



# Draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019

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## Section 20(1) of the European Union (Withdrawal) Act 2018 defines “exit day” as 29 March 2019.

After the European Council meeting on 21 March the Council issued a Decision taken in agreement with the United Kingdom, extending the period under Article 50(3) TEU which contains the following paragraph:

*The European Council agrees to an extension until 22 May 2019, provided the Withdrawal Agreement is approved by the House of Commons next week. If the Withdrawal Agreement is not approved by the House of Commons next week, the European Council agrees to an extension until 12 April 2019 and expects the United Kingdom to indicate a way forward before this date for consideration by the European Council.*

The Council's Decision was agreed by a letter by the UK Permanent Representatives, Sir Tim Barrow on 22 March: <https://www.gov.uk/government/news/confirmation-of-uk-government-agreement-to-article-50-extension>

The Decision changes the date of the UK's exit from the European Union but only operates for the purposes of EU law and does not change domestic law applying in the UK. The Regulations are needed to change the definition of the date of exit in UK law.

This is because the definition in the European Union (Withdrawal) Act 2018 needs to be changed and most of the EU exit related statutory instruments come into operation “on exit day”.

These Regulations change the definition of “exit day” so that it will be 11pm on 22nd May 2019 if the House of Commons approves the negotiated withdrawal agreement by 11pm on 29th March 2019. If such approval is not given by then, “exit day” is the earlier time of 11pm on 12th April 2019:

[http://www.legislation.gov.uk/ukdsi/2019/9780111184622/pdfs/ukdsi\\_9780111184622\\_en.pdf](http://www.legislation.gov.uk/ukdsi/2019/9780111184622/pdfs/ukdsi_9780111184622_en.pdf)

These Regulations do not change the content of any EU exit related instruments that have already been passed but are designed to ensure that the UK statute book functions when the UK's membership of the EU ends.

In our view, the Regulations are essential to ensure consistency in the operation of UK law with that of EU law under the above-noted EU Council Decision, which now determines when the EU Treaties shall cease to apply to the UK. Without these Regulations there would be great uncertainty and confusion in the operation of UK law.