EXPLANATORY MEMORANDUM TO

THE CRIMINAL JUSTICE (AMENDMENT ETC.) (EU EXIT) REGULATIONS 2019

2019 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Act.

2. Purpose of the instrument

2.1 The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 ("the Criminal Justice SI" or "the SI") are made using powers in the European Union (Withdrawal) Act 2018 ("the Act"). Its purpose is to address failures in retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom (UK) from the European Union (EU) by amending the domestic legislation which implemented five EU criminal justice measures. These measures are:

- Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims ("VCD");
- Directive 2011/99/EU of the European Parliament and the Council of 13 December 2011 on the European Protection Order (hereafter "EPOD" and the orders made under it are referred to as "EPOs");
- Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (hereafter the European Supervision Order Framework Decision or "ESOFD", whilst the orders made under which are referred to as "ESOs");
- Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties ("MRFP"); and
- Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings ("TAC").

2.2 The SI will revoke, repeal, or otherwise amend the implementing legislation related to these measures since the measures will be inoperable once the UK is not an EU Member State. Some transitional and saving provisions are made to promote an orderly exit.

Explanations

What did any relevant EU law do before exit day?

2.3 The VCD required EU Member States to have a compensation scheme for victims of violent intentional crime and established, between EU Member States, a system to facilitate mutual recognition to give effect to requests for assistance from victims of

such crimes in cases where the crime was committed in a Member State of the EU other than where the victim was habitually resident.

2.4 The EPOD established between EU Member States a system to facilitate the mutual recognition of certain kinds of "protective orders" made in criminal proceedings (for example, in England and Wales, a restraining order or bail condition) so such orders could be transferred from one EU Member State to another and be enforceable there.

2.5 The ESOFD established a system to facilitate between EU Member States the mutual recognition of decisions on "supervision measures" (certain kinds of bail conditions, such as prohibition from contacting a named individual) so the responsibility for supervision of that "supervision measure" could be transferred from one EU Member State to another.

2.6 MRFP established a framework enabling Member States to transfer certain financial penalties (of over €70) to other EU Member States for enforcement.

2.7 The TAC Framework Decision established that any known prior conviction in one EU Member State would be taken into account in any new proceedings in a different Member State to the extent that national law requires that State's national convictions to be taken into account; that is, as if it were a prior conviction in that State.

Why is it being changed?

2.8 The Regulations are being made to address failures of retained EU law to operate effectively arising from the UK's withdrawal from the EU. When the UK exits the EU, the reciprocity between EU Member States on which four of these five (i.e. all except TAC) EU Directives and Council Framework Decisions ("FDs") are based will cease as between the UK and the EU Member States, since these Directives and FDs are constructed to apply between EU Member States, and so cannot apply to the UK when it is no longer an EU Member State. Retaining the legislation that implemented the TAC Framework Decision would mean that the UK would continue to differentiate between individuals with prior convictions from EU Member States and those with prior convictions from non-EU Member States, thus treating one group of individuals differently to the other. While this was a requirement when the UK was a member state of the EU, it will no longer be appropriate or necessary when the UK is not itself an EU Member State and as such, these Regulations make the necessary amendments to place individuals with prior convictions obtained in the EU in the same position as those with prior convictions obtained in any other country outside the UK.

2.9 The UK Parliament cannot legislate to require EU Member States to continue to apply the rules set out by the EU Directives and FDs to the UK and the EU measures will no longer apply to the UK. Retaining domestic legislation that implements reciprocal obligations would mean that inoperative and deficient legislation would remain on the statute book. This SI seeks to amend the domestic legislation to remove those deficiencies and reflect the fact that the UK is no longer an EU Member State. The SI makes some saving and transitional provisions in order to make provision for progressing any requests made, or action begun, prior to the UK's exit from the EU but not concluded by that time.

What will it now do?

2.10 Part 2 of the Criminal Justice SI revokes legislation which implements the VCD relating to compensation to victims of violent intentional crime into UK law in England and Wales, Northern Ireland and Scotland (The Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005).

2.11 Part 3 of the Criminal Justice SI revokes the legislation that implements the EPOD (Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 and Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014). Savings and transitional provisions in Part 3 provide that EPOD-derived domestic restraining orders that were made before exit day can be varied or discharged on or after exit day, and that requests for recognition, modification or revocation of a European Protection Order received, but not processed, before exit day, can be processed after exit.

