



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The European Union Withdrawal (Consequential Modifications)
(EU Exit) Regulations 2020**

DATE **02 November 2020**

BY **Rebecca Evans MS, Minister for Finance and Trefnydd**

The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020

The Law which is being amended:

The European Union (Withdrawal) Act 2018
The Interpretation Act 1978
The Legislation (Wales) Act 2019
The Interpretation and Legislative Reform (Scotland) Act 2010
The Interpretation Act (Northern Ireland) 1954
The European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019
The Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013.

The SI also makes a number of technical repeals to redundant provisions within primary legislation in consequence of repeals made by the European Union (Withdrawal) Act 2018.

The purpose of the amendments

The purpose of the amendments is to ensure that the UK statute book works coherently and effectively following the end of the transition period. It clarifies how certain terms, including EU-related definitions, should be interpreted in domestic legislation after the end of the transition period. The SI amends the Interpretation Act 1978 and the equivalent Interpretation Acts passed by the devolved legislatures (including the Legislation (Wales) Act 2019) in relation to the interpretation of references to “relevant separation agreement law”. The SI also amends the European Union (Withdrawal) Act 2018 (EUWA) to provide for how existing references to EU instruments that form part of relevant separation agreement law and how existing non-ambulatory references to direct EU legislation should be read

following the end of the transition period.

The SI makes new interpretation provisions in light of the European Union (Withdrawal Agreement) Act 2020 (WAA), to remove uncertainty about which version of an EU instrument applies and provides a general gloss to ensure that the correct interpretation of the EU instrument applies. Finally, the SI makes consequential amendments to the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019 and technical repeals to redundant provisions within primary legislation arising from EUWA.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment are available here:

<https://www.legislation.gov.uk/ukdsi/2020/9780348214055>

An earlier draft of the SI, with the same title, was laid on 8 October, then withdrawn, amended (but not in devolved areas) and re-laid. A Written Statement for the earlier version of the SI was laid on 14 October.

Any impact the SI may have on the legislative competence of the Senedd and/or the executive competence of the Welsh Ministers

The SI has no impact on the legislative competence of the Senedd or the executive competence of the Welsh Ministers.

Consent requirements

This SI is to be made under section 23 of EUWA and section 41 of WAA, which are the consequential powers in each Act, exercisable by Ministers of the Crown. As such, the SI does not initiate a formal consent process with Ministers of the Devolved Governments.

It is our strong preference that laws made in Wales should, as part of the process of withdrawal from the EU, be amended in Wales. However, equivalent powers are not conferred on the Welsh Ministers. As the SI makes technical amendments, with no policy implications and, given that the amendments have to be in place by the end of the year, it is considered expedient for provision to be made by the UK Government on behalf of all of the nations of the UK to ensure that there is an operable statute book at the end of the transition period. The only alternative would require primary legislation to go through the Senedd and be enacted by the end of the year, which would not be a proportionate use of time and resources. Furthermore, making the necessary consequential amendments in one instrument helps to promote the accessibility of the law during this period of change.

Officials of the Welsh Government contributed to the drafting of the SI and the Counsel General and Minister for European Transition has written to the Chancellor of the Duchy of Lancaster to say that formal consent should have been sought.

However, a Statutory Instrument Consent Memorandum is being laid and the Senedd will have the opportunity to consent to the technical changes to the Legislation (Wales) Act 2019.