

SCHEDULES

SCHEDULE 3

FURTHER AMENDMENTS OF DEVOLUTION LEGISLATION AND REPORTING REQUIREMENT

PART 3

OTHER AMENDMENTS OF DEVOLUTION LEGISLATION

Scotland Act 1998

- 6 The Scotland Act 1998 is amended as follows.
- 7 In section 2 (ordinary general elections), in subsection (2A), omit paragraph (b) and the “or” before it.
- 8 In section 12 (power of the Scottish Ministers to make provision about elections), in subsection (4)(a)—
- (a) omit “or the European Parliamentary Elections Act 2002”, and
 - (b) omit “, European Parliamentary elections”.
- 9 (1) Section 12A (power of the Secretary of State to make provision about elections) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (a) insert “and”, and
 - (b) omit paragraph (c) and the “and” before it.
- (3) In subsection (3), omit paragraph (b) and the “and” before it.
- (4) In subsection (5)(a)—
- (a) omit “or the European Parliamentary Elections Act 2002”, and
 - (b) omit “, European Parliamentary elections”.
- 10 In section 32 (submission of Bills for Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.
- 11 Omit section 34 (ECJ references).
- 12 (1) Section 36 (stages of Bills) is amended as follows.
- (2) In subsection (4), omit paragraph (b) but not the “or” at the end of it.
- (3) In subsection (5)(a), omit “, (b)”.
- 13 (1) Section 57 (EU law and Convention rights) is amended as follows.
- (2) In the heading—
- (a) omit “EU law and”, and
 - (b) after “rights” insert “and retained EU law”.

Status: This is the original version (as it was originally enacted).

- (3) Omit subsection (1).
- 14 (1) Section 80D (Scottish taxpayers) is amended as follows.
- (2) In subsection (4)—
- (a) insert “or” at the end of paragraph (a), and
- (b) omit paragraph (b) and the “or” at the end of it.
- (3) In subsection (4B), for “any of paragraphs (a) to (c)” substitute “paragraph (a) or (c)”.
- 15 In section 80DA (Scottish taxpayers: Welsh parliamentarians), in subsection (2)(a), for “any of paragraphs (a) to (c)” substitute “paragraph (a) or (c)”.
- 16 (1) Section 82 (limits on salaries of members of the Parliament) is amended as follows.
- (2) In subsection (1)—
- (a) insert “or” at the end of paragraph (za), and
- (b) omit paragraph (b) and the “or” before it.
- (3) In subsection (2)(b), for “(1)(za), (a) or (b)” substitute “(1)(za) or (a)”.
- 17 (1) Section 106 (power to adapt functions) is amended as follows.
- (2) In subsection (5), for “an obligation under EU law” substitute “a retained EU obligation”.
- (3) Omit subsection (7).
- 18 In section 119 (Consolidated Fund etc.), omit subsection (4).
- 19 (1) Section 126 (interpretation) is amended as follows.
- (2) Omit subsection (9).
- (3) In subsection (10), omit “EU law or”.
- 20 In section 127 (index of defined expressions), omit the entry for EU law.
- 21 (1) Schedule 4 (enactments etc. protected from modification) is amended as follows.
- (2) In paragraph 1(2)—
- (a) omit paragraph (c), and
- (b) after paragraph (f) insert “,
- (g) the European Union (Withdrawal) Act 2018 (other than paragraphs 31 to 35 of Schedule 8 to that Act and any regulations made under that Act)”.
- (3) Omit paragraph 13(1)(a).
- 22 In Part 2 of Schedule 5 (specific reservations), in section C8 (product standards, safety and liability), for the words from “Technical standards and” to “EU law” substitute—
- “The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law.”
- 23 (1) Paragraph 1 of Schedule 6 (devolution issues) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In the first paragraph (d) for “with EU law” substitute “in breach of the restriction in section 57(4)”.
- (3) In paragraph (e), omit “or with EU law”.
- (4) In the second sentence for the words from “the compatibility” to the end substitute “a compatibility issue (within the meaning given by section 288ZA(2) of the Criminal Procedure (Scotland) Act 1995)”.
- 24 (1) The table in paragraph 1(2) of Schedule 7 (procedure for subordinate legislation) is amended as follows.
- (2) After the entry for section 30 insert—
- “Section 30A | Type C”.
- (3) After the entry for section 56(2) insert—
- “Section 57(4) | Type C”.
- 25 After paragraph 5 of Schedule 7 (procedure for subordinate legislation: special cases) insert—
- “6 (1) This paragraph applies where a draft of an instrument containing regulations under section 30A or 57(4) is to be laid before each House of Parliament.
- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
- (a) must make a statement explaining the effect of the instrument, and
- (b) in any case where the Parliament has not made a decision to agree a motion consenting to the laying of the draft—
- (i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
- (ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by the Scottish Ministers giving the opinion of the Scottish Ministers as to why the Parliament has not made that decision.
- (3) A statement of a Minister of the Crown under sub-paragraph (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (4) For the purposes of this paragraph, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- (5) This paragraph does not apply to a draft of an instrument which only contains regulations under section 30A or 57(4) which only relate to a revocation of a specification.”
- 26 In Schedule 8 (modifications of enactments), omit paragraph 15 and the heading before it.

