



**GUILD  
OF CLEANERS  
& LAUNDERERS**

# Guild of Cleaners and Launderers



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Launderers

**August 2019**

**HR Bulletin -**

**A guide to your responsibilities**

## EU legislation and UK law - What is Likely to Happen after Brexit

### Before exit: Legislation originating from the EU

As a member of the European Union, the European Communities Act 1972 (c.68) section 2 makes provision for EU legislation to become law in the UK in two ways. Some EU legislation is directly applicable to the UK. This means that it applies automatically in UK law, without any action required by the UK. This legislation is published on the EUR-Lex website.

Other EU legislation requires domestic implementing legislation before it becomes national law. UK legislation that implements EU legislation is generally in the form of secondary legislation made under the European Communities Act 1972 (c. 68) section 2(2), though sometimes primary legislation, or secondary legislation made under another Act, is used. Implementing legislation is published on [legislation.gov.uk](http://legislation.gov.uk), as part of the UK statute book. For example, see The Re-use of Public Sector Information Regulations 2005 that implements the EU Directive on the re-use of public sector information (2003/98/EC).

**EU Exit** Schedule 5 to the European Union (Withdrawal) Act 2018 (c. 16) sets out the EU legislation that must be published after the UK has left the European Union. It also says that other useful legislation documents may be published.

Not all of this EU legislation will form part of UK law after EU exit. Section 3 and Section 20(1) of, and Schedule 6 to, the EU (Withdrawal) Act 2018, as amended by The European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) (No. 2) Regulations 2019, define what EU legislation will be retained in UK law, post-exit.

The publishing responsibility lies with the Queen's Printer, who is the Chief Executive of The National Archives. His duties are being met in two ways: through a new EU Exit Web Archive, and through [legislation.gov.uk](http://legislation.gov.uk).

**EU Exit Web Archive - a new creation** an EU Exit web archive collection, which is capturing a wider selection of documents from EUR-Lex up to the point of EU exit, in English, French and German. This includes Treaties, legislative acts, the Official Journal of the European Union, case law and other supporting materials, and judgements of the European Court of Justice

The EU Exit web archive collection will provide a comprehensive and official UK reference point for EU law as it stands at EU exit.

In preparation for EU Exit, they have already captured and published over 4 million web pages from EUR-Lex and will incrementally add to this collection until the UK exits the EU.

**legislation.gov.uk** - [legislation.gov.uk](http://legislation.gov.uk) is where they have published the legislation set out in Schedule 5 to the European Union (Withdrawal) Act 2018 (c. 16). they have also published corrigenda (correction slips for EU legislation) and EU Directives. On [legislation.gov.uk](http://legislation.gov.uk), this legislation is collectively called Legislation Originating from the EU. they have published this legislation ahead of exit to aid legal research and preparation.

At EU exit amendments made to EU legislation by the EU, and published on EUR-Lex, will not apply to the UK. Instead, the UK can make its own amendments to the EU legislation that is retained in UK law.

Amendments to retained EU legislation by UK legislation will be treated by [legislation.gov.uk](http://legislation.gov.uk) in the same way as amendments to other UK legislation. The amendments will be published in Changes to Legislation as soon as possible. When brought into force, these amendments will be carried out and revised versions of changed documents will be created. They will also create point in time versions of documents to show how they have changed over time.

Up to EU Exit, they will continue to capture and publish any new legislation adopted by the EU where it falls under the remit of Schedule 5 of the European Union (Withdrawal) Act 2018 (c.16), using the selection criteria below. They are also making sure that the EU legislation published on [legislation.gov.uk](http://legislation.gov.uk) continues to reflect that published on EUR-Lex. This includes

capturing any changes made, including some that may not yet have been applied to the legislation on EUR-Lex. They are publishing these in Changes to Legislation and on the pages where the legislation appears.

**Exemptions** - Schedule 6 of the European Union (Withdrawal) Act 2018 (c.16) lists documents (EU instruments, regulations, tertiary legislation) that are exempt EU instruments.

**Exceptions** - Schedule 5 of the European Union (Withdrawal) Act 2018 (c.16) creates a power for Ministers to create an exception from the duty to publish, in the form of a Ministerial Direction. This can relate to a specific document, or to a category of instruments. They will publish all Ministerial Directions on [legislation.gov.uk](http://legislation.gov.uk), and link them to the

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legislation that has been excepted.

## Selecting legislation originating from the EU to publish on legislation.gov.uk

Their source for legislation originating from the EU is EUR-Lex 'the official EU legislation website' and they are using their [CELEX sector classification scheme](#) to identify the legislation specified by [Schedule 5](#) of the European (Withdrawal) Act 2018 (c. 16). With the exception of the four Treaties all documents are from sector 3 (legislation), sub-sectors R (Regulations), L (Directives) and D (Decisions). When selecting which documents to publish on legislation.gov.uk they applied the following rules:

They have only published legislation that has an official EUR-Lex CELEX number and is available in English.

They have not published unnumbered legislation.

Where available, they have published revised versions of documents that incorporate amendments made over time. This is the default view when accessing documents on legislation.gov.uk.

They have also published original 'as adopted' versions of documents. These are the original versions of the legislation as first passed and adopted by the EU with no subsequent changes/amendments.

They have only published EU legislation that is publically available in XML or in PDF formats. Corrigenda are only available in PDF.

Not all EU tertiary legislation as defined in the European Union (Withdrawal) Act 2018 s.20 meets these criteria. Any EU tertiary legislation which is not available on legislation.gov.uk may be available on the EU Exit Web Archive.

## Citation, Numbering and Search

On legislation.gov.uk, to aid legal certainty, the Regulations, Decisions and Directives originating from the EU as published on legislation.gov.uk have the same year and number that they were assigned by the EU. For example, when searching for Council Regulation (EU) 2018/2056 of 6 December 2018 amending Regulation (EU) No 216/2013 on the electronic publication of the Official Journal of the European Union, select document type 'Regulations originating in the EU', then 2018 as the year and 2056 as the number.

References to EU legislation within UK legislation are to be interpreted as referring to the version of EU legislation as published on legislation.gov.uk unless clearly indicated otherwise.

The [European Union \(Withdrawal\) Act \(Consequential Modification and Repeals and Revocations\) \(EU Exit\) Regulations 2019](#) makes provision for how cross-references to European Union legislation up to the point immediately before exit should be read. It also makes provision for how cross-references to EU legislation post-exit should be read.

## Finding the right version of legislation after EU exit

### **Legislation.gov.uk: *the UK versions of legislation originating from the EU.***

They have already published a revised version of legislation originating from the EU (including amendments made by the EU pre-exit). Sometimes only an original version (as first adopted by the EU) is available.

They will continue to capture and publish legislation originating from the EU up to EU exit.

From EU exit, legislation.gov.uk is where you can find legislation originating from the EU, as it stood at EU exit, along with point in time versions to show how this legislation has changed over time.

They will update this legislation with any amendments made by the UK, post-exit.

### **EU Exit Web Archive: *EU legislation as it stood at EU exit.***

The [EU Exit Web Archive](#) will hold the version of EU legislation from EUR-Lex as it stood at EU exit.

A link to this version will be available from every item of legislation originating from the EU published on legislation.gov.uk. The EU exit day version held in the [EU Exit Web Archive](#) will not reflect any changes made after EU exit, either by the EU, or by the UK.

### **EUR-Lex: *EU legislation as it currently applies in the EU***

At EU exit, this legislation will not apply to the UK, but will provide the version of EU legislation as it applies in the EU.

A link to this version will be available from every item of legislation originating from the EU published on legislation.gov.uk.