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**Changes to legislation:** There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, PART 1. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 4

#### REGULATIONS UNDER THIS ACT

#### PART 1

#### PROCEDURE

##### *Rights in relation to entry and residence*

- 1 (1) A statutory instrument containing—
- (a) the first regulations under section 7(1)(b), (c), (d), (e), (f) or (g), 8(1) or 9, or
  - (b) regulations under section 7, 8 or 9 which amend, repeal or revoke primary legislation <sup>F1</sup>...,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Any other statutory instrument containing regulations under section 7, 8 or 9 is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** Words in [Sch. 4 para. 1\(1\)\(b\)](#) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(1)(d), [Sch. 3 para. 4\(2\)](#)

- 2 (1) A statutory instrument containing the first regulations under section 11—
- (a) must be laid before Parliament after being made, and
  - (b) ceases to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (2) Any other statutory instrument containing regulations under section 11 which amend, repeal or revoke—
- (a) primary legislation, <sup>F2</sup>...
  - <sup>F2</sup>(b) .....
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument containing regulations under section 11, other than a statutory instrument to which sub-paragraph (1) or (2) applies, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In calculating the period of 40 days for the purposes of sub-paragraph (1) no account is to be taken of any time during which—

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- (a) Parliament is dissolved or prorogued, or
  - (b) either House of Parliament is adjourned for more than four days.
- (5) If regulations cease to have effect as a result of sub-paragraph (1) that—
- (a) does not affect the validity of anything previously done under the regulations, and
  - (b) does not prevent the making of new regulations.

**Textual Amendments**

**F2** Sch. 4 para. 2(2)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 4(3)(a)**

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

- 3 (1) A statutory instrument containing regulations under section 12, 13 or 14 of a Minister of the Crown acting alone which amend, repeal or revoke—
- (a) primary legislation, <sup>F3</sup>...
  - <sup>F3</sup>(b) .....
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Any other statutory instrument containing regulations under section 12, 13 or 14 of a Minister of the Crown acting alone is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations under section 12, 13 or 14 of the Scottish Ministers acting alone which amend, repeal or revoke—
- (a) primary legislation, <sup>F4</sup>...
  - <sup>F4</sup>(b) .....
- are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (4) Any other regulations under section 12, 13 or 14 of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (5) A statutory instrument containing regulations under section 12, 13 or 14 of the Welsh Ministers acting alone which amend, repeal or revoke—
- (a) primary legislation, <sup>F5</sup>...
  - <sup>F5</sup>(b) .....
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (6) Any other statutory instrument containing regulations under section 12, 13 or 14 of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) Regulations under section 12, 13 or 14 of a Northern Ireland department acting alone which amend, repeal or revoke—
- (a) primary legislation, <sup>F6</sup>...

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<sup>F6</sup>(b) .....

may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

- (8) Any other regulations under section 12, 13 or 14 of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

#### Textual Amendments

- F3** Sch. 4 para. 3(1)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(1)(d), [Sch. 3 para. 4\(3\)\(b\)](#)
- F4** Sch. 4 para. 3(3)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(1)(d), [Sch. 3 para. 4\(3\)\(b\)](#)
- F5** Sch. 4 para. 3(5)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(1)(d), [Sch. 3 para. 4\(3\)\(b\)](#)
- F6** Sch. 4 para. 3(7)(b) and word omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(1)(d), [Sch. 3 para. 4\(3\)\(b\)](#)

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

- 4 (1) This paragraph applies to regulations under section 12, 13 or 14 of a Minister of the Crown acting jointly with a devolved authority.
- (2) The procedure provided for by sub-paragraph (3) or (4) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument containing regulations to which this paragraph applies which amend, repeal or revoke—
- (a) primary legislation, <sup>F7</sup>...
- <sup>F7</sup>(b) .....
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any other statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers and amend, repeal or revoke—
- (a) primary legislation, <sup>F8</sup>...
- <sup>F8</sup>(b) .....
- are subject to the affirmative procedure.
- (6) Any other regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.
- (7) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (5) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but

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as if references to a Scottish statutory instrument were references to a statutory instrument).

- (8) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (6) applies as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (9) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (5) or (6) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (10) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers and amend, repeal or revoke—
- (a) primary legislation, <sup>F9</sup>...
  - <sup>F9</sup>(b) .....
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Any other statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department and amend, repeal or revoke—
- (a) primary legislation, <sup>F10</sup>...
  - <sup>F10</sup>(b) .....
- may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (13) Any other regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (14) If in accordance with sub-paragraph (4), (6), (11) or (13)—
- (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
  - (b) a relevant devolved legislature resolves that an instrument be annulled,
- nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (15) In sub-paragraph (14) “relevant devolved legislature” means—
- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
  - (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
  - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.

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- (16) Sub-paragraph (14) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (17) Sub-paragraphs (14) to (16) apply in place of provision made by any other enactment about the effect of such a resolution.

#### Textual Amendments

- F7** Sch. 4 para. 4(3)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 4(3)(c)**
- F8** Sch. 4 para. 4(5)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 4(3)(c)**
- F9** Sch. 4 para. 4(10)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 4(3)(c)**
- F10** Sch. 4 para. 4(12)(b) and word omitted (29.6.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(1)(d), **Sch. 3 para. 4(3)(c)**

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

- 5 A statutory instrument containing regulations under section 39(4) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Consequential provision*

- 6 A statutory instrument containing regulations under section 41(1) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### *The IMA*

- 7 A statutory instrument containing regulations under paragraph 39 or 40 of Schedule 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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

- 8 (1) A statutory instrument containing regulations made by a Minister of the Crown acting alone under paragraph 1(3) of Schedule 5 on or after exit day is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Regulations made by the Scottish Ministers acting alone under paragraph 1(3) of Schedule 5 on or after exit day are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (3) A statutory instrument containing regulations made by the Welsh Ministers acting alone under paragraph 1(3) of Schedule 5 on or after exit day is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) Regulations made by a Northern Ireland department acting alone under paragraph 1(3) of Schedule 5 on or after exit day are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

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

- 9 (1) This paragraph applies to regulations under paragraph 1(3) of Schedule 5 of a Minister of the Crown acting jointly with a devolved authority.
- (2) The procedure provided for by sub-paragraph (3) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument containing regulations to which this paragraph applies which are made on or after exit day is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers on or after exit day are subject to the negative procedure.
- (5) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) apply in relation to regulations to which sub-paragraph (4) applies as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (6) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (4) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (7) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers on or after exit day is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (8) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department on or after exit day are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (9) If in accordance with this paragraph—
- (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
  - (b) a relevant devolved legislature resolves that an instrument be annulled,
- nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (10) In sub-paragraph (9) “relevant devolved legislature” means—
- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
  - (b) in the case of regulations made jointly with the Welsh Ministers, the National Assembly for Wales, and
  - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (11) Sub-paragraph (9) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.

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- (12) Sub-paragraphs (9) to (11) apply in place of provision made by any other enactment about the effect of such a resolution.

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

- 10 (1) Regulations made by the Scottish Ministers under paragraph 3(2) of Schedule 5 on or after exit day are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (2) A statutory instrument containing regulations made by the Welsh Ministers under paragraph 3(2) of Schedule 5 on or after exit day is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) Regulations made by a Northern Ireland department under paragraph 3(2) of Schedule 5 on or after exit day are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

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