

SCHEDULES

SCHEDULE 1

Section 5(6)

FURTHER PROVISION ABOUT EXCEPTIONS TO SAVINGS AND INCORPORATION

Challenges to validity of retained EU law

- 1 (1) There is no right in domestic law on or after exit day to challenge any retained EU law on the basis that, immediately before exit day, an EU instrument was invalid.
- (2) Sub-paragraph (1) does not apply so far as—
 - (a) the European Court has decided before exit 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.

General principles of EU law

- 2 No general principle of EU law is part of domestic law on or after exit day if it was not recognised as a general principle of EU law by the European Court in a case decided before exit day (whether or not as an essential part of the decision in the case).
- 3 (1) There is no right of action in domestic law on or after exit 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 exit 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.

Rule in Francovich

- 4 There is no right in domestic law on or after exit day to damages in accordance with the rule in *Francovich*.

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 exit day in accordance with this Act.

Status: This is the original version (as it was originally enacted).

- (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 exit day.