

Retained EU Law (Revocation and Reform) Act 2023

Research Briefing

November 2023



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The **Retained EU Law (Revocation and Reform) Act 2023 (“the Act”)** is the UK Government’s plan for the majority of the EU law that remains in place after Brexit.

To minimise disruption when exiting the EU, the UK converted EU law to domestic law and called it retained EU law (REUL). REUL meant that pre-Brexit laws stayed in place with the aim of avoiding gaps in important areas like product standards, animal welfare and employment law. Almost three years later, REUL remains in place and there are different views on what the UK should do about it.

The Act is the means by which the UK Government intends to deal with the majority of EU law that remains in force in the UK after Brexit.

The Act:

- revokes some REUL so that it expires on 31 December 2023;
 - revokes EU-derived rights on 31 December 2023;
 - renames remaining REUL “assimilated law” from 1 January 2024;
 - grants UK and Welsh Ministers powers to preserve, amend, repeal and replace REUL and assimilated law more easily;
 - grants UK and Welsh Ministers powers to recreate the effect of the supremacy of retained EU law to a limited extent in relation to specific instruments;
 - provides domestic courts with greater discretion to depart from REUL case law; and
 - repeals the Business Impact Target as part of other regulatory reforms.
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1. Introduction

This briefing provides an overview of the **Retained EU Law (Revocation and Reform) Act 2023** with a focus on routes available to Welsh Ministers to preserve, reform and remove REUL.

Important features of the Act

Some important features of the Act are key to its understanding.

The exact number of REUL is unknown.

REUL is difficult to quantify. The UK Government estimates that there are 4,994 pieces of legislation on its **REUL dashboard** but this does not include REUL made by Welsh Ministers. An indication of the variety of REUL in place is that the dashboard shows there are 1,697 pieces of REUL on the environment, food and rural affairs law, 128 on health and social care, 28 on digital, culture, media and sport and 21 on education. Quantifying other aspects of REUL, such as retained EU general principles and case law, presents further challenges.

Secretary of State for Business and Trade, **Kemi Badenoch MP, told the Senedd's Legislation, Justice and Constitution (LJC) Committee** that the dashboard:

Is not intended to provide a comprehensive account of REUL in general, nor of REUL that sits with the competence of the devolved governments, although it may contain individual pieces of REUL which do sit in devolved areas. The devolved governments remain responsible for identifying REUL within their respective areas of devolved competence.

The **Welsh Government's original requests** for the dashboard to identify which legislation is reserved and devolved, and how Welsh legislation might be affected, were not agreed to by the UK Government.

There are different types of REUL.

There are **different categories** of REUL that reflect its origin in EU law. The three main categories are:

- 1. EU-derived domestic legislation**, is domestic law that gave EU law effect in the UK. This includes primary legislation, like the Equality Act 2010, and secondary legislation, like food regulations;
- 2. Retained direct EU legislation (RDEUL)**, which is EU law that automatically applied in the UK as a Member State, like EU Regulations and Decisions;

3. Other REUL, which covers other EU rights and obligations.

The powers granted to Welsh Ministers by the Act relate to secondary REUL in devolved areas.

Section 11(2) of the Act defines “secondary REUL” as:

- any retained EU law that is not primary legislation; and
- any retained EU law that is primary legislation, the text of which was inserted by subordinate legislation.

The Act simultaneously sets up a complex system of delegated powers and starts a countdown to key dates.

The Act has granted UK and Welsh Ministers broad powers, including to amend, repeal and replace REUL more easily.

The Act starts a countdown to 31 December 2023 when:

- Around 600 pieces of REUL listed on Schedule 1 of the Act will be revoked unless it was saved by UK or Welsh Ministers by 31 October 2023;
- Some Ministerial powers will expire;
- EU derived rights will automatically sunset;
- Changes will be made to how REUL is handled by the courts;
- Changes will be made to the domestic legal hierarchy; and
- REUL will be renamed “assimilated law” from 1 January 2024.

Many of the Act’s Ministerial powers expire on 23 June 2026.

