



Retained EU Law (Revocation and Reform) Act 2023

2023 CHAPTER 28

Modification of retained EU law

10 Procedural requirements

- (1) In Schedule 8 to the European Union (Withdrawal) Act 2018 omit—
- (a) paragraph 13 (affirmative procedure for instruments which amend or revoke subordinate legislation made under section 2(2) of the European Communities Act 1972);
 - (b) paragraph 14 (enhanced scrutiny procedure for instruments which amend or revoke subordinate legislation made under section 2(2) of the European Communities Act 1972);
 - (c) paragraph 15 (explanatory statements for instruments which amend or revoke subordinate legislation made under section 2(2) of that Act);
- including the italic headings before paragraphs 13 and 14 (but not the italic heading before paragraph 15).
- (2) In consequence of the amendments made by [subsection \(1\)](#)—
- (a) in section 7(5) of the European Union (Withdrawal) Act 2018 for paragraph (d) substitute—
 - “(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),”;
 - (b) in paragraph 16 of Schedule 8 to that Act, for sub-paragraph (7) substitute—
 - “(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

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- (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).”;
 - (c) in Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 omit paragraph 54(8) to (10).
- (3) The amendments made by this section—
 - (a) so far as relating to paragraph 13 of Schedule 8 to the European Union (Withdrawal) Act 2018, do not apply to any statutory instrument where a draft of the instrument has been laid before each House of Parliament (or, as the case may be, the House of Commons only) before the day on which this Act is passed;
 - (b) so far as relating to paragraph 14 of that Schedule, do not apply to any statutory instrument or draft statutory instrument where a draft of the instrument has been published under sub-paragraph (2) of that paragraph before the day on which this Act is passed;
 - (c) so far as relating to paragraph 15 of that Schedule, do not apply to any statutory instrument or draft statutory instrument where—
 - (i) a statement has been made under sub-paragraph (2) or (3) of that paragraph before the day on which this Act is passed, or
 - (ii) the instrument or draft has been laid before each House of Parliament (or, as the case may be, the House of Commons only) before the day on which this Act is passed and no statement has been made under sub-paragraph (2) or (3) of that paragraph.

Commencement Information

II S. 10 in force at Royal Assent, see [s. 22\(1\)\(d\)](#)

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