



# 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

- (1) The principle of the supremacy of EU law does not apply to any enactment or rule of law passed or made on or after <sup>F1</sup>IP completion day].
  - (2) Accordingly, the principle of the supremacy of EU law continues to apply on or after <sup>F1</sup>IP completion day] so far as relevant to the interpretation, disapplication or quashing of any enactment or rule of law passed or made before <sup>F1</sup>IP completion day].
  - (3) Subsection (1) does not prevent the principle of the supremacy of EU law from applying to a modification made on or after <sup>F1</sup>IP completion day] of any enactment or rule of law passed or made before <sup>F1</sup>IP completion day] if the application of the principle is consistent with the intention of the modification.
  - (4) The Charter of Fundamental Rights is not part of domestic law on or after <sup>F1</sup>IP completion day].
  - (5) Subsection (4) does not affect the retention in domestic law on or after <sup>F1</sup>IP completion day] in accordance with this Act of any fundamental rights or principles which exist irrespective of the Charter (and references to the Charter in any case law are, so far as necessary for this purpose, to be read as if they were references to any corresponding retained fundamental rights or principles).
  - (6) Schedule 1 (which makes further provision about exceptions to savings and incorporation) has effect.
- <sup>F2</sup>(7) Subsections (1) to (6) and Schedule 1 are subject to relevant separation agreement law (for which see section 7C).]

#### Textual Amendments

- F1** 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)

---

**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 18 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*

---

- F2** 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)

---

**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)**

**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 18 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 5(1)-(3) omitted by [2023 c. 28 s. 3\(3\)\(a\)\(i\)](#)
- s. 5(5) omitted by [2023 c. 28 s. 4\(2\)\(b\)](#)
- s. 5(7) word substituted by [2023 c. 28 s. 3\(3\)\(a\)\(ii\)](#)

**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\(15\)\(d\)\(ii\)](#)