Status: This is the original version (as it was originally enacted).

Government of Wales Act 2006

- 27 The Government of Wales Act 2006 is amended as follows.
- 28 In section 3 (ordinary general elections), in subsection (1A), omit paragraph (b) and the “or” before it.
- 29 In section 13(5) (power of the Welsh Ministers to make provision about elections etc.)—
- (a) omit paragraph (c) but not the “and” at the end of it, and
 - (b) in paragraph (d) omit “, European Parliamentary elections”.
- 30 (1) Section 13A (power of the Secretary of State to make provision about the combination of polls) is amended as follows.
- (2) In subsection (2)—
 - (a) insert “and” at the end of paragraph (a), and
 - (b) omit paragraph (c) and the “and” before it.
 - (3) In subsection (3), omit paragraph (b) and the “and” before it.
- 31 In section 16(3) (disqualification from being Assembly member) omit “(other than the United Kingdom)”.
- 32 (1) Section 21 (limit on salaries of Assembly members) is amended as follows.
- (2) In subsection (1)—
 - (a) insert “or” at the end of paragraph (za), and
 - (b) omit paragraph (b) and the “or” before it.
 - (3) In subsection (2)(b), for “(1)(za), (a), or (b)” substitute “(1)(za) or (a)”.
- 33 In section 58A (executive ministerial functions), in subsection (4)(d), for “obligations under EU law” substitute “retained EU obligations”.
- 34 Omit section 58B (implementation of EU law: general).
- 35 (1) Section 59 (implementation of EU law: designation of Welsh Ministers etc.) is amended as follows.
- (2) For the heading substitute “Fees and charges in relation to international law”.
 - (3) Omit subsections (1) to (4).
 - (4) In subsection (5), for “in pursuance of an EU obligation etc” substitute “in pursuance of an international obligation”.
- 36 In the heading before section 80 (EU law, human rights and international obligations etc.), before “EU” insert “Retained”.
- 37 (1) Section 80 (EU law) is amended as follows.
- (2) In the heading, before “EU” insert “Retained”.
 - (3) In subsection (1), for “An EU obligation” substitute “A retained EU obligation”.
 - (4) In subsection (2), for “an EU obligation” substitute “a retained EU obligation”.
 - (5) In subsection (3)—
 - (a) for “an EU obligation” substitute “a retained EU obligation”, and
 - (b) for “the EU obligation” substitute “the retained EU obligation”.

- (6) In subsection (7)—
- (a) for “an EU obligation” substitute “a retained EU obligation”, and
 - (b) for “the EU obligation” substitute “the retained EU obligation”.
- (7) In subsection (9), leave out “and (8)” and insert “, (8) and (8L)”.
- 38 In section 111 (proceedings on Bills)—
- (a) in subsection (6), omit paragraph (b) but not the “or” at the end of it, and
 - (b) in subsection (7)(a), omit “, (b)”.
- 39 Omit section 113 (ECJ references).
- 40 In section 115 (Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.
- 41 (1) Section 116E (Welsh taxpayers) is amended as follows.
- (2) In subsection (4)—
- (a) insert “or” at the end of paragraph (a), and
 - (b) omit paragraph (b) and the “or” at the end of it.
- (3) In subsection (6), for “any of paragraphs (a) to (c)” substitute “paragraph (a) or (c)”.
- 42 In section 116F (Welsh taxpayers: Scottish parliamentarians), in subsection (2)(a), for “any of paragraphs (a) to (c)” substitute “paragraph (a) or (c)”.
- 43 After section 157 (orders, regulations and directions) insert—

“157ZA Explanatory statements in relation to certain regulations

- (1) This section applies where a draft of a statutory instrument containing regulations under section 80(8) or 109A is to be laid before each House of Parliament.
- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
- (a) must make a statement explaining the effect of the instrument, and
 - (b) in any case where the Assembly has not made a decision to agree a motion consenting to the laying of the draft—
 - (i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
 - (ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by the Welsh Ministers giving the opinion of the Welsh Ministers as to why the Assembly has not made that decision.
- (3) A statement of a Minister of the Crown under subsection (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (4) For the purposes of this section, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.

Status: This is the original version (as it was originally enacted).