In devolved areas, the Act gives powers to UK and Welsh ministers to act alone or jointly.

The Act defines a ‘relevant national authority’ as including UK Ministers, Welsh Ministers and UK Ministers acting jointly with the Welsh Ministers. Similar provisions apply as regards the devolved governments in Scotland and Northern Ireland. Where both devolved Ministers and UK Ministers have the same power to act in devolved areas, these are known as ‘concurrent powers’.

UK Ministers can use concurrent powers to act alone in devolved areas and there's no requirement to obtain consent from the Welsh Ministers. The use of these powers would be scrutinised by the UK Parliament and would bypass both the Welsh Government and the Senedd.

UK and Welsh Ministers could also exercise these powers jointly, in a single set of regulations they both agree upon. This would require parallel processes in the UK Parliament and Senedd.

Welsh Ministers have broad powers to make changes.

The Act provides Welsh Ministers with many routes to make changes, including to reform, restate or remove REUL. They could also save REUL listed on Schedule 1 so that it won't be revoked on 31 December 2023 but this power expired on 31 October 2023. Each option requires the Welsh Government to identify REUL, decide what it wants to do and choose which route to take under the Act, all while determining what the impact of the UK and other devolved governments' plans will have on what it wants to do. If no action is taken, REUL that has not been revoked on 31 December will be renamed 'assimilated law' from 1 January 2024 and will continue to apply as set out in the Act.

The infographic on the [page 5](#) shows how Welsh or UK Ministers could make these changes.

The UK Government will update its REUL dashboard and issue a report every six months on the Act until 23 June 2026. The UK Parliament should receive six reports in total.

Section 17 of the Act places a duty on the UK Government to produce reports on the Act covering six monthly periods and requirements for what the report should contain. Each report must be published and laid in the UK Parliament within 30 days of the below dates.

1. Reporting period 1: 23 December 2023
2. Reporting period 2: 23 June 2024
3. Reporting period 3: 23 December 2024
4. Reporting period 4: 23 June 2025
5. Reporting period 5: 23 December 2025
6. Reporting period 6: 23 June 2026

Each report must provide:

