

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 1

Section 5(6)

FURTHER PROVISION ABOUT EXCEPTIONS TO SAVINGS AND INCORPORATION

Textual Amendments

- F1** Words in Sch. 1 substituted (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(6)(a), 42(7)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(h); S.I. 2020/1622, reg. 5(d)

Challenges to validity of [^{F2}assimilated] law

Textual Amendments

- F2** Word in Sch. 1 substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), **Sch. 2 para. 8(11)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

- 1 (1) There is no right in domestic law on or after [^{F1}IP completion day] to challenge any [^{F2}assimilated] law on the basis that, immediately before [^{F1}IP completion day], an EU instrument was invalid.
- (2) Sub-paragraph (1) does not apply so far as—
- (a) the European Court has decided before [^{F1}IP completion day] that the instrument is invalid, or
 - (b) the challenge is of a kind described, or provided for, in regulations made by a Minister of the Crown.
- (3) Regulations under sub-paragraph (2)(b) may (among other things) provide for a challenge which would otherwise have been against an EU institution to be against a public authority in the United Kingdom.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 1(1) excluded (31.12.2020) by [The Challenges to Validity of EU Instruments \(EU Exit\) Regulations 2019 \(S.I. 2019/673\)](#), **regs. 1, 3** (as amended by S.I. 2020/1503, **regs. 1, 2(2)**); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Sch. 1 para. 1(2)(b) in force for specified purposes and Sch. 1 para. 1(3) in force at 4.7.2018 by S.I. 2018/808, **reg. 3(a)**
- I2** Sch. 1 para. 1(1)(2)(a) in force at 31.12.2020 by S.I. 2020/1622, **reg. 3(k)**
- I3** Sch. 1 para. 1(2)(b) in force at 31.12.2020 in so far as not already in force by S.I. 2020/1622, **reg. 3(k)**

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

F3 ...

Textual Amendments

F3 Sch. 1 para. 2 cross-heading omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F42

Textual Amendments

F4 Sch. 1 para. 2 omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

F53

Textual Amendments

F5 Sch. 1 para. 3 omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 4(6), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(b)

Rule in Francovich

4 There is no right in domestic law on or after [^{F1}IP completion day] to damages in accordance with the rule in *Francovich*.

Commencement Information

I4 Sch. 1 para. 4 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(k)

Interpretation

5 (1) References in section 5 and this Schedule to the principle of the supremacy of EU law, the Charter of Fundamental Rights, any general principle of EU law or the rule in *Francovich* are to be read as references to that principle, Charter or rule so far as it would otherwise continue to be, or form part of, domestic law on or after [^{F1}IP completion day][^{F6}by virtue of section 2, 3, 4 or 6(3) or (6) and otherwise in accordance with this Act].

F7(2)

Textual Amendments

F6 Words in Sch. 1 para. 5(1) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), ss. 25(6)(b), 42(7) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/1622, reg. 5(d)

F7 Sch. 1 para. 5(2) omitted (1.1.2024) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 3(3)(c), 22(3) (with s. 22(5)); S.I. 2023/1363, reg. 3(a)

Changes to legislation: European Union (Withdrawal) Act 2018, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 April 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) [View outstanding changes](#)

Commencement Information

I5 Sch. 1 para. 5 in force at 31.12.2020 by [S.I. 2020/1622](#), [reg. 3\(k\)](#)

Changes to legislation:

European Union (Withdrawal) Act 2018, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 April 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.

[View outstanding changes](#)

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. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(4\)](#)
- 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\(4\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)