



**St Helena
Government**

**EUROPEAN UNION WITHDRAWAL AGREEMENT
(LIMITED APPLICATION) BILL, 2020**

**EUROPEAN UNION WITHDRAWAL AGREEMENT (LIMITED APPLICATION)
ORDINANCE, 2020**

ARRANGEMENT OF SECTIONS

1. Short title and commencement
 2. Interpretation
 3. Saving of rights
 4. Regulations
-

Assented to in Her Majesty's name and on Her Majesty's behalf this day of , 2020.

Philip Rushbrook
Governor



**ST HELENA
NO. OF 2020**

Enacted.....
Date of Commencement.....
Published in the Gazette.....

**A BILL
FOR
AN ORDINANCE**

ONLY TO THE EXTENT APPLICABLE, TO GIVE EFFECT TO THE AGREEMENT WHICH ENSURES THE ORDERLY WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title and commencement

1. (1) This Ordinance may be cited as the European Union Withdrawal Agreement (Limited Application) Ordinance, 2020, and comes into force on a date or dates fixed by the Governor by Order.

(2) An Order under subsection (1) may—

- (a)* appoint different dates for different provisions or for different purposes of the same provision;
- (b)* contain such transitional or consequential provisions as appear to the Governor to be necessary or convenient; and
- (c)* be a retrospective provision.

Interpretation

2. In this Ordinance, unless the context otherwise indicates—

“the EU” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7th February 1992 (as amended by any later Treaty);

“exit day” is the date prescribed by the Governor by Order;

“retrospective provision”, means a provision taking effect from a date earlier than the date on which this Ordinance comes into force; and

“withdrawal agreement” means an agreement (whether or not ratified) between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom's withdrawal from the EU.

Saving of rights

3. For the purposes of the withdrawal agreement, any rights, powers, liabilities, obligations, restrictions, remedies and procedures which, immediately before exit day—

(a) are recognised and available in domestic law by virtue of section 2(1) of the European Communities Act 1972, and

(b) are enforced, allowed and followed accordingly,

continue on and after exit day to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly) for such period or until such date that the Governor in Council may by Order prescribe.

Regulations

4. (1) The Governor in Council may make regulations under this section generally for carrying into effect the provisions of this Ordinance.

(2) A Regulation made under subsection (1) may so far as necessary to give effect to subsection (1) be a retrospective provision.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

This Ordinance makes provision for the saving of the rights, powers, liabilities, obligations, restrictions, remedies and procedures under the Treaty of the European Union (The Treaty) as per the application of the European Communities Act 1972 in domestic law in St Helena. On the United Kingdom (UK) exiting the European Union (EU) the Treaty will cease to apply to St Helena in domestic law. The proposed Withdrawal Agreement (WA) of the UK from the EU provides for a transitional period where applicable EU law will continue to apply in the UK. Under the WA this extends to the Overseas Territories so far as those laws previously applied there under the Treaty.

Under the WA such savings will be for such period or until such date to still be determined. To this end the Ordinance makes provision for the Governor to make Orders in relation to the effective time period of the savings. The Governor may also make Regulations under the Ordinance for generally carrying into effect the Ordinance and these are permitted under the Ordinance to be retrospective so far as necessary.

