



European Union (Withdrawal) Act 2018

2018 CHAPTER 16

Retention of existing EU law

4 Saving for rights etc. under section 2(1) of the ECA

- (1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which, immediately before exit day—
 - (a) are recognised and available in domestic law by virtue of section 2(1) of the European Communities Act 1972, and
 - (b) are enforced, allowed and followed accordingly,continue on and after exit day to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).
- (2) Subsection (1) does not apply to any rights, powers, liabilities, obligations, restrictions, remedies or procedures so far as they—
 - (a) form part of domestic law by virtue of section 3, or
 - (b) arise under an EU directive (including as applied by the EEA agreement) and are not of a kind recognised by the European Court or any court or tribunal in the United Kingdom in a case decided before exit day (whether or not as an essential part of the decision in the case).
- (3) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation).