

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, 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”—

Status: This is the original version (as it was originally enacted).

- (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).