

SL(5)226 – The Law Derived from the European Union (Wales) Act 2018 (Repeal) Regulations 2018

Background and Purpose

These Regulations repeal the Law Derived from the European Union (Wales) Act 2018 (“the Act”) in its entirety and are made under section 22 of the Act. Section 22 of the Act enables the Welsh Ministers to repeal, by regulations, the Act or any provision of the Act.

Procedure

Enhanced procedure.

Under the enhanced procedure set out in Schedule 2 to the Act, a draft of these Regulations must be laid before the National Assembly for Wales for 60 days (excluding any time during which the National Assembly for Wales is dissolved or in recess for more than four days).

At the end of the 60 days, the Welsh Ministers must have regard to any representations, any resolutions of the National Assembly for Wales, and any recommendations of a committee of the National Assembly for Wales charged with reporting on the draft Regulations.

If, after the expiry of the 60-day period, the Welsh Ministers wish to make the Regulations in the terms of the draft, they must lay before the National Assembly for Wales a statement stating whether any representations were made, and if any representations were made, giving details of them.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

We note the significance of these Regulations and how the repeal would mean that important constitutional and legal matters (such as the continuation of EU-related Welsh law after exit and the powers of the Welsh Ministers to correct deficiencies in retained EU law) will be dealt with under the European Union (Withdrawal) Act 2018.

We also note that the repeal of the Act forms part of the Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks.

Implications arising from exiting the European Union

See our comments under Merits Scrutiny.



Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

18 September 2018