2.12 One point to note concerns regulations 5 and 11. These provide that in a transitional case, where a restraining order has been made before exit day, a magistrates' court may vary or discharge that order and must then ensure that the person subject to the order and the protected person are informed of that decision. Regulation 5(4) (and regulation 11(4)) of the SI then provide that, if necessary, the magistrates' court can share the contact details of the protected person with the person subject to the order, so that he or she can comply with the terms of their restraining order. Similar provisions are made in regulations 6(7), 7(8), 12(7) and 13(8). These provisions mirror the existing duty on the magistrates' court when making restraining orders to implement an EPO issued in another member state (see regulation 14(4) of the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 and Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014). The decision to continue this position is a practical one - for example, if a restraining order prevents the person subject to it from entering the protected person's home, then this would be unenforceable without sharing the protected person's address.

2.13 Further, regulation 6(3)(b) of the SI makes savings provisions in respect of requests for recognition of EPOs that are received, but not determined, before exit day. In such a case, the court has the power to process those requests and issue restraining orders in the usual way. However, regulation 6(3)(b) effectively removes the obligation on the court to notify the member state which issued the EPO of the terms of the restraining order and the possible legal consequences of a breach. This is because the framework of cooperation which underpins the EPO Directive will no longer exist, and it is, therefore, inappropriate to impose an obligation on the court to notify the relevant member state.

2.14 Part 4 of the Criminal Justice SI revokes the implementing legislation for the ESOFD (Part 7 of and Schedule 6 to the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014).

2.15 Part 5 of the Criminal Justice SI amends the primary legislation which implements MRFP in England, Wales and Northern Ireland, i.e. the Criminal Justice and Immigration Act 2008 and the Courts Act 2003, so as to remove all references to the MRFP framework and procedures. Savings provisions in Part 5 preserve and modify relevant parts of the implementing legislation, for application to requests for enforcement of financial penalties made under MRFP, received by the Lord

Chancellor (for England and Wales) or the Department of Justice in Northern Ireland before exit day, i.e. cases in the system, so that they may be progressed through to conclusion.

2.16 Part 6 of the Criminal Justice SI amends the Prevention of Crime Act 1953, Magistrates Courts Act 1980, Police and Criminal Evidence Act 1984, Criminal Justice Act 1988, Criminal Justice and Public Order Act 1994, Crime and Disorder Act 1998, Powers of Criminal Courts (Sentencing) Act 2000, Criminal Justice Act 2003, Coroners and Justice Act 2009, and Police and Criminal Evidence (Northern Ireland) Order 1989 to provide for EU convictions to be treated in the same way as non-EU convictions in criminal proceedings in England and Wales and Northern Ireland. Transitional provisions in Chapter 4 provide that the amendments do not apply to criminal proceedings instituted before exit day such that EU convictions will continue to be treated in the same way as domestic convictions.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 The territorial application of this instrument varies between provisions.

4. Extent and Territorial Application

4.1 The territorial extent and the application of this Criminal Justice SI is: Part 2 - the United Kingdom; and Parts 3, 4, 5 and 6 - England and Wales and Northern Ireland although not every provision of Parts 3, 5 and 6 extend to both England and Wales and Northern Ireland.

4.2 With one exception, amendments and revocations made by this SI have the same extent within the United Kingdom as the provisions to which they relate. Regulation 29 extends only to England and Wales and Northern Ireland.

4.3 With one exception, the savings and transitional provisions also have the same extent within the United Kingdom as the provision to which it relates. Regulation 31 extends only to England and Wales and Northern Ireland only insofar as it relates to regulation 29.

5. European Convention on Human Rights

5.1 The Parliamentary Under-Secretary of State for Justice, Lucy Frazer QC MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 are compatible with the Convention rights."

6. Legislative Context

6.1 This SI will revoke or amend the following legislation:

- The Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005;

- The Criminal Justice (European Protection Order) England and Wales Regulations 2014 and The Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014;
- The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014
- The Criminal Justice and Immigration Act 2008, the Courts Act 2003
- The Prevention of Crime Act 1953, the Magistrates' Courts Act 1980, the Police and Criminal Evidence Act 1984, the Criminal Justice Act 1988, the Criminal Justice and Public Order Act 1994, the Crime and Disorder Act 1998, the Powers of Criminal Courts (Sentencing) Act 2000, the Criminal Justice Act 2003, the Coroners and Justice Act 2009, and the Police and Criminal Evidence (Northern Ireland) Order 1989.

7. Policy background

What is being done and why?

7.1 Following the UK's withdrawal from the EU, with no agreement to continue operating the five EU measures covered by this SI, the UK domestic legislative framework would be deficient in respect of the legislation that implemented those measures. This SI will correct those deficiencies. The five measures covered by this SI, the steps taken on each and why is described below, with some commentary on the outcome.

