

# Brexit essentials: Q&As on agreements and operation of UK law

by Practical Law Brexit

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This note gives short answers to common questions about Brexit withdrawal matters, the transition period, the future UK-EU relationship, and the operation of UK law during and after transition.

For a brief guide to the main people and organisations associated with Brexit, see [Practice note, Brexit who's who: people, organisations and legislation](#). For an overview of Brexit-related primary legislation, see [Practice note, Brexit-related primary legislation](#). For more Thomson Reuters® Practical Law content on Brexit withdrawal matters, the transition period, and the future UK-EU relationship, see the [Brexit page](#) and [Brexit statutory instruments page](#) on Practical Law.

## When did the UK leave the EU?

The UK left the EU at 11.00 pm (UK time) on 31 January 2020 (exit day), and is no longer an EU member state. The UK-EU withdrawal agreement came into force on exit day, following the prior completion of the ratification and notification procedures by the UK and the EU (see [Practice notes, Brexit: Article 50 and the withdrawal process: Requirements for negotiation, approval and ratification of withdrawal agreement, Brexit: withdrawal agreement text and UK-EU withdrawal agreement: transition text](#)).

The UK government originally intended the UK to leave the EU at 11.00 pm (UK time) on 29 March 2019. However, on 22 March, 11 April and 29 October 2019, the European Council and the UK government reached legal agreements to extend the Article 50 period (see [Practice note, Brexit: extension and exit day](#)).

Under the terms of the withdrawal agreement, a post-Brexit transition period started on exit day and ended at 11.00 pm (UK time) on 31 December 2020. During the transition period, most EU law continued to apply to the UK, and the UK continued to be treated for most purposes as if it were still an EU member state (see [What happens during the transition period?](#)).

## Brexit legislation at the end of the transition period

At the end of the transition period:

- Sections 2 to 4 of the EUWA created retained EU law (see [Practice note, UK law after end of post-Brexit](#)

[transition period: overview: Creation of retained EU law: legislating for continuity](#)).

- Retained EU law has been amended by UK primary and secondary legislation, including Brexit SIs (see [Practice notes, UK law after end of post-Brexit transition period: overview: Amendment of retained EU law and Guide to assessing legal change after end of post-Brexit transition period: Retained EU law and amendment by UK legislation](#)).
- When interpreting retained EU law, UK courts must continue to follow the previous interpretations of EU and EU-derived law that were decided in UK and EU case law before the end of the transition period, until a UK court (with the power to do so) departs from those previous interpretations, or until UK legislation modifies the relevant retained EU law. Once modified, the UK courts can choose to follow the previous interpretations (provided this is consistent with the intention of the modifications). Where an interpretation would conflict with the terms of the withdrawal agreement (as implemented into UK law by UK legislation), the withdrawal agreement takes precedence (see [Practice note, Interpretation of retained EU law and UK-EU withdrawal agreement](#)).
- Many of the SIs made in preparation for the “no-deal on exit day” scenario, and then deferred, came into force on (or by reference to) the end of the transition period (IP completion day). These include SIs made under the EUWA (for example, to correct retained EU law to work in a UK legal context), SIs made under Brexit-related Acts (for example, to implement policy changes), and SIs made under pre-existing legislation

(see [Practice notes, UK law after end of post-Brexit transition period: overview: Amendment of retained EU law and European Union \(Withdrawal Agreement\) Act 2020: Mass deferral of EU exit SIs](#)).

