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STATUTORY INSTRUMENTS

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**2019 No. 673**

**The Challenges to Validity of EU  
Instruments (EU Exit) Regulations 2019**

**Challenges which may continue relating to the validity of EU instruments**

**3.—(1)** Paragraph 1(1) of Schedule 1 to European Union (Withdrawal) Act 2018 does not apply in relation to a challenge to retained EU law where—

- (a) the challenge is on the basis that, immediately before [<sup>F1</sup>IP completion day], an EU instrument was invalid on any of the grounds set out in the second paragraph of Article 263 TFEU as it has effect immediately before [<sup>F1</sup>IP completion day]; and
- (b) the challenge relates to proceedings begun, but not finally decided, in a court or tribunal in the United Kingdom before [<sup>F2</sup>IP completion day].

(2) A challenge falls with paragraph (1) whether or not, before [<sup>F3</sup>IP completion day], the court or tribunal has made a preliminary reference to the European Court under Article 267 TFEU in relation to that challenge.

**F1** Words in reg. 3(1)(a) substituted (31.12.2020) by [The Challenges to Validity of EU Instruments \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1503\)](#), regs. 1, **2(2)(a)**

**F2** Words in reg. 3(1)(b) substituted (31.12.2020) by [The Challenges to Validity of EU Instruments \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1503\)](#), regs. 1, **2(2)(b)**

**F3** Words in reg. 3(2) substituted (31.12.2020) by [The Challenges to Validity of EU Instruments \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1503\)](#), regs. 1, **2(2)(c)**

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**Commencement Information**

**I1** Reg. 3 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Challenges to Validity of EU Instruments (EU Exit) Regulations 2019, Section 3.