



**Isle of Man**

*Ellan Vannin*

**AT 10 of 1994**

**EUROPEAN COMMUNITIES  
(AMENDMENT) ACT 1994**





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## EUROPEAN COMMUNITIES (AMENDMENT) ACT 1994

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## EUROPEAN COMMUNITIES (AMENDMENT) ACT 1994

<i>Received Royal Assent:</i>	<i>21 June 1994</i>
<i>Passed:</i>	<i>21 June 1994</i>
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AN ACT to make provision consequential on the Treaty on European Union signed at Maastricht on 7 February 1992; and to make provision in relation to the European Economic Area established under the Agreement signed at Oporto on 2 May 1992 as adjusted by the Protocol signed at Brussels on 17 March 1993.

### PART I – EUROPEAN UNION

1 [Repealed]<sup>1</sup>

### PART II – EUROPEAN ECONOMIC AREA

2 [Repealed]<sup>2</sup>

3 **Consistent application of law to whole of EEA**

- (1) Where —
- (a) the operation of any relevant enactment is limited (expressly or by implication) by reference to the European Union or by reference to some connection with the European Union, and<sup>3</sup>
  - (b) the enactment relates to a matter to which the Agreement (as it has effect on the date on which it comes into force) relates,

then, unless the context otherwise requires, the enactment shall have effect on and after that date in relation to that matter with the substitution of a corresponding limitation relating to the European Economic Area (or where appropriate, to both the European Union and the European Economic Area).<sup>4</sup>

- (2) Subsection (1) shall —

- (a) not apply to a relevant enactment by reason only that it refers to, or to a provision of, one of the Treaties or an EU instrument;<sup>5</sup>
  - (b) in the case of a relevant enactment the operation of which is limited by reference to an EU institution, not be construed as requiring the substitution of a limitation relating to the EFTA Surveillance Authority or the EFTA Court; and<sup>6</sup>
  - (c) have effect subject to such exceptions and modifications as may be prescribed by regulations made by the Council of Ministers.
- (3) Subsection (1) shall not be regarded —
- (a) as having an effect which is inconsistent with the operation, by virtue of the Agreement, of section 2(1) of the 1973 Act as at immediately before IP completion day.<sup>7</sup>
  - (b) [Repealed]<sup>8 9</sup>
- (3A) This section is subject to any amendment, repeal, revocation or other modification of retained EU law or Manx legislation on or after IP completion day.<sup>10</sup>
- (4) [Repealed]<sup>11</sup>
- (5) [Repealed]<sup>12</sup>
- (6) [Repealed]<sup>13</sup>

#### 4 General implementation of Agreement

- (1) Subject to section 3, where by virtue of the Agreement (as it has effect on the date on which it comes into force) it is necessary for a purpose mentioned in section 2B(1)(a) or (b) of the 1973 Act that any relevant provision should have effect with modifications which can be ascertained from the Agreement, then on and after that date the provision shall have effect with those modifications.
- (2) The Council of Ministers may by regulations modify or exclude the operation of subsection (1) in relation to a relevant provision where it appears to it appropriate to do so because of the suspension of any part of the Agreement in accordance with the terms of the Agreement.
- (3) Subsection (1) shall not be regarded —
- (a) as providing for modifications the effect of which is achieved through the operation, by virtue of the Agreement, of section 2(1) of the 1973 Act as at immediately before IP completion day.<sup>14</sup>
  - (b) [Repealed]<sup>15 16</sup>
- (4) Subsection (1) shall not apply so as to require a modification if that modification, or a corresponding modification limited so as to relate only to the European Union, —

- (a) could have been made, by Act passed before the date on which the Agreement comes into force, for a purpose mentioned in section 2B(1)(a) or (b) of the 1973 Act, but
  - (b) was not made (by that or other means).<sup>17</sup>
- (4A) This section is subject to any amendment, repeal, revocation or other modification of retained EU law or Manx legislation on or after IP completion day.<sup>18</sup>

## 5 [Repealed]<sup>19</sup>

## 6 Regulations

Regulations under section 3(2)(c) or section 4(2) shall not come into operation unless they are approved by Tynwald.

# PART III – GENERAL

## 7 Interpretation

(1) In this Act –

“**the 1973 Act**” means the *European Communities (Isle of Man) Act 1973* (before it ceases to have effect by virtue of section 5A(4) of the *European Union and Trade Act 2019*);<sup>20</sup>

“**the Agreement**” means the agreement on the European Economic Area signed at Oporto on 2 May 1992 together with the protocol adjusting that agreement signed at Brussels on 17 March 1993 as it has effect in relation to the Island having regard to the provisions of Articles 25, 26 and 27 of the Act annexed to the Treaty of Accession and to the provisions of the Protocol;<sup>21</sup>

“**the Protocol**” means Protocol No. 3 to the Act annexed to the Treaty of Accession;<sup>22</sup>

“**relevant enactment**” means a provision of any enactment passed, or as the case may be, made, before the date on which the Agreement comes into force;

“**relevant provision**” means –

- (a) a provision of a relevant enactment;
- (b) a provision of any other instrument made before the date on which the Agreement comes into force by a person as against whom the effect of a directive issued by an EU institution (if such a directive were relevant) might be relied upon in proceedings to which he was a party;<sup>23</sup>

“**Treaty of Accession**” means the Treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22 January 1972.<sup>24</sup>

- (2) References in this Act to the date on which the Agreement comes into force are references to the date on which (in accordance with the Protocol signed at Brussels on 17 March 1993) it comes into force otherwise than as regards Liechtenstein.

## 8 Short title

This Act may be cited as the European Communities (Amendment) Act 1994.



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> S 1 repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>2</sup> S 2 repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>3</sup> Para (a) amended by SD0606/12.

<sup>4</sup> Subs (1) amended by SD0606/12.

<sup>5</sup> Para (a) amended by SD0606/12.

<sup>6</sup> Para (b) amended by SD0606/12.

<sup>7</sup> Para (a) amended by European Union and Trade Act 2019 Sch 7 (as amended by SD2020/0058) with effect from 15/01/2021 at 17:57.

<sup>8</sup> Para (b) repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>9</sup> Subs (3) amended by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>10</sup> Subs (3A) inserted by European Union and Trade Act 2019 Sch 7 (as amended by SD2020/0058) with effect from 15/01/2021 at 17:57.

<sup>11</sup> Subs (4) repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>12</sup> Subs (5) repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>13</sup> Subs (6) repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>14</sup> Para (a) amended by European Union and Trade Act 2019 Sch 7 (as amended by SD2020/0058) with effect from 15/01/2021 at 17:57.

<sup>15</sup> Para (b) repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>16</sup> Subs (3) amended by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>17</sup> Subs (4) amended by SD0606/12.

<sup>18</sup> Subs (4A) inserted by European Union and Trade Act 2019 Sch 7 (as amended by SD2020/0058) with effect from 15/01/2021 at 17:57.

<sup>19</sup> S 5 repealed by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>20</sup> Definition of “the 1973 Act” substituted by European Union and Trade Act 2019 Sch 7 (as amended by SD2020/0058) with effect from 15/01/2021 at 17:57.

<sup>21</sup> Definition of “the Agreement” substituted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>22</sup> Definition of “the Protocol” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>23</sup> Para (b) amended by SD0606/12 and by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.

<sup>24</sup> Definition of “Treaty of Accession” inserted by European Union and Trade Act 2019 Sch 7 with effect from 15/01/2021 at 17:57.