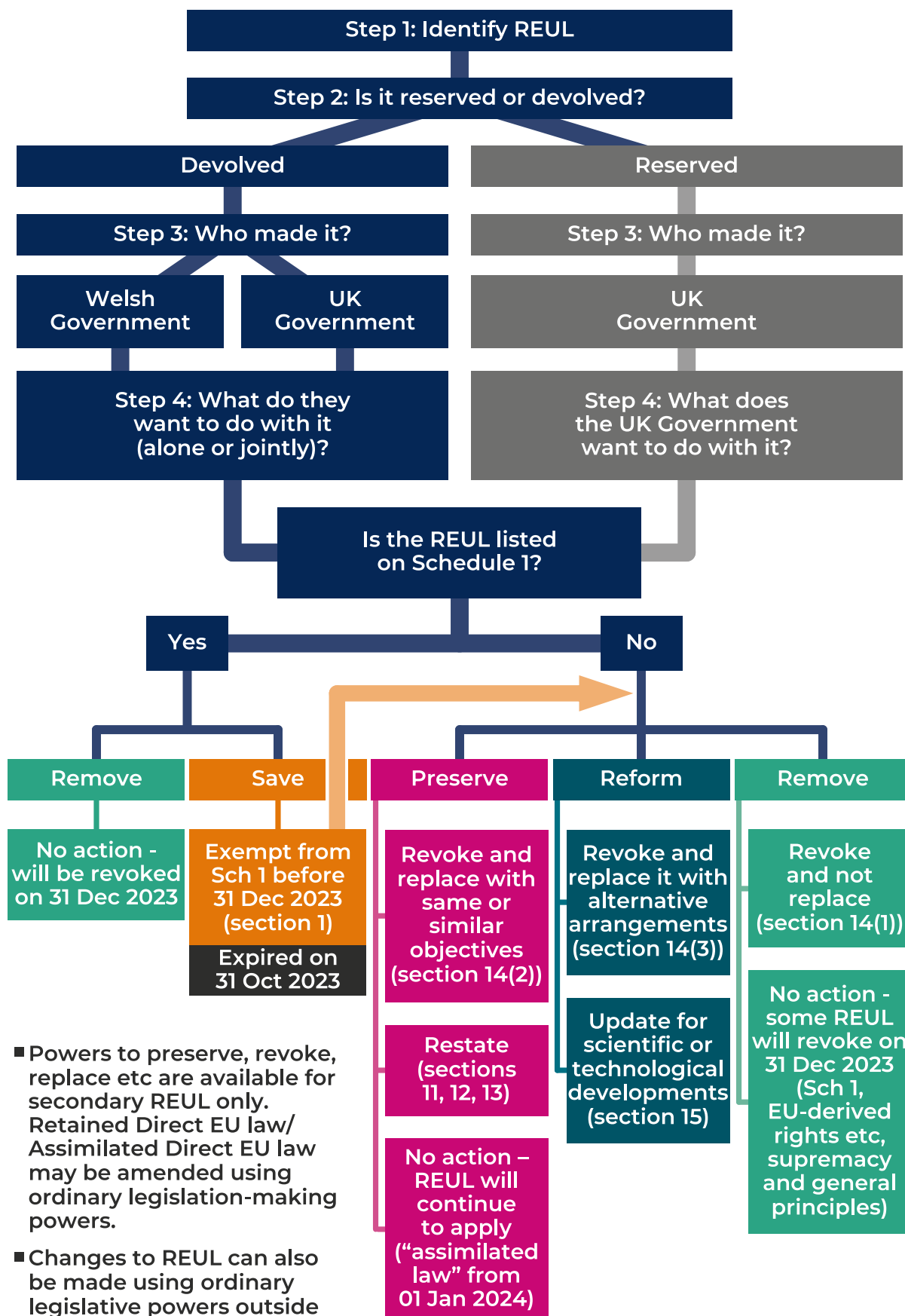
- A summary of the updated REUL dashboard;
- A progress update on the revocation and reform of REUL in the reporting period;
- A plan for revoking and reforming REUL in subsequent reporting periods, including a list of provisions.

If a UK Minister does not meet the requirement to update the dashboard and publish a report every six months, they must explain why in a written statement published and laid in the UK Parliament.

The Act intersects with a number of broader issues.

These include:

- Potential disputes between the Welsh and UK governments over what's reserved/devolved;
- UK compliance with international obligations, which the **UK Government has committed** to;
- Ensuring standards don't fall below pre-Brexit levels to avoid temporary measures in response from the EU, as part of the non-regression commitment in the **UK-EU Trade and Cooperation Agreement**;
- Intra-UK and UK-EU regulatory **alignment and divergence**;
- The **Welsh Government's ambition** to improve pre-Brexit standards, where possible;
- The operation of the **UK internal Market Act 2020**; and
- Potential changes in **common framework areas**.



- Powers to preserve, revoke, replace etc are available for secondary REUL only. Retained Direct EU law/ Assimilated Direct EU law may be amended using ordinary legislation-making powers.
- Changes to REUL can also be made using ordinary legislative powers outside of the Act.

2. Purpose of the Act

The Act's stated purpose is to:

Revoke certain retained EU law; to make provision relating to the interpretation of retained EU law and to its relationship with other law; to make provision relating to powers to modify retained EU law; to enable the restatement, replacement or updating of certain retained EU law; to enable the updating of restatements and replacement provision; to abolish the business impact target; and for connected purposes.

The Act's **Explanatory Notes** confirm that it will give effect to the policies set out in the UK Government's **Benefits of Brexit Report**, published in January 2022.

3. How to preserve REUL

The Act provides 4 routes for Welsh Ministers to save REUL, summarised in this section.

Route 1: Exempt REUL from Schedule 1 by listing it in regulations before 31 October 2023. This will save it from revocation on 31 December 2023. Some REUL was exempted in this way by the UK Ministers before the deadline but Welsh Ministers did not use these powers.

