



# European Union (Withdrawal Agreement) Act 2020

## CHAPTER 1

### EUROPEAN UNION (WITHDRAWAL AGREEMENT) ACT 2020

#### PART 1

##### IMPLEMENTATION PERIOD

###### *Saved law for implementation period*

- 1 Saving of ECA for implementation period
- 2 Additional saving for implementation period

###### *Supplementary powers*

- 3 Supplementary power in connection with implementation period
- 4 Powers corresponding to section 3 involving devolved authorities

#### PART 2

##### REMAINING IMPLEMENTATION OF WITHDRAWAL AGREEMENT ETC: GENERAL

###### *Withdrawal agreement*

- 5 General implementation of remainder of withdrawal agreement

###### *Related EEA EFTA and Swiss agreements*

- 6 General implementation of related EEA EFTA and Swiss agreements

#### PART 3

##### CITIZENS' RIGHTS

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020. (See end of Document for details)*

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*Rights in relation to entry and residence*

- 7 Rights related to residence: application deadline and temporary protection
- 8 Frontier workers
- 9 Restrictions of rights of entry and residence
- 10 Retention of existing grounds for deportation
- 11 Appeals etc. against citizens' rights immigration decisions

*Professional qualifications*

- 12 Recognition of professional qualifications

*Co-ordination of social security systems*

- 13 Co-ordination of social security systems

*Equal treatment etc.*

- 14 Non-discrimination, equal treatment and rights of workers etc.

*Independent Monitoring Authority*

- 15 Independent Monitoring Authority for the Citizens' Rights Agreements

*General*

- 16 Regulations: supplementary
- 17 Interpretation: Part 3

**PART 4**

OTHER SUBJECT AREAS

*Other separation issues*

- 18 Main power in connection with other separation issues
- 19 Powers corresponding to section 18 involving devolved authorities

*Main financial provision*

- 20 Financial provision

*Ireland/Northern Ireland Protocol*

- 21 Main power in connection with Ireland/Northern Ireland Protocol
- 22 Powers corresponding to section 21 involving devolved authorities
- 23 Protection for certain rights, safeguards etc. in Belfast Agreement
- 24 No alteration of North-South co-operation

*Relationship to EUWA 2018*

- 25 Retention of saved EU law at end of implementation period
- 26 Interpretation of retained EU law and relevant separation agreement law
- 27 Dealing with deficiencies in retained EU law
- 28 Ancillary fee-charging powers

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### *Parliamentary oversight*

- 29 Review of EU legislation during implementation period
- 30 Certain dispute procedures under withdrawal agreement
- 31 Repeal of section 13 of EUWA 2018
- 32 Requirements in Part 2 of CRAGA

### *Other matters*

- 33 Prohibition on extending implementation period
- 34 Ministerial co-chairs of the Joint Committee
- 35 No use of written procedure in the Joint Committee
- 36 Repeal of unnecessary or spent enactments
- 37 Arrangements with EU about unaccompanied children seeking asylum

## **PART 5**

### GENERAL AND FINAL PROVISION

#### *Parliamentary sovereignty*

- 38 Parliamentary sovereignty

#### *Interpretation*

- 39 Interpretation

#### *Supplementary and final*

- 40 Regulations
- 41 Consequential and transitional provision etc.
- 42 Extent, commencement and short title

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## SCHEDULES

### SCHEDULE 1 — Powers of devolved authorities under sections 12, 13 and 14

#### *No power to make provision outside devolved competence*

- 1 No provision may be made by a devolved authority acting...
- 2 A provision is within the devolved competence of the Scottish...
- 3 A provision is within the devolved competence of the Welsh...
- 4 A provision is within the devolved competence of a Northern...

#### *Requirement for consent where it would otherwise be required*

- 5 (1) The consent of a Minister of the Crown is...

#### *Requirement for joint exercise where it would otherwise be required*

- 6 (1) No regulations may be made under section 12, 13...

#### *Requirement for consultation where it would otherwise be required*

- 7 (1) No regulations may be made under section 12, 13...

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### *Interpretation*

8 In this Schedule “Northern Ireland devolved authority” means—

SCHEDULE 2 — Independent Monitoring Authority for the Citizens' Rights Agreements

PART 1 — CONSTITUTION, PROCEEDINGS ETC.

