

SCHEDULES

SCHEDULE 5

Section 15(1) and (2)

PUBLICATION AND RULES OF EVIDENCE

PART 1

PUBLICATION OF RETAINED DIRECT EU LEGISLATION ETC.

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 - (a) anything repealed before exit day, or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.

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.

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- (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).

PART 2

RULES OF EVIDENCE

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
 - (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,

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- (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).