Section 1 sunsets EU-derived subordinate legislation and retained direct EU legislation listed in Schedule 1 on 31 December 2023 unless it is saved by Ministers. Section 1(4) provides an option to exempt REUL from Schedule 1, thereby saving it from being revoked on 31 December. This must have been done by 31 October 2023 by either UK Ministers or Welsh Ministers, or both acting jointly.

UK Ministers exempted **some REUL** in September 2023. The four pieces of REUL related to biocidal products containing copper, how marine casualties and incidents are investigated, and sharing outcome of roadworthiness inspections with Northern Ireland and Gibraltar. Welsh Ministers did not use section 1 powers before they expired on 31 October 2023 but **informed Senedd committees** of the UK Minister's actions.

This means that Welsh Ministers could have saved REUL listed in Schedule 1 en bloc, by making one set of regulations listing hundreds of pieces of devolved REUL that it wished to save. Section 1(4) regulations would have been subject to the

affirmative procedure, which require a Senedd debate and approval before they can come into force.

Saved REUL will still be considered REUL or assimilated law after 1 January 2024.

Route 2: Restate REUL

Section 11 grants powers to UK or Welsh Ministers acting alone or jointly to restate any secondary REUL before 31 December 2023.

If REUL is restated, it will no longer be REUL and will not therefore automatically attract EU law principles such as supremacy, protection of fundamental rights and equality. However, the restated law may produce an equivalent effect, if UK or Welsh Ministers consider it appropriate, enabling the same policy outcome to be reproduced.

Section 12 replicates section 11 so that UK or Welsh Ministers acting alone or jointly can restate secondary assimilated law or reproduce sunsetted retained EU rights, powers, liabilities etc. before 23 June 2026.

From 1 January 2024, all surviving REUL will be renamed “assimilated law” under section 5 of the Act, discussed on [page 8](#) below. The Act provides Ministers with powers to make changes to assimilated law up to 23 June 2026.

Section 13 makes general provision about sections 11 and 12.

For example:

- a restatement may use words or concepts that are different from those used in the law being restated;
- a restatement may make any change which the relevant national authority considers appropriate to resolve ambiguity, remove doubts or anomalies, improve clarity or accessibility of the law; and that
- regulations under sections 11 and 12 may make provision about the relationship between the restatement and other legislation.

Restated REUL/assimilated law is no longer REUL/assimilated law and will be considered ordinary domestic law.

Route 3: Revoke and replace REUL with the same arrangements

Section 14 is a broad power that allows UK or Welsh Ministers acting alone or jointly to revoke secondary REUL and replace it to achieve the same or similar objectives. It also allows them to revoke without replacing it, or to replace it with alternative arrangements, before 23 June 2026.

Section 14(2) allows Ministers to revoke and replace REUL to achieve the same or similar objectives. In doing so, they have the option to, among other things, confer functions on any persons, create criminal offences, impose monetary penalties and provide for fees to be charged. Ministers cannot impose taxes or establish public authorities.

The REUL/assimilated law that is revoked and replaced in this way is no longer REUL/assimilated law and will be considered ordinary domestic law.

“Regulatory burden”

When revoking or replacing secondary REUL, Ministers must not increase regulatory burdens, such as financial costs, trade obstacles or administrative inconveniences.

Route 4: Take no action and REUL will continue to apply. It will be renamed “assimilated law” from 1 January 2024 and will be subject to the changes made to it by the Act.

Section 5 renames surviving REUL as “assimilated law” from 1 January 2024.

This will apply to all REUL, including EU-derived primary legislation, such as the Equality Act 2010. Welsh Ministers have powers to restate and update assimilated law up to 23 June 2026.

4. How to reform REUL

The Act provides 2 routes for Welsh Ministers to reform REUL, summarised in this section.

Route 1: Revoke REUL and replace it with alternative arrangements

Section 14 is a broad power that allows UK or Welsh Ministers, acting alone or jointly, to revoke secondary REUL and replace it with alternative arrangements. It also allows them to revoke without replacing it, or to replace it with the same or similar objectives, before 23 June 2026.

Section 14(3) allows Ministers to revoke and replace REUL with alternative arrangements. In doing so, Ministers have the option to, among other things, confer functions on any persons, create criminal offences, impose monetary penalties and provide for fees to be charge. They cannot impose taxes or establish public authorities.

The REUL/assimilated law that is revoked and replaced in this way is no longer REUL/assimilated law and will be considered ordinary domestic law.

“Regulatory burden”

When revoking or replacing secondary REUL, Ministers must not increase regulatory burdens, including financial costs, trade obstacles or administrative inconveniences.

Route 2: Update REUL to take account of developments in scientific understanding and technological changes

Section 15 allows UK or Welsh Ministers, acting alone or jointly, to modify secondary REUL and other provisions made under the Act to take account of technological changes or developments in scientific understanding.

This power can be used until 31 December 2023 to modify secondary REUL, and thereafter to modify secondary assimilated law. It can also be used to update provisions made under sections 11, 12 and 14 of the Act. Unlike other powers granted by the Act, there is no end date on this power.

Procedural changes to reforming REUL

Section 9 modifies the procedures that apply when amending REUL.

Section 9 (and Schedule 3) provide that two categories of REUL (namely retained direct principal EU legislation and directly effective rights etc saved under section 4 EU (Withdrawal) Act 2018 (“EUWA18”)) will be downgraded to the status of domestic secondary legislation.

As a result, those categories of REUL have become easier to amend. For directly effective rights, this only applies up to 31 December 2023, when they will be automatically revoked under section 2 of the Act.

Schedule 3 makes amendments that are consequential to section 9. Amendments to parliamentary procedure in other legislation are made, including in devolved areas such as to the [**Professional Qualifications Act 2022**](#).

Section 10 amends EUWA18 in relation to procedural requirements for statutory instruments.

Section 10 removes post-EU exit safeguards that were put in place for the use by UK Ministers of their powers to modify or revoke regulations that were made under section 2(2) of the European Communities Act 1972. The safeguards were in the form of additional UK Parliament scrutiny, for example, UK Ministers had to make certain statements regarding the effect of the amendment or revocation.

5. How to remove REUL

The Act provides 2 routes for Welsh Ministers to remove REUL, summarised in this section.

Route 1: Do nothing and some REUL will revoke on 31 December 2023

Section 1 revokes the REUL listed on Schedule 1 on 31 December 2023 unless it was exempted from Schedule 1 by UK or Welsh Ministers before 31 October 2023.

Schedule 1(1) revokes the EU-derived subordinate legislation and retained direct EU legislation listed on Schedule 1 on 31 December 2023.

Section 1(4) provides an option to remove REUL from Schedule 1 if the REUL is specified in regulations made by UK Ministers, Welsh Ministers or both acting jointly before 31 October 2023.

Section 2 will sunset EU-derived rights, powers, liabilities, etc on 31 December 2023.

These apply by virtue of section 4 of EUWA18. Section 2 will automatically sunset section 4 of EUWA18, and anything that has been retained by virtue of it. EU-derived rights etc saved under section 4 of EUWA18 will no longer be recognised or available in domestic law and accordingly, won't be enforceable, allowed or followed. As the [House of Commons Library](#) explains, some such EU treaty rights had already been disapplied in some specific cases, such as the freedom of movement.

Section 2 will sunset all such remaining rights entirely. However, their effects can still be replicated by using restatement powers under sections 11 and 12 before 23 June 2026.

Section 3 abolishes the supremacy of EU law after the end of 2023 and introduces a new hierarchy in domestic law.

Section 3 makes changes so that retained direct EU law (RDEUL) is given a lower status in law than domestic legislation, meaning that RDEUL is to be read and given effect in a way that is compatible with domestic legislation (subject to some specific rules that apply to data protection legislation).

Despite abolishing the principle of supremacy, Ministers can recreate the effect of supremacy in relation to specific enactments up to 23 June 2026 (see sections 3, 11, 12 and 13).

Section 4 abolishes general principles of EU law after the end of 2023.