### *Status*

1 (1) The IMA is not to be regarded—

### *Membership*

2 (1) The IMA is to consist of the following members—...

### *Interim chief executive*

3 (1) The Secretary of State may appoint a person to...

### *Requirements relating to appointment*

4 (1) In making appointments, the Secretary of State and the...

*Procedure for appointing members with knowledge of conditions in devolved areas etc.*

5 (1) This paragraph applies in relation to the appointment of...

*Non-executive members: terms of appointment and tenure etc.*

6 (1) A person holds and vacates office as a non-executive...

### *Remuneration of non-executive members*

7 (1) The IMA must pay its non-executive members such remuneration...

### *Staffing of the IMA*

8 (1) The IMA may— (a) appoint employees (in addition to...

### *Procedure*

9 (1) The IMA may regulate its own procedure, subject to...

### *Discharge of functions*

10 (1) The IMA may authorise a committee, member or employee...

### *Seal and evidence*

11 (1) The application of the IMA's seal must be authenticated...

### *Funding*

12 The Secretary of State must pay to the IMA such...

### *Operational independence*

13 In exercising functions in respect of the IMA, the Secretary...

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*Accounts and audit*

- 14 (1) The IMA must— (a) keep proper accounts and proper...

*Annual plan*

- 15 (1) The IMA— (a) must prepare, for each financial year,...

*Public records*

- 16 In Part 2 of the Table in paragraph 3 of...

*Investigation by the Parliamentary Commissioner*

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

*House of Commons disqualification*

- 18 In Part 2 of Schedule 1 to the House of...

*Northern Ireland Assembly disqualification*

- 19 In Part 2 of Schedule 1 to the Northern Ireland...

*Freedom of information*

- 20 In Part 6 of Schedule 1 to the Freedom of...

*Public sector equality duty*

- 21 In Part 1 of Schedule 19 to the Equality Act...  
PART 2 — FUNCTIONS OF THE IMA ETC.

*General duties*

- 22 (1) The IMA must monitor the implementation and application in...  
23 (1) The IMA must promote the adequate and effective implementation...  
24 In exercising its functions, the IMA must have regard to...

*Inquiries*

- 25 (1) Subject to sub-paragraph (3), the IMA may carry out...  
26 (1) The IMA must publish its intention to carry out...

*Reports following an inquiry*

- 27 (1) When the IMA has carried out an inquiry under...  
28 (1) Where a report under paragraph 27 includes recommendations to...

*Complaints*

- 29 (1) A person who claims to have a relevant right...

*Applying for review or intervening in legal proceedings*

- 30 (1) The IMA may, if it considers it appropriate to...

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*Annual reports for specialised committee etc.*

- 31 (1) The IMA must provide annual reports on the implementation...

*Guidance*

- 32 (1) The IMA must publish guidance on how it will...

*Gibraltar*

- 33 The IMA is to exercise any function in relation to...

*Supplementary power*

- 34 (1) Subject to sub-paragraph (2), the IMA may do anything...

*Cooperation by relevant public authorities*

- 35 A relevant public authority must, so far as reasonably practicable,...

PART 3 — FURTHER PROVISIONS

*Disclosure of HMRC's information*

- 36 (1) Her Majesty's Revenue and Customs (or anyone acting on...

*Data protection and disclosure of information*

- 37 Nothing in this Schedule authorises the making of a disclosure...

*Disclosure of information to IMA: national security*

- 38 (1) A relevant public authority must not disclose information to...

*Transfer of IMA's functions and abolition*

- 39 (1) The Secretary of State may by regulations—

- 40 (1) The Secretary of State may by regulations—

*Interpretation*

- 41 (1) In this Schedule— “civil servant” means a person employed...

