



# European Communities Act 1972

## 1972 CHAPTER 68

### PART I

#### GENERAL PROVISIONS

### 3 Decisions on, and proof of, Treaties and [F<sup>1</sup>EU instruments]etc.

- (1) For the purposes of all legal proceedings any question as to the meaning or effect of any of the Treaties, or as to the validity, meaning or effect of any [F<sup>2</sup>EU instrument] , shall be treated as a question of law (and, if not referred to the European Court, be for determination as such in accordance with the principles laid down by and any relevant [F<sup>3</sup>decision of [F<sup>4</sup>the European Court]]).
- (2) Judicial notice shall be taken of the Treaties, of the [F<sup>5</sup>Official Journal of the European Union] and of any decision of, or expression of opinion by, the [F<sup>6</sup>the European Court] on any such question as aforesaid; and the Official Journal shall be admissible as evidence of any instrument or other act thereby communicated of [F<sup>7</sup>the EU] or of any [F<sup>8</sup>EU institution] .
- (3) Evidence of any instrument issued by a [F<sup>9</sup>EU institution] , including any judgment or order of [F<sup>10</sup>the European Court] , or of any document in the custody of a [F<sup>9</sup>EU institution] , or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.
- (4) Evidence of any [F<sup>11</sup>EU instrument] may also be given in any legal proceedings—
  - (a) by production of a copy purporting to be printed by the Queen's Printer;
  - (b) where the instrument is in the custody of a government department (including a department of the Government of Northern Ireland), by production of a copy certified on behalf of the department to be a true copy by an officer of the department generally or specially authorised so to do;

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*Changes to legislation: European Communities Act 1972, Section 3 is up to date with all changes known to be in force on or before 23 December 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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and any document purporting to be such a copy as is mentioned in paragraph (b) above of an instrument in the custody of a department shall be received in evidence without proof of the official position or handwriting of the person signing the certificate, or of his authority to do so, or of the document being in the custody of the department.

- (5) In any legal proceedings in Scotland evidence of any matter given in a manner authorised by this section shall be sufficient evidence of it.

#### Annotations:

##### Amendments (Textual)

- F1** Words in s. 3 heading substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F2** Words in s. 3(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F3** Words substituted by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 2\(a\)](#)
- F4** Words in s. 3(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F5** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F6** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F7** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F8** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F9** Words in s. 3(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F10** Words in s. 3(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F11** Words in s. 3(4) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)

##### Modifications etc. (not altering text)

- C1** Sections 3(2)-(5) extended (5.11.1993) by 1993 c. 51, [s. 4](#)  
 S. 3(4) extended (1.7.1999) by 1998 c. 46, s. 125, [Sch. 8 para. 15\(4\)](#); S.I. 1998/3178, [art. 2](#)  
 S. 3(3)(4): power to modify conferred (2.12.1999) by 1998 c. 47, [s. 7\(2\)](#); S.I. 1999/3208, [art. 2](#)

**Changes to legislation:**

European Communities Act 1972, Section 3 is up to date with all changes known to be in force on or before 23 December 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 1(3) inserted by [2003 c. 44 Sch. 27 para. 3\(3\)](#)