

Statutory Document No. 2019/0043



European Union and Trade Act 2019

EUROPEAN UNION AND TRADE ACT 2019 (APPOINTED DAY)(NO.1) ORDER 2019

Made: 24 January 2019
Laid before Tynwald: 19 February 2019

The Council of Ministers makes the following Order under section 2 of the European Union and Trade Act 2019.

1 Title

This Order is the European Union and Trade Act 2019 (Appointed Day)(No.1) Order 2019.

2 Interpretation

In this Order “Act” means the European Union and Trade Act 2019.

3 Commencement of certain provisions of the Act on 1 February 2019

- (1) The provisions of the Act set out in paragraphs (2) to (7) come into operation on 1 February 2019.
- (2) Section 7 (retention of direct EU legislation) for the purposes of making regulations under section 7(1)(b).
- (3) Section 9(5) (exceptions to savings and retention) —
 - (a) for the purposes of making regulations under paragraph 1(2)(b) (challenges to validity of retained EU law) of Schedule 2 (further provision about exceptions to savings and retention); and
 - (b) insofar as it relates to paragraph 1(3) (challenges to validity of retained EU law) of Schedule 2,
and accordingly paragraph 1(2)(b) of Schedule 2 for the purposes of making regulations and paragraph 1(3) of Schedule 2.
- (4) Section 26 (rules of evidence) insofar as it relates to paragraph 2 (power to make provision about judicial notice and admissibility) of Schedule 3 (rules of evidence) and accordingly paragraph 2 of Schedule 3.
- (5) Section 28(5) (consequential and transitional provisions) —

- (a) for the purposes of making regulations under paragraph 2(2) (other existing ambulatory references) of Schedule 5 (general consequential provisions);
 - (b) insofar as it relates to paragraph 2(3) (other existing ambulatory references) of Schedule 5;
 - (c) insofar as it relates to paragraph 3 (existing powers to make statutory documents) of Schedule 5; and
 - (d) insofar as it relates to paragraph 4 (future powers to make statutory documents) of Schedule 5,
and accordingly paragraph 2(2) of Schedule 5 for the purposes of making regulations and paragraphs 2(3), 3 and 4 of Schedule 5.
- (6) Section 28(6) (consequential and transitional provisions) insofar as it relates to paragraph 4 (expiry of exercise of power) of Schedule 6 (transitional, transitory and saving provisions) and accordingly paragraph 4 of Schedule 6.
- (7) Section 28(7) (consequential and transitional provisions) insofar as it relates to the following paragraphs of Schedule 7 (specific consequential amendments), and accordingly those paragraphs of Schedule 7 —
- (a) paragraph 1 (Customs and Excise Act 1993);
 - (b) paragraph 2(1) (Interpretation Act 2015);
 - (c) paragraph 2(2);
 - (d) paragraph 2(3);
 - (e) paragraph 2(4);
 - (f) paragraph 2(5);
 - (g) paragraph 2(7);
 - (h) paragraph 2(8);
 - (i) paragraph 2(9);
 - (j) paragraph 2(10);
 - (k) paragraph 2(11)(a);
 - (l) paragraph 2(11)(c) insofar as it relates to the following definitions —
 - (i) “EEA agreement”;
 - (ii) “EEA state”;
 - (iii) ““exit day” (and related expressions)”;
 - (iv) ““member”, in the expression “member State””;
 - (v) “Protocol 3”;
 - (vi) “retained EU law”;
 - (vii) “retained direct EU legislation”;
 - (viii) “retained EU obligation”.

- (m) paragraph 3(1) (Legislation Act 2015);
- (n) paragraph 3(2);
- (o) paragraph 3(3);
- (p) paragraph 3(5);
- (q) paragraph 3(6).

MADE **24TH JANUARY 2019**

W GREENHOW
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation various provisions of the European Union and Trade Act 2019.

Article 3(2) brings into operation the regulation making power contained in section 7(1)(b) which allows regulations to be made to prescribe any EU regulation, EU decision or EU tertiary legislation which is to form part of Manx law on and after exit day.

Article 3(3) brings into operation the regulation making power contained in paragraph 1(2)(b) and (3) of Schedule 2 which allows regulations to be made to create exceptions from the general rule in paragraph 1(1) of that Schedule which prevents challenges to retained EU law post-exit on the grounds that an EU instrument was invalid.

Article 3(4) brings into operation paragraph 2 of Schedule 3 to the Act which allows regulations to be made about judicial notice and the admissibility of specified evidence of matters relating to retained EU law, EU law, the EEA agreement and to other instruments or documents issued by an EU entity.

Article 3(5) brings into operation —

- (a) the regulation making power contained in paragraph 2(2) and (3) of Schedule 5 which allows regulations to be made to specify references to, or to a provision of, an EU document which are to be read as references to such document as amended from time to time by EU law;
- (b) paragraph 3 of Schedule 5 to the Act which provides that enabling powers conferred before the passing of the Act and which may be exercised to modify Manx legislation are to be read as also being able to be exercised to modify retained direct EU legislation and anything which is saved under section 8 of the Act; and
- (c) paragraph 4 of Schedule 5 which provides that any enabling powers conferred after the passing of the Act may also be exercised to modify retained direct EU legislation or anything saved under section 8 of the Act.

Article 3(6) brings into operation paragraph 4 of Schedule 6 to the Act which makes clear that the time limit on the exercise of the regulation making powers in section 13 or 14 of the Act do not affect the continuing validity of regulations made under those powers before the expiry of the time limit.

Article 3(7) brings into operation various consequential provisions contained in Schedule 7 to the Act. Those consequential provisions amend the Customs and Excise Act 1993, the Interpretation Act 2015 and the Legislation Act 2015.

Sections 1 to 3, 4, 12 to 25, 27 and 28(1) to (4) of the Act came into operation on the announcement of Royal Assent in Tynwald.