

Changes to legislation: European Union (Withdrawal) Act 2018, Cross Heading: Retention of saved EU law at end of implementation period is up to date with all changes known to be in force on or before 21 July 2023. 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 8

CONSEQUENTIAL, TRANSITIONAL, TRANSITORY AND SAVING PROVISION

PART 4

SPECIFIC TRANSITIONAL, TRANSITORY AND SAVING PROVISION

Retention of ^{F1}saved EU law at end of implementation period

Textual Amendments

- F1** Words in [Sch. 8 para. 38 cross-heading](#) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 56\(2\)](#) (with [s. 38\(3\)](#), [Sch. 5 para. 66](#)); [S.I. 2020/1622](#), [reg. 5\(j\)](#)

- ^{F2}37A** The repeal of section 1A(1) to (4) by section 1A(5) and the repeal of section 1B(1) to (5) by section 1B(6) do not prevent an enactment to which section 2 applies from continuing to be read, on and after IP completion day and by virtue of section 2, in accordance with section 1B(3) or (4).]

Textual Amendments

- F2** [Sch. 8 para. 37A](#) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 56\(3\)](#) (with [s. 38\(3\)](#), [Sch. 5 para. 66](#)); [S.I. 2020/1622](#), [reg. 5\(j\)](#)

- 38** Section 4(2)(b) does not apply in relation to any rights, powers, liabilities, obligations, restrictions, remedies or procedures so far as they are of a kind recognised by a court or tribunal in the United Kingdom in a case decided on or after ^{F3}IP completion day] but begun before ^{F3}IP completion day] (whether or not as an essential part of the decision in the case).

Textual Amendments

- F3** Words in [Sch. 8 para. 38](#) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 56\(4\)](#) (with [s. 38\(3\)](#), [Sch. 5 para. 66](#)); [S.I. 2020/1622](#), [reg. 5\(j\)](#)

Commencement Information

- I1** Sch. 8 para. 38 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [regs. 20, 21](#))

- 39** (1) Subject as follows and subject to ^{F4}relevant separation agreement law (for which see section 7C) and] any provision made by regulations under section 23(6) ^{F5}of this Act or section 41(5) of the European Union (Withdrawal Agreement) Act 2020],

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section 5(4) and paragraphs 1 to 4 of Schedule 1 apply in relation to anything occurring before [F6IP completion day] (as well as anything occurring on or after [F6IP completion day]).

- (2) Section 5(4) and paragraphs 1 to 4 of Schedule 1 do not affect any decision of a court or tribunal made before [F6IP completion day].
- (3) Section 5(4) and paragraphs 3 and 4 of Schedule 1 do not apply in relation to any proceedings begun, but not finally decided, before a court or tribunal in the United Kingdom before [F6IP completion day].
- (4) Paragraphs 1 to 4 of Schedule 1 do not apply in relation to any conduct which occurred before [F6IP completion day] which gives rise to any criminal liability.
- (5) Paragraph 3 of Schedule 1 does not apply in relation to any proceedings begun within the period of three years beginning with [F6IP completion day] so far as—
 - (a) the proceedings involve a challenge to anything which occurred before [F6IP completion day], and
 - (b) the challenge is not for the disapplication or quashing of—
 - (i) an Act of Parliament or a rule of law which is not an enactment, or
 - (ii) any enactment, or anything else, not falling within sub-paragraph (i) which, as a result of anything falling within that sub-paragraph, could not have been different or which gives effect to, or enforces, anything falling within that sub-paragraph.
- (6) Paragraph 3(2) of Schedule 1 does not apply in relation to any decision of a court or tribunal, or other public authority, on or after [F6IP completion day] which is a necessary consequence of any decision of a court or tribunal made before [F6IP completion day] or made on or after that day by virtue of this paragraph.
- (7) Paragraph 4 of Schedule 1 does not apply in relation to any proceedings begun within the period of two years beginning with [F6IP completion day] so far as the proceedings relate to anything which occurred before [F6IP completion day].

Textual Amendments

- F4** Words in Sch. 8 para. 39(1) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(b)(i)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F5** Words in Sch. 8 para. 39(1) inserted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(b)(ii)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)
- F6** Words in Sch. 8 para. 39 substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 56(5)(a)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(j)

Commencement Information

- I2** Sch. 8 para. 39 in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(n)** (with regs. 20, 21)

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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. 5(A1)-(A3) inserted by [2023 c. 28 s. 3\(1\)](#)
- s. 5(A4) inserted by [2023 c. 28 s. 4\(2\)\(a\)](#)
- s. 5(A2) words substituted by [2023 c. 28 Sch. 2 para. 8\(2\)](#)
- s. 5(8) inserted by [2023 c. 28 s. 3\(2\)](#)
- s. 5(8) words substituted by [2023 c. 28 Sch. 2 para. 8\(2\)](#)
- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(5ZA\)](#)
- 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\(4\)](#)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#)
- s. 6D inserted by [2023 c. 28 s. 8](#)
- s. 6D(1)(a) words substituted by [2023 c. 28 Sch. 2 para. 8\(7\)](#)
- s. 6D(1)(b) words substituted by [2023 c. 28 Sch. 2 para. 8\(7\)](#)
- s. 7(4A) words substituted by [2023 c. 28 Sch. 2 para. 8\(8\)\(b\)](#)
- Sch. 8 para. 11A(2) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(b\)](#)
- Sch. 8 para. 11B(2) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(b\)](#)
- Sch. 8 para. 11A(3) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(d\)\(i\)](#)
- Sch. 8 para. 11B(3) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(d\)\(i\)](#)
- Sch. 8 para. 11A(3) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(d\)\(ii\)](#)
- Sch. 8 para. 11B(3) words substituted by [2023 c. 28 Sch. 2 para. 8\(15\)\(d\)\(ii\)](#)