These include legal certainty, equal treatment, proportionality, respect for fundamental rights and the precautionary principle.

Route 2: Revoke REUL without replacing it

Section 14 is a broad power that allows UK or Welsh Ministers, acting alone or jointly, to revoke secondary REUL without replacing it. It also allows them to revoke and replace it to achieve the same or similar objectives, or to replace it with alternative arrangements, before 23 June 2026.

Section 14(1) allows for REUL to be revoked without replacing it.

6. Regulatory changes to reduce burdens

Section 16 amends legislation allowing UK Ministers to ‘remove and reduce burdens’.

The Legislative and Regulatory Reform Act 2006 is amended to include retained direct EU legislation. The Act’s purpose is to remove or reduce “any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation”.

Section 18 abolishes the Business Impact Target (BIT) as part of other regulatory reforms.

The BIT relates to the economic impact on business of regulatory requirements that are introduced or cease during a parliament. The BIT does not apply to regulatory provisions in devolved areas.

7. 1 January 2024 onwards

Remaining REUL will be renamed “assimilated law”

Section 5 renames REUL as “assimilated law” from 1 January 2024.

This will apply to all REUL, including EU-derived primary legislation, such as the Equality Act 2010. Welsh Ministers have powers to make changes assimilated law up to 23 June 2026.

The supremacy of REUL will be abolished, introducing a new hierarchy of domestic law

Section 3 abolishes the supremacy of EU law after the end of 2023 and introduces a new hierarchy in domestic law.

From 2024, RDEUL must be read and given effect in accordance with domestic legislation, even if the domestic legislation pre-dates the RDEUL. This will require key areas of domestic law to be reinterpreted.

Despite abolishing the principle of supremacy, Ministers can recreate the effect of supremacy in relation to specific enactments up to 23 June 2026 (see sections 3, 11, 12 and 13).

Retained general principles of EU law will be abolished

Section 4 abolishes general principles of EU law after the end of 2023.

Domestic law will no longer be read in accordance with the general principles of EU law from 2024. These include legal certainty, equal treatment, proportionality, respect for fundamental rights and the precautionary principle.

There will be more changes to how domestic courts handle REUL in future

Section 6 changes the role of the courts so that they are no longer bound by retained EU case law.

Higher and appeal courts may depart from previous decisions but lower courts and tribunals must refer decisions to depart to higher courts.

In certain circumstances, the Counsel General can:

- refer points of law on REUL cases within six months, which can ultimately result in the case being heard by the Supreme Court; and
- may also become party to proceedings related to the meaning or effect of Welsh legislation.

Section 6 will come into force when the UK Government makes regulations to do so.

Section 7 allows domestic law to be read and given effect so that it is compatible with retained direct EU law (RDEUL). This power expires on 23 June 2026.

Section 7 came into force on the day the Act was passed.

Section 8 requires courts and tribunals to issue incompatibility orders where they decide that a provision of RDEUL is incompatible with domestic law, or if domestic law was incompatible with RDEUL and section 7 regulations have been made. Section 7 allows domestic law to be read and given effect so that it is compatible with RDEUL.

Incompatibility orders may:

- i. set out the effect of the relevant provision in its operation in relation to that particular case;
- ii. delay the coming into force of the order; and
- iii. remove or limit any effect of the operation of the relevant provision before the coming into force of the order.

Section 8 will come into force when the UK Government makes regulations to do so.

8. Regulation-making rules

Section 19 grants UK and Welsh Ministers powers to make regulations in consequence of the Act as they consider appropriate, which includes the power to modify “any” enactment.

This includes UK Ministers making regulations in devolved areas.

Section 20 clarifies the scope of the regulation-making powers in the Act, and introduces Schedules 4 and 5 to the Act.

This clarifies that the powers to make regulations can be used, for example, to make supplementary and transitional provision.

Schedule 2 changes references in the legislation listed from ‘REUL’ to ‘assimilated law’, including for the Government of Wales Act 2006 and the Legislation (Wales) Act 2019.

