs 19 and 20 of that Schedule (status of certain [**F14**assimilated direct] legislation for the purposes of the Interpretation Act 1978), and

(f)   paragraph 30 of that Schedule (status of [**F15**assimilated direct] legislation for the purposes of the Human Rights Act 1998).

F16(6) . . . .

Textual Amendments

F1   Word in s. 7 heading substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(a)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F2   Words in s. 7(1)(b) substituted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 40(2)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xv)

F3   S. 7(1A) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 40(3)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

F4   S. 7(4A) substituted for s. 7(2)-(4) (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 13**

F5   Words in s. 7(4A) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(b)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F6   Words in s. 7(4A) 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(3)**

F7   Word in s. 7(5) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(c)(i)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F8   Words in s. 7(5)(a) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 3(3)(b)**, 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)

F9   Words in s. 7(5)(a) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 40(4)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

F10   Word in s. 7(5)(b) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(c)(ii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F11   Words in s. 7(5)(b) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 4(4)**, 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F12   S. 7(5)(ba) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 40(4)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

F13   S. 7(5)(d) substituted (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), **ss. 10(2)(a)**, 22(1)(d) (with s. 10(3))

F14   Words in s. 7(5)(e) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(c)(iii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F15   Words in s. 7(5)(f) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(c)(iii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

F16   S. 7(6) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(8)(d)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

Modifications etc. (not altering text)

C1   S. 7(2)(3) 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

I1   S. 7(2)(3) in force at 30.1.2020 for specified purposes by 2020 c. 2, s. 2(11)(a)(b)

I2   S. 7(1)(6) in force at 31.1.2020 by S.I. 2020/74, **reg. 2(a)**

I3   S. 7(4)(5) in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(f)**

Changes to legislation:
European Union (Withdrawal) Act 2018, Section 7 is up to date with all changes known to be in force on or before 24 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. View outstanding changes

> **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 amendmed 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 amendmed 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 amendmed 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 amendmed is still prospective so this amendment is not applied yet.)