SCHEDULE 3 — Protection for certain rights, safeguards etc. in Belfast Agreement

- 1 The Northern Ireland Act 1998 is amended as follows.
- 2 In section 6(2) (legislative competence), after paragraph (c), insert—
- 3 In section 24(1) (restrictions on powers of Northern Ireland Ministers...
- 4 In section 69 (functions of the Northern Ireland Human Rights...
- 5 In section 71 of the Northern Ireland Act 1998 (restrictions...
- 6 In section 74 (principal functions of the Equality Commission for...
- 7 After section 78 insert— Protections deriving from EU withdrawal agreement...
- 8 In Schedule 3 (reserved matters), in paragraph 42, after paragraph...

SCHEDULE 4 — Regulations under this Act

PART 1 — PROCEDURE

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*Rights in relation to entry and residence*

- 1 (1) A statutory instrument containing— (a) the first regulations under...
- 2 (1) A statutory instrument containing the first regulations under section...

*Powers under sections 12, 13 and 14: sole exercise*

- 3 (1) A statutory instrument containing regulations under section 12, 13...

*Powers under sections 12, 13 and 14: joint exercise*

- 4 (1) This paragraph applies to regulations under section 12, 13...

*Power to amend definition of “IP completion day”*

- 5 A statutory instrument containing regulations under section 39(4) is subject...

*Consequential provision*

- 6 A statutory instrument containing regulations under section 41(1) is subject...

*The IMA*

- 7 A statutory instrument containing regulations under paragraph 39 or 40...

*Power under paragraph 1(3) of Schedule 5: sole exercise*

- 8 (1) A statutory instrument containing regulations made by a Minister...

*Power under paragraph 1(3) of Schedule 5: joint exercise*

- 9 (1) This paragraph applies to regulations under paragraph 1(3) of...

*Power under paragraph 3(2) of Schedule 5*

- 10 (1) Regulations made by the Scottish Ministers under paragraph 3(2)...
- PART 2 — GENERAL PROVISION ABOUT POWERS UNDER ACT

*Scope and nature of powers: general*

- 11 (1) Any power to make regulations under this Act—
- 12 Any power to make regulations under this Act—
- 13 The fact that a power to make regulations is conferred...

*Anticipatory exercise of powers in relation to withdrawal agreement etc.*

- 14 Any power to make regulations under this Act in relation...

*Scope of appointed day power*

- 15 The power of a Minister of the Crown under section...

*Hybrid instruments*

- 16 If an instrument, or a draft of an instrument, containing...

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### *Combinations of instruments*

- 17 (1) Sub-paragraph (2) applies to a statutory instrument containing regulations...

#### SCHEDULE 5 — Consequential and transitional provision etc. PART 1 — GENERAL CONSEQUENTIAL PROVISION

##### *Subordinate legislation with commencement by reference to exit day*

- 1 (1) Any provision in subordinate legislation made before exit day...  
2 (1) No provision may be made by a devolved authority...

##### *Devolved preparatory legislation of a kind mentioned in paragraph 41(3) to (5) of Schedule 8 to EUWA 2018*

- 3 (1) Any provision of primary legislation which—

##### *Power to make consequential regulations under EUWA 2018*

- 4 (1) The power of a Minister of the Crown under...  
PART 2 — SPECIFIC CONSEQUENTIAL PROVISION ETC.

##### *Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))*

- 5 The Interpretation Act (Northern Ireland) 1954 is amended as follows....  
6 In section 11 (references in enactments), in subsections (1C), (1D)...  
7 In section 44A (definitions relating to the United Kingdom's withdrawal...

##### *Interpretation Act 1978*

- 8 The Interpretation Act 1978 is amended as follows.  
9 In section 20(3) (references to other enactments) for “exit day”...  
10 In section 21(1) (meaning of “subordinate legislation”) for “exit day”...  
11 In section 23ZA(4)(a)(ii) (retained direct EU legislation) for “exit day”...  
12 In Schedule 1 (words and expressions defined), under the italic...

##### *European Economic Area Act 1993*

- 13 The European Economic Area Act 1993 is amended as follows....  
14 In section 2 (consistent application of law to the whole...  
15 In section 3 (general implementation of the EEA agreement), in...  
16 In section 6(1) (interpretation), in the definition of “the 1972...

##### *Scotland Act 1998*

- 17 The Scotland Act 1998 is amended as follows.  
18 In section 30A(2) (legislative competence: restriction relating to retained EU...  
19 In section 57(5)(b) (exception to section 57(4)) for “Schedule 2...  
20 (1) Paragraph 1 of Schedule 4 (enactments etc. protected from...  
21 In Part 2 of Schedule 5 (specific reservations), in section...



