

Status: Point in time view as at 04/07/2018. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 5 is up to date with all changes known to be in force on or before 18 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)

SCHEDULES

SCHEDULE 5 U.K.

Section 15(1) and (2)

PUBLICATION AND RULES OF EVIDENCE

PART 1 U.K.

PUBLICATION OF RETAINED DIRECT EU LEGISLATION ETC.

VALID FROM 03/07/2019

Things that must or may be published

- 1 (1) The Queen's Printer must make arrangements for the publication of—
- (a) each relevant instrument that has been published before exit day by an EU entity, and
 - (b) the relevant international agreements.
- (2) In this paragraph—
- “relevant instrument” means—
 - (a) an EU regulation,
 - (b) an EU decision, and
 - (c) EU tertiary legislation;
 - “relevant international agreements” means—
 - (a) the Treaty on European Union,
 - (b) the Treaty on the Functioning of the European Union,
 - (c) the Euratom Treaty, and
 - (d) the EEA agreement.
- (3) The Queen's Printer may make arrangements for the publication of—
- (a) any decision of, or expression of opinion by, the European Court, or
 - (b) any other document published by an EU entity.
- (4) The Queen's Printer may make arrangements for the publication of anything which the Queen's Printer considers may be useful in connection with anything published under this paragraph.
- (5) This paragraph does not require the publication of—
- (a) anything repealed before exit day, or
 - (b) any modifications made on or after exit day.

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Exceptions from duty to publish

- 2
- (1) A Minister of the Crown may create an exception from the duty under paragraph 1(1) in respect of a relevant instrument if satisfied that it has not become (or will not become, on exit day) retained direct EU legislation.
 - (2) An exception is created by giving a direction to the Queen's Printer specifying the instrument or category of instruments that are excepted.
 - (3) A Minister of the Crown must publish any direction under this paragraph.
 - (4) In this paragraph—
 - “instrument” includes part of an instrument;
 - “relevant instrument” has the meaning given by paragraph 1(2).

Commencement Information

II Sch. 5 para. 2 in force at 4.7.2018 by S.I. 2018/808, reg. 3(d)

PART 2 U.K.

RULES OF EVIDENCE

VALID FROM 31/12/2020

Questions as to meaning of EU law

- 3
- (1) Where it is necessary, for the purpose of interpreting retained EU law in legal proceedings, to decide a question as to—
 - (a) the meaning or effect in EU law of any of the EU Treaties or any other treaty relating to the EU, or
 - (b) the validity, meaning or effect in EU law of any EU instrument,
 the question is to be treated for that purpose as a question of law.
 - (2) In this paragraph—
 - “interpreting retained EU law” means deciding any question as to the validity, meaning or effect of any retained EU law;
 - “treaty” includes—
 - (a) any international agreement, and
 - (b) any protocol or annex to a treaty or international agreement.

Power to make provision about judicial notice and admissibility

- 4
- (1) A Minister of the Crown may by regulations—
 - (a) make provision enabling or requiring judicial notice to be taken of a relevant matter, or
 - (b) provide for the admissibility in any legal proceedings of specified evidence of—
 - (i) a relevant matter, or

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- (ii) instruments or documents issued by or in the custody of an EU entity.
- (2) Regulations under sub-paragraph (1)(b) may provide that evidence is admissible only where specified conditions are met (for example, conditions as to certification of documents).
- (3) Regulations under this paragraph may modify any provision made by or under an enactment.
- (4) In sub-paragraph (3) “enactment” does not include primary legislation passed or made after the end of the Session in which this Act is passed.
- (5) For the purposes of this paragraph each of the following is a “relevant matter”—
- (a) retained EU law,
 - (b) EU law,
 - (c) the EEA agreement, and
 - (d) anything which is specified in the regulations and which relates to a matter mentioned in paragraph (a), (b) or (c).

Commencement Information

12 Sch. 5 para. 4 in force at 4.7.2018 by S.I. 2018/808, reg. 3(e)

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