

**Changes to legislation:** European Union (Withdrawal) Act 2018, Part 2 is up to date with all changes known to be in force on or before 08 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) View outstanding changes

## SCHEDULES

### SCHEDULE 5

#### PUBLICATION AND RULES OF EVIDENCE

#### PART 2

#### RULES OF EVIDENCE

##### *Questions as to meaning of EU law*

- 3 (1) Where it is necessary, [<sup>F1</sup>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 <sup>F2</sup>... as a question of law.
- (2) In this paragraph—
- <sup>F3</sup>...
- “treaty” includes—
- (a) any international agreement, and
  - (b) any protocol or annex to a treaty or international agreement.

#### Textual Amendments

- F1** Words in Sch. 5 para. 3(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(3)(a)(i)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F2** Words in Sch. 5 para. 3(1) omitted (31.12.2020) by virtue of European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(3)(a)(ii)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F3** Words in Sch. 5 para. 3(2) omitted (31.12.2020) by virtue of European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(3)(b)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

#### Commencement Information

- I1** Sch. 5 para. 3 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(m)**

##### *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 [<sup>F4</sup>IP completion day].
- (5) For the purposes of this paragraph each of the following is a “relevant matter”—
- [<sup>F5</sup>(a) assimilated law,]
  - (b) EU law,
  - (c) the EEA agreement,
  - [<sup>F6</sup>(ca) the EEA EFTA separation agreement,
  - (cb) the Swiss citizens' rights agreement,
  - (cc) the withdrawal agreement,] and
  - (d) anything which is specified in the regulations and which relates to a matter mentioned in paragraph (a), (b) [<sup>F7</sup>, (c), (ca), (cb) or (cc)].

#### Textual Amendments

- F4** Words in Sch. 5 para. 4(4) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\)](#), [Sch. 5 para. 48\(4\)\(a\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)
- F5** Sch. 5 para. 4(5)(a) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\), s. 22\(3\)](#), [Sch. 2 para. 8\(13\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F6** Sch. 5 para. 4(5)(ca)-(cc) inserted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\)](#), [Sch. 5 para. 48\(4\)\(b\)\(i\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)
- F7** Words in Sch. 5 para. 4(5)(d) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\)](#), [Sch. 5 para. 48\(4\)\(b\)\(ii\)](#) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

#### Commencement Information

- I2** Sch. 5 para. 4 in force at 4.7.2018 by [S.I. 2018/808](#), [reg. 3\(e\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(4\)](#)
- s. 6(6B) inserted by [2023 c. 28 s. 6\(6\)](#)
- s. 6A-6C inserted by [2023 c. 28 s. 6\(8\)](#)
- s. 6A word substituted by [2023 c. 28 Sch. 2 para. 8\(4\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)