

**Changes to legislation:** European Union (Withdrawal) Act 2018, SCHEDULE 1 is up to date with all changes known to be in force on or before 04 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

### <sup>F1</sup>SCHEDULE 1

Section 5(6)

#### FURTHER PROVISION ABOUT EXCEPTIONS TO SAVINGS AND INCORPORATION

##### Textual Amendments

- F1** Words in Sch. 1 substituted (31.1.2020 for specified purposes, 31.12.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), **ss. 25(6)(a), 42(7)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(h); S.I. 2020/1622, reg. 5(d)

#### *Challenges to validity of [<sup>F2</sup>assimilated] law*

##### Textual Amendments

- F2** Word in Sch. 1 substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), **Sch. 2 para. 8(11)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

- 1 (1) There is no right in domestic law on or after [<sup>F1</sup>IP completion day] to challenge any [<sup>F2</sup>assimilated] law on the basis that, immediately before [<sup>F1</sup>IP completion day], an EU instrument was invalid.
- (2) Sub-paragraph (1) does not apply so far as—
- (a) the European Court has decided before [<sup>F1</sup>IP completion day] that the instrument is invalid, or
  - (b) the challenge is of a kind described, or provided for, in regulations made by a Minister of the Crown.
- (3) Regulations under sub-paragraph (2)(b) may (among other things) provide for a challenge which would otherwise have been against an EU institution to be against a public authority in the United Kingdom.

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

- C1** Sch. 1 para. 1(1) excluded (31.12.2020) by [The Challenges to Validity of EU Instruments \(EU Exit\) Regulations 2019 \(S.I. 2019/673\)](#), **regs. 1, 3** (as amended by S.I. 2020/1503, **regs. 1, 2(2)**); 2020 c. 1, Sch. 5 para. 1(1)

##### Commencement Information

- I1** Sch. 1 para. 1(2)(b) in force for specified purposes and Sch. 1 para. 1(3) in force at 4.7.2018 by S.I. 2018/808, **reg. 3(a)**
- I2** Sch. 1 para. 1(1)(2)(a) in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(k)**
- I3** Sch. 1 para. 1(2)(b) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, **reg. 3(k)**

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F3 ...

**Textual Amendments**

**F3** Sch. 1 para. 2 cross-heading omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F42 .....

**Textual Amendments**

**F4** Sch. 1 para. 2 omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F53 .....

**Textual Amendments**

**F5** Sch. 1 para. 3 omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

*Rule in Francovich*

4 There is no right in domestic law on or after [<sup>F1</sup>IP completion day] to damages in accordance with the rule in *Francovich*.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(k)

*Interpretation*

5 (1) References in section 5 and this Schedule to the principle of the supremacy of EU law, the Charter of Fundamental Rights, any general principle of EU law or the rule in *Francovich* are to be read as references to that principle, Charter or rule so far as it would otherwise continue to be, or form part of, domestic law on or after [<sup>F1</sup>IP completion day][<sup>F6</sup>by virtue of section 2, 3, 4 or 6(3) or (6) and otherwise in accordance with this Act].

F7(2) .....

**Textual Amendments**

**F6** Words in Sch. 1 para. 5(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), ss. 25(6)(b), 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)

**F7** Sch. 1 para. 5(2) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 3(3)(c), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)

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#### **Commencement Information**

**I5** Sch. 1 para. 5 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(k\)](#)

**Changes to legislation:**

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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.)