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**Changes to legislation:** European Union (Withdrawal) Act 2018, Cross Heading: Power to make provision about judicial notice and admissibility is up to date with all changes known to be in force on or before 09 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

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# SCHEDULES

## SCHEDULE 5

### PUBLICATION AND RULES OF EVIDENCE

#### PART 2

#### RULES OF EVIDENCE

##### *Power to make provision about judicial notice and admissibility*

- 4 (1) A Minister of the Crown may by regulations—
- (a) make provision enabling or requiring judicial notice to be taken of a relevant matter, or
  - (b) provide for the admissibility in any legal proceedings of specified evidence of—
    - (i) a relevant matter, or
    - (ii) instruments or documents issued by or in the custody of an EU entity.
- (2) Regulations under sub-paragraph (1)(b) may provide that evidence is admissible only where specified conditions are met (for example, conditions as to certification of documents).
- (3) Regulations under this paragraph may modify any provision made by or under an enactment.
- (4) In sub-paragraph (3) “enactment” does not include primary legislation passed or made after [F1IP completion day].
- (5) For the purposes of this paragraph each of the following is a “relevant matter”—
- [F2(a) assimilated law,]
  - (b) EU law,
  - (c) the EEA agreement,
  - [F3(ca) the EEA EFTA separation agreement,
  - (cb) the Swiss citizens' rights agreement,
  - (cc) the withdrawal agreement,] and
  - (d) anything which is specified in the regulations and which relates to a matter mentioned in paragraph (a), (b) [F4, (c), (ca), (cb) or (cc)].

#### Textual Amendments

- F1** Words in Sch. 5 para. 4(4) substituted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), Sch. 5 para. 48(4)(a) (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

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- F2** Sch. 5 para. 4(5)(a) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 8(13)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F3** Sch. 5 para. 4(5)(ca)-(cc) inserted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(4)(b)(i)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)
- F4** Words in Sch. 5 para. 4(5)(d) substituted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 48(4)(b)(ii)** (with s. 38(3), Sch. 5 para. 66); S.I. 2020/75, reg. 4(n)(xxi)

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**Commencement Information**

- I1** Sch. 5 para. 4 in force at 4.7.2018 by S.I. 2018/808, **reg. 3(e)**

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**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.)