

Changes to legislation: European Union (Withdrawal) Act 2018, Cross Heading: Retention of saved EU law at end of implementation period is up to date with all changes known to be in force on or before 21 April 2024. 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) View outstanding changes

SCHEDULES

SCHEDULE 8

CONSEQUENTIAL, TRANSITIONAL, TRANSITORY AND SAVING PROVISION

PART 4

SPECIFIC TRANSITIONAL, TRANSITORY AND SAVING PROVISION

Retention of ^{F1}saved EU law at end of implementation period

Textual Amendments

- F1** Words in Sch. 8 para. 38 cross-heading substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 56(2) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

- ^{F2}37A The repeal of section 1A(1) to (4) by section 1A(5) and the repeal of section 1B(1) to (5) by section 1B(6) do not prevent an enactment to which section 2 applies from continuing to be read, on and after IP completion day and by virtue of section 2, in accordance with section 1B(3) or (4).]

Textual Amendments

- F2** Sch. 8 para. 37A inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 56(3) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

- 38 Section 4(2)(b) does not apply in relation to any rights, powers, liabilities, obligations, restrictions, remedies or procedures so far as they are of a kind recognised by a court or tribunal in the United Kingdom in a case decided on or after ^{F3}IP completion day] but begun before ^{F3}IP completion day] (whether or not as an essential part of the decision in the case).

Textual Amendments

- F3** Words in Sch. 8 para. 38 substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 56(4) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Commencement Information

- I1** Sch. 8 para. 38 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with regs. 20, 21)

- 39 (1) Subject as follows and subject to ^{F4}relevant separation agreement law (for which see section 7C) and] any provision made by regulations under section 23(6) ^{F5}of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020],

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section 5(4) and paragraphs [F6 1 and 4] of Schedule 1 apply in relation to anything occurring before [F7 IP completion day] (as well as anything occurring on or after [F7 IP completion day]).

(2) Section 5(4) and paragraphs [F8 1 and 4] of Schedule 1 do not affect any decision of a court or tribunal made before [F7 IP completion day].

(3) Section 5(4) and [F9 paragraph] 4 of Schedule 1 do not apply in relation to any proceedings begun, but not finally decided, before a court or tribunal in the United Kingdom before [F7 IP completion day].

(4) Paragraphs [F10 1 and 4] of Schedule 1 do not apply in relation to any conduct which occurred before [F7 IP completion day] which gives rise to any criminal liability.

[F11 (5)]

[F11 (6)]

(7) Paragraph 4 of Schedule 1 does not apply in relation to any proceedings begun within the period of two years beginning with [F7 IP completion day] so far as the proceedings relate to anything which occurred before [F7 IP completion day].

Textual Amendments

- F4** Words in Sch. 8 para. 39(1) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), **Sch. 5 para. 56(5)(b)(i)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F5** Words in Sch. 8 para. 39(1) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), **Sch. 5 para. 56(5)(b)(ii)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F6** Words in Sch. 8 para. 39(1) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), **ss. 4(7)(a), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F7** Words in Sch. 8 para. 39 substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), **Sch. 5 para. 56(5)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F8** Words in Sch. 8 para. 39(2) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), **ss. 4(7)(b), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F9** Word in Sch. 8 para. 39(3) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), **ss. 4(7)(c), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F10** Words in Sch. 8 para. 39(4) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), **ss. 4(7)(d), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F11** Sch. 8 para. 39(5)(6) omitted (1.1.2024) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), **ss. 4(7)(e), 22(3)** (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

Commencement Information

- I2** Sch. 8 para. 39 in force at 31.12.2020 by [S.I. 2020/1622](#), **reg. 3(n)** (with [regs. 20, 21](#))

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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):

- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(4\)](#)
- s. 6(6B) inserted by [2023 c. 28 s. 6\(6\)](#)
- s. 6A-6C inserted by [2023 c. 28 s. 6\(8\)](#)
- s. 6A word substituted by [2023 c. 28 Sch. 2 para. 8\(4\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)