

# SL(5)496 – The European Union (Withdrawal Agreement) Act 2020 (Disapplication of the Deferral of Subordinate Legislation) (Wales) (EU Exit) Regulations 2020

## Background and Purpose

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Part 4 of the withdrawal agreement provides for the implementation period (or transition period).

Paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (the 2020 Act) gives legal effect to the implementation period by non-textually amending the coming into force dates of subordinate legislation which come into force immediately before exit day, on exit day or at any time after exit day. This subordinate legislation will instead come into force immediately before the end of the implementation period (IP completion day), on IP completion day or (as the case may be) at the time concerned after IP completion day.

Regulation 2 provides that paragraph 1(1) of Schedule 5 will not apply to the Elections (Wales) (Amendment) (EU Exit) Regulations 2019 so they will continue to come into force on exit day.

## Procedure

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None.

## Scrutiny under Standing Order 21.7

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One point is identified for reporting under Standing Order 21.7 in respect of these Regulations (see below).

## Implications arising from exiting the European Union

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### **One point is identified for reporting under Standing Order 21.7 in respect of these Regulations.**

1. We note that deferring the commencement of exit-related subordinate legislation adds further complexity to the already over-complex statute book. Further, the fact that the deferral is being done by non-textual amendment (i.e. the text of the commencement provisions of the exit-related subordinate legislation are not actually being changed, rather an interpretive gloss is applied to them, by virtue of paragraph 1 of Schedule 5 to the 2020 Act) does not help accessibility to the law.

While we accept that changing the text of the commencement provisions of all exit-related subordinate legislation might well be a disproportionate approach in the circumstances, we believe that readers of the legislation should at least be signposted to the interpretive gloss that is applied by paragraph 1 of Schedule 5 to the 2020 Act.

## Government Response

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No government response is required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**5 February 2020**



Cynulliad Cenedlaethol Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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National Assembly for Wales

**Legislation, Justice and Constitution Committee**