

Status: Point in time view as at 31/01/2020.

Changes to legislation: European Union (Withdrawal) Act 2018, Cross Heading: Challenges to validity of retained EU law is up to date with all changes known to be in force on or before 11 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)

SCHEDULES

SCHEDULE 1

FURTHER PROVISION ABOUT EXCEPTIONS TO SAVINGS AND INCORPORATION

Challenges to validity of retained EU law

- 1 (1) There is no right in domestic law on or after [^{F1}exit day][^{F1}IP completion day] to challenge any retained EU law on the basis that, immediately before [^{F1}exit day][^{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}exit day][^{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.

Textual Amendments

- F1** Words in Sch. 1 substituted (31.1.2020 for specified purposes) 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)

Commencement Information

- II** 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\(a\)](#)

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