



# European Union (Withdrawal) Act 2018

## 2018 CHAPTER 16

### *Retention of <sup>F1</sup>saved EU law at end of implementation period*

#### **5 Exceptions to savings and incorporation**

<sup>F1</sup>(A1) The principle of the supremacy of EU law is not part of domestic law.

This applies after the end of 2023, in relation to any enactment or rule of law (whenever passed or made).

(A2) Any provision of <sup>F2</sup>assimilated direct] legislation—

- (a) must, so far as possible, be read and given effect in a way which is compatible with all domestic enactments, and
- (b) is subject to all domestic enactments, so far as it is incompatible with them.

(A3) Subsection (A2) is subject to—

- (a) section 186 of the Data Protection Act 2018 (data subject's rights and other prohibitions and restrictions);
- (b) regulations under section 7(1) of the Retained EU Law (Revocation and Reform) Act 2023.]

<sup>F3</sup>(A4) No general principle of EU law is part of domestic law after the end of 2023.]

<sup>F4</sup>(1) .....

<sup>F4</sup>(2) .....

<sup>F4</sup>(3) .....

(4) The Charter of Fundamental Rights is not part of domestic law on or after <sup>F5</sup>IP completion day].

<sup>F6</sup>(5) .....

(6) Schedule 1 (which makes further provision about exceptions to savings and incorporation) has effect.

*Status: Point in time view as at 01/01/2024.*

*Changes to legislation: European Union (Withdrawal) Act 2018, Section 5 is up to date with all changes known to be in force on or before 26 May 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)*

[<sup>F7</sup>(7) Subsections [<sup>F8</sup>(A1)] to (6) and Schedule 1 are subject to relevant separation agreement law (for which see section 7C).]

[<sup>F9</sup>(8) In this section “domestic enactment” means an enactment other than one consisting of [<sup>F10</sup>assimilated direct] legislation.]

#### Textual Amendments

- F1** Ss. 5(A1)-(A3) inserted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 3(1), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)
- F2** Words in s. 5(A2) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(2) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F3** S. 5(A4) inserted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(2)(a), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F4** S. 5(1)-(3) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 3(3)(a)(i), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)
- F5** Words in s. 5(1)-(5) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), ss. 25(4)(a), 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)
- F6** S. 5(5) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(2)(b), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)
- F7** S. 5(7) inserted (31.1.2020 for specified purposes, 31.12.2020 in so far as not already in force) by European Union (Withdrawal Agreement) Act 2020 (c. 1), ss. 25(4)(b), 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(h); S.I. 2020/1622, reg. 5(d)
- F8** Word in s. 5(7) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 3(3)(a)(ii), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)
- F9** S. 5(8) inserted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 3(2), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)
- F10** Words in s. 5(8) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 8(2) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

#### Modifications etc. (not altering text)

- C1** S. 5(A2): power to exclude conferred (29.6.2023) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 7(1), 22(1)(c)

#### Commencement Information

- I1** S. 5(1)-(5)(7) in force at 31.12.2020 by S.I. 2020/1622, reg. 3(d)
- I2** S. 5(6) in force at 4.7.2018 for specified purposes by S.I. 2018/808, reg. 3(a)
- I3** S. 5(6) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, reg. 3(d)

**Status:**

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