- Primary and secondary legislation has introduced new UK policies to replace or amend the retained EU law versions of EU policies (in areas such as agriculture, customs, the environment, fisheries, nuclear safeguards, and sanctions) (see [Practice notes, Brexit-related primary legislation and UK law after end of post-Brexit transition period: overview: Legislating for UK policy change after end of transition period](#)). The EUWA did not aim to make major policy changes or establish new legal frameworks beyond those which were appropriate to ensure that the law continued to function properly at the end of the transition period.
- The [European Union \(Future Relationship\) Act 2020 \(FRA\)](#) made provision to implement into UK law the UK-EU trade and co-operation agreement, UK-EU security of classified information agreement, and UK-Euratom nuclear co-operation agreement. It includes a glossing mechanism in [section 29](#), which provides for the general implementation of provisions of these agreements which are not implemented by any other mechanism. Glossing requires the modifications to be read across to domestic law, in contrast to text amendments to the law (see [Practice note, European Union \(Future Relationship\) Act 2020](#)).

Much legal continuity can be maintained unilaterally after the end of the transition period. However, some aspects of legal continuity, and some potential future policies, are dependent on reciprocity, and were therefore contingent on the UK government reaching international agreements with the EU, individual EU member states, or non-EU countries. Such agreements could be temporary (such as transitional arrangements), or more permanent (such as the future UK-EU relationship agreements).

In the absence of agreement for reciprocal arrangements to continue on a reciprocal basis after the end of the transition period, the amendments to UK law required to address lost reciprocity could have significant legal and practical implications. Such amendments might, for example:

- Remove references relating to the previous reciprocal regime.
- Clarify the basis for the replacement UK regime. A replacement regime could, for example, be new, or rely on existing common law and statute that operates outside the previous reciprocal regime, or be based on other international agreements. There might be major differences between the two regimes if it is not possible to mirror, in other ways, the reciprocity that has been lost.

- Set out what will happen to UK-based procedures that straddle the two regimes.

For more information on Brexit legislation at the end of the transition period, including Brexit SIs, and legislation that will implement international agreements, see [Practice notes, UK law after end of post-Brexit transition period: overview](#), [Guide to assessing legal change after end of post-Brexit transition period](#) and [Brexit-related primary legislation](#).

For information on the application of international agreements to the UK after the end of the transition period, see [Practice notes, Brexit: application of international agreements to the UK](#) and [Guide to assessing legal change after end of post-Brexit transition period: Other international agreements](#).

For links to Brexit-related SIs that Practical Law editors have identified as particularly relevant to their practice areas, see [Brexit statutory instruments tracker](#).

## What is happening now on the future relationship?

The three [future relationship agreements](#) that were negotiated during 2020 (the UK-EU trade and co-operation agreement, the supplementing UK-EU security of classified information agreement, and the UK-Euratom nuclear co-operation agreement) entered into force at 11.00 pm (UK time) on 30 April 2021. They had previously applied on a provisional basis since the end of the [transition period](#). On 30 April 2021, following final legal revision:

- The definitive texts of the future relationship agreements were published in the Official Journal of the European Union ([OJ 2021 L149](#) and [OJ 2021 L150](#)). These replaced the versions of the agreements that were published in the Official Journal on 31 December 2020 (see [Legal update, Future UK-EU relationship: ratified agreements published in Official Journal](#)).
- The government published the final texts of the future relationship agreements as command papers in the Treaty Series (see [Legal update, UK government publishes final texts of future relationship agreements](#)).

Procedural requirements that had to be satisfied before the agreements could enter into force included:

- Parliament's approval of the UK implementing legislation (see [Practice note, European Union \(Future Relationship\) Act 2020](#)).
- Consent of the European Parliament, which was given in a [resolution](#) passed on 28 April 2021.

- Conclusion on behalf of the EU by Council Decision, which was [adopted](#) on 29 April 2021.

For more information on the procedures for the UK and the EU to provisionally apply, ratify and conclude future relationship agreements, see [Practice note, Future UK-EU relationship: procedure and timeframe: Provisional application of agreements, EU requirements for conclusion of agreements and UK requirements for ratification of agreements](#).

For more Practical Law content on the future UK-EU relationship, see [UK legal change post-transition and UK-EU agreements toolkit: Future UK-EU relationship](#), [Brexit materials: Future UK-EU relationship](#) and [Future UK-EU relationship agreements: Practical Law materials tracker](#).

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