



# Law Derived from the European Union (Wales) Act 2018

2018 anaw 3

*EU derived Welsh law*

## **6 Challenges to EU derived Welsh law arising from invalidity of EU instruments**

- (1) There is no right in the law of England and Wales on or after exit day to challenge any EU derived Welsh law on the basis that, immediately before exit day, an EU instrument was invalid.
- (2) Subsection (1) does not apply so far as—
  - (a) the European Court has decided before exit day that the instrument is invalid,
  - (b) it relates to any conduct that occurred before exit day that gives rise to any criminal liability, or
  - (c) the challenge is of a kind described, or provided for, in regulations made by the Welsh Ministers.
- (3) Regulations under subsection (2)(c) may (among other things) provide for a challenge that would otherwise have been against an EU institution to be against a public authority exercising functions within devolved competence (other than a Minister of the Crown).