7.2 Part 2 revokes the implementing legislation related to the VCD. The implementing legislation, echoing the VCD, provided for a system of formal communication between the relevant authorities in each EU Member State to facilitate access to compensation for victims of violent intentional crime where they were harmed in a EU Member State other than the one in which they usually reside. When the UK is no longer a Member State this system will not operate in relation to the UK. By revoking the implementing legislation, the SI recognises this and corrects what would otherwise be a deficiency in the legislative framework. Following revocation, the UK will retain its own compensation scheme which will remain accessible to eligible victims who suffer injury as a result of a crime of violence while in the UK, including foreign nationals. The UK will otherwise, for those seeking access to Non-UK schemes, apply the Council of Europe Convention on the Compensation of Victims of Violent Crimes Directive (implemented on 1 June 1990) where appropriate, as it sometimes does now. This, similarly to the EU Directive, requires national authorities to provide maximum possible assistance to facilitate access to other national schemes. Eighteen of the remaining EU Member States are also party to this Convention. Victims of violent crime in EU Member States not party to the Convention, who meet the eligibility criteria, will be able to apply directly to compensation schemes in those Member States. The UK national authority will assist in this. Note: the total number of requests for assistance in applying for compensation from EU Member States has been 229 in three years.

7.3 Part 3 revokes the implementing legislation related to the EPOD and makes some saving/transitional provisions. Once the UK is no longer an EU Member State (since the EPOD provides that requests operate only between Member States) it will cease to apply to the UK. That means the UK will no longer be able to issue requests to other EU Member States and expect them to be acted upon, nor can any remaining EU Member State issue a request to the UK. It is not feasible to seek to operate the EPOD unilaterally, as the EPOD requires ongoing communication and cooperation between

the issuing and executing EU Member States; this framework of cooperation would not exist after a no deal exit. Equally, if the UK continued to issue EPOs unilaterally, it would create a false sense of protection, as EPOs issued by the UK would not necessarily be enforced in EU Member States. By revoking the implementing legislation, the SI recognises this and corrects what would otherwise be a deficiency in the legislative framework.

7.4 The implementing legislation provides for recognising and giving effect in England and Wales and Northern Ireland to protection orders issued in another EU Member State, this is given effect through the making of a restraining order under domestic legislation. The SI provides that any request which satisfies the criteria for acceptance which is received prior to exit will continue to progress to be recognised and would be enforceable, thereby extending the utility of the legislation as far as possible. The expectation is this will involve very few cases. There have been only four requests made to the UK to accept an EPO since the EPOD was implemented in 2015 and the UK has made only four requests to other EU Member States in the same period.

7.5 Part 4 revokes the implementing legislation related to the ESOFD. The ESOFD provides for and relies upon ongoing communication through the central (or relevant) authorities of the requesting and requested EU Member States. The requesting Member State retains jurisdiction over any transfer made, so, if there is a breach, the requested EU Member State must revert to the requesting EU Member State to determine next steps. Once the UK is no longer an EU Member State, the Framework Decision will cease to apply. Given this, to correct what would otherwise be a deficiency in domestic legislation (by maintaining provisions requiring obligations to provide reciprocity which will not be present after UK exit), the SI will revoke Part 7 of and Schedule 6 to the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014, which implemented the Framework Decision in England and Wales and Northern Ireland.

7.6 This means that at the point of the UK's exit from the EU, any person subject to an ESO issued by the courts of the UK who has left to go to another EU Member State to have the measure supervised there will not be subject to the ESO after that point, since the Framework Decision will no longer apply. Likewise, any person within the UK subject to an ESO issued by a remaining EU Member State will no longer be subject to the terms of the ESO. However, the UK has put in place plans to deal with this situation. The relevant authorities in England and Wales and Northern Ireland will be informed that an ESO issued in England and Wales or Northern Ireland will fall on exit day, and they may then take any steps it deems necessary. Likewise, the UK will contact the relevant authorities in any EU Member State who have made a request of supervision of the UK to inform them of the same. It is noteworthy here that the numbers subject to an ESO at exit day will be very small. The UK has made only two requests for supervision of other EU Member States since implementation of this FD in 2014. The UK has received two requests in the same period.

7.7 Part 5 revokes the implementing legislation related to MRFP. It revokes relevant provisions in the Criminal Justice and Immigration Act 2008 and the Courts Act 2003. The SI makes a saving provision for transitional cases (i.e. for requests received prior to exit day but not concluded by then).