- (5) This section does not apply to a draft of an instrument which only contains regulations under section 80(8) or 109A which only relate to a revocation of a specification.”
- 44 In section 158(1) (interpretation)—
- (a) omit the definition of “EU law”, and
 - (b) in the definition of “international obligations” omit “EU law or”.
- 45 In section 159 (index of defined expressions), omit the entry for EU law.
- 46 In Schedule 3 (transfer etc. of functions: further provisions), omit paragraph 5 and the heading before it (EU obligations).
- 47 In Part 2 of Schedule 7A (specific reservations), in section C7 (product standards, safety and liability), for paragraph 77 substitute—
- “77 The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law.”
- 48 In paragraph 5(1) of Schedule 7B (protected enactments), in the table—
- (a) omit the entry for the European Communities Act 1972, and
 - (b) after the entry for the Energy Act 2008 insert—
- “The European Union (Withdrawal) Act 2018 | The whole Act.”
- 49 In Schedule 11 (transitional provisions), omit paragraph 35A and the heading before it (instrument containing provisions under transferred power and provision under power in section 2(2) of the European Communities Act 1972: Assembly procedure).

Northern Ireland Act 1998

- 50 The Northern Ireland Act 1998 is amended as follows.
- 51 (1) Section 7 (entrenched enactments) is amended as follows.
- (2) In subsection (1)—
- (a) for “subsection (2)” substitute “subsection (2A)”,
 - (b) omit paragraph (a),
 - (c) omit “and” at the end of paragraph (c), and
 - (d) after paragraph (d) insert “; and
 - (e) the European Union (Withdrawal) Act 2018”.
- (3) Omit subsection (2).
- (4) Before subsection (3) insert—
- “(2A) Subsection (1) does not prevent an Act of the Assembly or subordinate legislation modifying—
- (a) paragraph 1(11) or (12) or 2(12) or (13) of Schedule 7 to the European Union (Withdrawal) Act 2018,
 - (b) paragraph 21 of Schedule 8 to that Act, or
 - (c) any regulations made under that Act.”
- 52 Omit section 12 (reconsideration where reference made to ECJ).

Status: This is the original version (as it was originally enacted).

- 53 In section 13 (stages of Bills), omit subsection (5)(b).
- 54 In section 14 (submission of Bills by the Secretary of State for Royal Assent), in subsection (3), omit paragraph (b) and the “or” before it.
- 55 In the heading of section 24 (EU law, Convention rights etc.)—
- (a) omit “EU law,”, and
 - (b) after “rights” insert “, retained EU law”.
- 56 (1) Section 27 (quotas for purposes of international etc. obligations) is amended as follows.
- (2) In subsection (1)(a), for “an obligation under EU law” substitute “a retained EU obligation”.
 - (3) In subsection (2), for “obligation under EU law” substitute “retained EU obligation”.
 - (4) In subsection (4), omit “or an obligation under EU law”.
 - (5) After that subsection insert—
 - “(4A) Where an order under subsection (1) is in force in relation to a retained EU obligation, the Minister or Northern Ireland department must (in the exercise of the Minister’s or the department’s functions) achieve so much of the result to be achieved under the obligation as is specified in the order by the time or times so specified.”
- 57 After section 96(4) (orders and regulations) insert—
- “(4A) Regulations under section 6A or 24(3)—
 - (a) shall be made by statutory instrument, and
 - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”
- 58 After section 96 (orders and regulations) insert—

“96A Explanatory statements in relation to certain regulations

- (1) This section applies where a draft of a statutory instrument containing regulations under section 6A or 24(3) is to be laid before each House of Parliament.
- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
 - (a) must make a statement explaining the effect of the instrument, and
 - (b) in any case where the Assembly has not made a decision to agree a motion consenting to the laying of the draft—
 - (i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
 - (ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by a relevant Minister giving the opinion of the relevant Minister as to why the Assembly has not made that decision.

Status: This is the original version (as it was originally enacted).

- (3) A statement of a Minister of the Crown under subsection (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.
 - (4) For the purposes of this section, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
 - (5) In this section “relevant Minister” means the First Minister and the deputy First Minister acting jointly or a Northern Ireland Minister.
 - (6) This section does not apply to a draft of an instrument which only contains regulations under section 6A or 24(3) which only relate to a revocation of a specification.”
- 59 In section 98(1) (interpretation)—
- (a) omit the definition of “EU law”, and
 - (b) in the definition of “international obligations” omit “EU law or”.
- 60 (1) Schedule 2 (excepted matters) is amended as follows.
- (2) In paragraph 3(c), for “, obligations under the Human Rights Convention and obligations under EU law” substitute “and obligations under the Human Rights Convention”.
 - (3) In paragraph 12(1), omit “, the European Parliament”.
- 61 In Schedule 3 (reserved matters), in paragraph 38, for the words from “Technical” to “not” substitute “The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law, other than”.
- 62 In paragraph 1(c) of Schedule 10 (devolution issues) omit the words from “, any obligation” to “such an obligation”.