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DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

The European Union (Withdrawal) Act 2018 (Relevant  
Court) (Retained EU Case Law) Regulations 2020

**Test to be applied**

5. In deciding whether to depart from any retained EU case law by virtue of section 6(4)(ba) of the 2018 Act and these Regulations, a relevant court must apply the same test as the Supreme Court would apply in deciding whether to depart from the case law of the Supreme Court.