

*Status: Point in time view as at 31/12/2020.*

*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 15 March 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)*

## 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 retained EU law*

- 1 (1) There is no right in domestic law on or after [<sup>F1</sup>IP completion day] to challenge any retained EU 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)**

##### *General principles of EU law*

- 2 No general principle of EU law is part of domestic law on or after [<sup>F1</sup>IP completion day] if it was not recognised as a general principle of EU law by the European Court in a case decided before [<sup>F1</sup>IP completion day] (whether or not as an essential part of the decision in the case).

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**Commencement Information**

**I4** Sch. 1 para. 2 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(k\)](#)

- 3 (1) There is no right of action in domestic law on or after [F<sup>1</sup>IP completion day] based on a failure to comply with any of the general principles of EU law.
- (2) No court or tribunal or other public authority may, on or after [F<sup>1</sup>IP completion day] —
- (a) disapply or quash any enactment or other rule of law, or
  - (b) quash any conduct or otherwise decide that it is unlawful,
- because it is incompatible with any of the general principles of EU law.

**Commencement Information**

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

*Rule in Francovich*

- 4 There is no right in domestic law on or after [F<sup>1</sup>IP completion day] to damages in accordance with the rule in *Francovich*.

**Commencement Information**

**I6** 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 [F<sup>1</sup>IP completion day][F<sup>2</sup>by virtue of section 2, 3, 4 or 6(3) or (6) and otherwise in accordance with this Act].
- (2) Accordingly (among other things) the references to the principle of the supremacy of EU law in section 5(2) and (3) do not include anything which would bring into domestic law any modification of EU law which is adopted or notified, comes into force or only applies on or after [F<sup>1</sup>IP completion day].

**Textual Amendments**

**F2** 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\(d\)](#)

**Commencement Information**

**I7** Sch. 1 para. 5 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(k\)](#)

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