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| Board Meeting: | 13 September 2018 | GJF RGB WITHOUT STRAPLINE |
| Subject: | EU Withdrawal Checklist |
| Recommendation: | Board members are asked to:  |  |  | | --- | --- | | Discuss and Note |  | | Discuss and Approve | X | | Note for Information only |  | | |
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## 1 Background

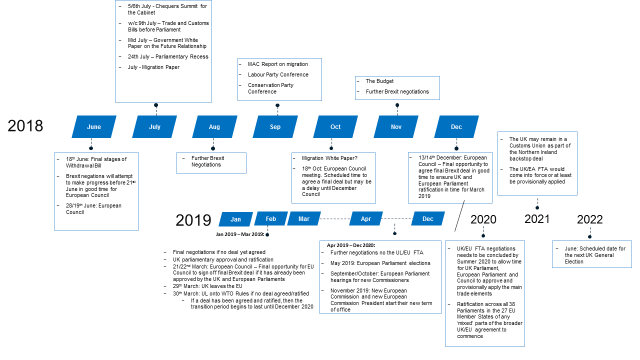
The EU (withdrawal) Bill repeals the European Communities Act on the UK day of exit, the **29th of March 2019** (at 11pm). It also says that any EU derived law that existed before exit day still works on and after exit day. The Bill also has provisions to allow a Minister of the Crown to amend exit date by regulation. However, the exit date is *also* enshrined in EU law – the Prime Minister triggered Article 50 on 29 March 2017, Article 50 gives a Member State two years before exit, this EU deadline can only be extended by a unanimous vote of the EU27.

The UK-EC have negotiated a transition agreement which pretty much maintains the status quo until **31 December 2020** in terms of membership and applicable law but will remove all formal influence after 29 March 2019. However, this transitional agreement will only be put in place if UK-EC has agreed a post-December 2020 framework. This trade or structural deal will be subject to UK Parliamentary vote and must be passed by both the European Parliament and the European Council.

This could lead to two possible outcomes:

1. A failure to agree by autumn 2018 a post-December 2020 UK-EU trade/structural arrangement would lead to a hard Brexit on 29 March 2019. In that case the UK-EU would default to WTO trading terms.
2. If a post December 2020 agreement is in place by autumn 2018, then the alternative scenario is that the UK formally leaves EU on 29 March 2019, but the transition period maintains the status quo until 31 December 2020. This would mean that the UK would continue to abide by EU laws (including freedom of movement) until 31 December 2020. In this case, the exit date is still legally 29 March 2019.

**2 EU withdrawal timetable**

All NHS Boards have been asked to consider our readiness for EU Withdrawal and the Scottish Government has asked for the attached checklist to be completed and sent by Friday 14 September 2018.

**3 Content**

The information contained with the checklist covers the main topics contained within our risk register and information received through national work on EU withdrawal.

The paper would not have been possible without a whole team approach with thanks to the teams across the organisation who contributed.

**4 Conclusion**

Board members are asked to discuss, provide suggestions and approve the response for Government.

**Anne Marie Cavanagh**

**Nurse Director**

**3 September 2018**

**(Sandie Scott, Head of Corporate Affairs)**