7.8 This recognises that the EU measure, and the UK's implementing legislation, establishes a framework for transmission of certain financial penalties between EU Member States and that that framework will not apply to the UK when the UK is no

longer an EU Member State. The UK cannot issue requests for enforcement of penalties to remaining EU Member States with any expectation they would be acted upon. Likewise, remaining EU Member States will no longer address requests to UK since the framework operates only between EU Member States, so would not include the UK.

7.9 A saving/transitional provision is made by this SI to enable any request received prior to exit day to continue to be acted upon until conclusion. It is noteworthy that the number of cases anticipated to be in transition at exit day is likely to be few. Data shows that England and Wales received around 520 requests per year in the last seven years – and predominantly from one EU Member State (the Netherlands) - and has issued an average of about 475 per year to other EU Member States.

7.10 Part 6 amends the implementing legislation related to the TAC Framework Decision which provides that each EU Member State must take into account prior convictions obtained in a different EU Member State to the extent national law requires national convictions to be taken into account. This meant that prior convictions from EU Member States had a different status to non-EU prior convictions which will not be appropriate when UK is not a Member State. The SI provides that post-exit all prior convictions in third countries, whether from EU or non-EU countries, are treated the same.

7.11 The SI makes a transitional provision in Chapter 4, which provides that the amendments do not apply to criminal proceedings that have already been instituted in England and Wales or Northern Ireland before exit day.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union. The instrument is also made using the power in paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018. In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 The Ministry of Justice has no plans for consolidation of relevant enactments at present.

10. Consultation outcome

10.1 There has been no formal public consultation on this instrument.

11. Guidance

11.1 The Government does not intend to provide guidance on this statutory instrument, as it relates mainly to technical changes.

12. Impact

12.1 We have assessed the impact of this instrument and will publish a full impact assessment shortly.

12.2 No, or no significant, impact on the private, voluntary or public sector is foreseen. This instrument does not have an effect on business or give rise to any new costs or have any financial or economic impacts. The impact of this instrument, including on individuals, is negligible.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required.

15. Contact

15.1 Olga Kostiw at the Ministry of Justice, EU Exit Criminal Justice Policy, Telephone: 0203 334 6400 or email: olga.kostiw@justice.gov.uk can be contacted with any queries regarding this instrument.

15.2 Kristen Tiley, Deputy Director of Europe Division at the Ministry of Justice, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Lucy Frazer QC MP, the Parliamentary Under-Secretary of State for Justice can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Sifting statement(s)

1.1 The Parliamentary Under-Secretary of State for Justice, Lucy Frazer QC MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)".

1.2 This is the case because the Criminal Justice SI contains regulations under section 8(1) of the European Union (Withdrawal) Act 2018, but does not fall into the category of regulations identified in paragraph 1(2) of Part 1 of Schedule 7 to the European Union (Withdrawal) Act 2018 as requiring approval in draft by resolution of both Houses of Parliament. This instrument amends legislation that makes provision for, or in connection with, reciprocal arrangements between UK and Member States - namely for the Compensation of Victims of Violent Intentional Crime, European Protection Orders, European Supervision Orders and Mutual Recognition of Financial Penalties criminal justice measures. As the reciprocal arrangements on which these measures are based will not operate post-exit, once the UK is not an EU Member State, this SI will correct any deficiencies to ensure there is a clear statute book. For the Taking Account of Convictions Framework Decision (TACFD), whilst not strictly reciprocal in nature, the changes are needed to bring domestic arrangements concerning EU and non-EU arrangements into line.

2. Appropriateness statement

2.1 The Parliamentary Under-Secretary of State for Justice, Lucy Frazer QC MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 do no more than is appropriate".

2.2 This is the case because by revoking and amending the legislation that implemented the various Directives and Framework Decisions these Regulations do no more than is appropriate to remedy the deficiencies arising from exit.

3. Good reasons

3.1 The Parliamentary Under-Secretary of State for Justice, Lucy Frazer QC MP has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action".

3.2 These are that the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 amend legislation that implemented the UK's obligations under the five EU measures

and which makes provision for, or in connection with, reciprocal arrangements between the UK and Member States which, post-exit, will cease. Further details regarding the reasons are set out in paragraphs 7.1 to 7.11 of this explanatory memorandum.

4. Equalities

4.1 The Parliamentary Under-Secretary of State for Justice, Lucy Frazer QC MP, has made the following statement:

"The draft instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts."

4.2 The Parliamentary Under-Secretary of State Minister for Justice, Lucy Frazer QC MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

"In relation to the draft instrument, I, Lucy Frazer have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010."

5. Explanations

5.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.