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### *Northern Ireland Act 1998*

- 22 The Northern Ireland Act 1998 is amended as follows.
- 23 In section 6A(2) (restriction relating to retained EU law) for...
- 24 (1) Section 7 (entrenched enactments) is amended as follows.
- 25 In section 24(4)(b) (exception to section 24(3)) for “Schedule 2...
- 26 In Schedule 3 (reserved matters), in paragraph 38, for “exit...

### *Government of Wales Act 2006*

- 27 The Government of Wales Act 2006 is amended as follows....
- 28 In section 80(8A)(b) (exception to section 80(8)) for “Schedule 2...
- 29 In section 109A(2) (legislative competence: restriction relating to retained EU...
- 30 In Part 2 of Schedule 7A (specific reservations), in section...
- 31 (1) Paragraph 5 of Schedule 7B (protected enactments) is amended...

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

- 32 The Interpretation and Legislative Reform (Scotland) Act 2010 is amended...
- 33 In section 1(1)(ba) (application of Part 1 of the Act)...
- 34 In section 14(3) (references to other legislative provisions) for “exit...
- 35 In section 30(7) (other instruments laid before the Scottish Parliament)...
- 36 In section 55(2B)(d) (transitional Orders: revocation and savings)—
- 37 In Schedule 1 (definitions of words and expressions)—

### *European Union (Withdrawal) Act 2018*

- 38 The European Union (Withdrawal) Act 2018 is amended as follows....
- 39 In the italic heading before section 2, for “existing EU...
- 40 (1) Section 7 (status of retained EU law) is amended...
- 41 (1) Section 10 (continuation of North-South co-operation and the prevention...
- 42 In section 11 (powers involving devolved authorities corresponding to sections...
- 43 In the italic cross-heading before section 13, for “approval of...
- 44 (1) Section 20 (interpretation) is amended as follows.
- 45 In the table in section 21(1) (index of defined expressions)—...
- 46 (1) Section 23 (consequential and transitional provision) is amended as...
- 47 (1) Schedule 4 (powers in connection with fees and charges)...
- 48 (1) Schedule 5 (publication and rules of evidence) is amended...
- 49 (1) Schedule 6 (instruments which are exempt EU instruments) is...
- 50 In Part 1 of Schedule 7 (scrutiny of powers to...
- 51 After Part 1 of Schedule 7 insert— PART 1A Scrutiny...
- 52 (1) Part 2 of Schedule 7 (scrutiny of other powers...
- 53 (1) Part 3 of Schedule 7 (general provision about powers...
- 54 (1) Part 1 of Schedule 8 (general consequential provision) is...
- 55 (1) Part 3 of Schedule 8 (general transitional, transitory or...
- 56 (1) Part 4 of Schedule 8 (specific transitional, transitory and...

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*The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018*

- 57 (1) The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and...

*Legislation (Wales) Act 2019 (anaw 4)*

- 58 The Legislation (Wales) Act 2019 is amended as follows.  
59 In section 24 (references to direct EU legislation retained in...  
60 In section 26 (references to EU instruments), in subsection (3)—...  
61 In the Table in Schedule 1 (definitions of words and...  
62 In the Table in Schedule 1 (definitions of words and...  
PART 3 — TRANSITIONAL, TRANSITORY AND SAVING PROVISION

*Retention of existing grounds for deportation*

- 63 (1) If section 10(2) (which inserts section 3(5A) of the...

*Certain powers of devolved authorities in relation to EU law*

- 64 Section 57(2) of the Scotland Act 1998, section 80(8) of...

*Savings in connection with section 36*

- 65 Section 36(e) and (f) do not affect the continued operation...

*Regulations under EUWA 2018 etc.*

- 66 (1) The fact that a power to make regulations is...

*Time-limited powers*

- 67 The prohibition on making regulations under paragraph 1(3) or 3(2)...

*Power to make transitional, transitory or saving regulations under EUWA 2018*

- 68 (1) The power of a Minister of the Crown under...

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