Other devolution and Brexit-related laws are listed, such as the Scotland Act 1998, the Northern Ireland Act 1998 and EUWA18.

Schedule 3 amends parliamentary procedures for legislation in devolved areas, such as the [Professional Qualifications Act 2022](#).

The Senedd has withheld consent for some of this legislation.

Schedule 4 outlines restrictions on devolved Ministers, such as that they can’t make provision outside devolved competence.

These restrictions also include requirements relating to obtaining consent from UK Ministers and circumstances where UK Ministers should be consulted.

Schedule 5 sets procedures for the regulation-making powers in the Act, including providing a sifting role to a Senedd committee. On 27 September, the [Senedd confirmed that this will be the Legislation, Justice and Constitution Committee](#).

The procedures cover UK and Welsh Ministers acting alone or jointly. They also provide:

- Regulations must be made by statutory instruments;
- Rules for combining regulations made under different powers; and

- Prohibit regulations being considered as **hybrid instruments**, meaning they would bypass a special UK parliamentary procedure that allows those negatively affected by the regulations to present their arguments against them.

The section below summarises Welsh Ministers acting alone or jointly with UK Ministers.

Welsh Ministers acting alone

The procedure for Welsh Ministers acting alone are set out in Part 2 of Schedule 5.

Regulations made under the affirmative procedure.

Welsh Ministers may make regulations under the following sections in the Act, only if a draft of the instrument has been laid before, and approved by a resolution of, the Senedd:

- Section 1** to exempt REUL from Schedule 1, thereby saving it from being revoked on 31 December. This power expired on 31 October 2023;
- Section 7** which amend, repeal or revoke primary legislation. Section 7 gives UK or Welsh Ministers power to re-create the EU principle of supremacy, so that specific domestic legislation is to be read and given effect in a way that is compatible with specific REUL. This power expires on 23 June 2026;
- regulations under **sections 11 or 12** which amend, repeal or revoke primary legislation. Section 11 grants powers to UK or Welsh Ministers to restate any secondary REUL before the end of 2023. Section 12 replicates section 11 so that UK or Welsh Minister can restate secondary assimilated law or reproduce sunsetted retained EU rights, powers, liabilities etc before 23 June 2026;
- regulations under **section 14(2)** which confers a power to make subordinate legislation or create a criminal offence. Section 14(2) allows UK or Welsh Ministers to revoke secondary REUL and replace it with the same or similar objectives before 23 June 2026;
- regulations under **section 14(3)**. **Section 14(3)** allows UK or Welsh Ministers to revoke secondary REUL and replace it with alternative arrangements before 23 June 2026;
- regulations under **section 19** which amend, repeal or revoke primary legislation.

The Act makes certain regulations subject to annulment.

Other regulations under the Act are subject to the negative resolution procedure:

- **Section 7** which do not amend, repeal or revoke primary legislation. This power expires on 23 June 2026;
- regulations under **section 15**. Section 15 grants UK and Welsh Ministers powers to modify secondary REUL where they consider it appropriate to take account of technological changes or developments in scientific understanding.
- **Section 19** which do not amend, repeal or revoke primary legislation.

In other cases, the Welsh Ministers are given a choice as to whether the draft affirmative procedure or the negative procedure should apply. For example, this choice will apply to regulations made under section 14(1), which gives the Welsh Ministers power to revoke secondary retained EU law without replacing it.

Sift process

If Welsh Ministers want to make such regulations using the negative procedure, then a sift process applies.

Under the sift process, two conditions must be met before Welsh Ministers can make the regulations using the negative procedure (the sift process does not apply if Welsh Ministers choose to make the regulations using the draft affirmative procedure). Condition 1 must be met, plus condition 2 or 3 below:

- 1. Condition 1** is that Welsh Ministers must issue a written statement that the statutory instrument should be subject to the negative procedure. A memorandum comprising of the statement and the reasons for their opinion must be laid before the Senedd with a draft of the statutory instrument.
- 2. Condition 2** is that a committee of the Senedd charged with doing so has made a recommendation as to the appropriate procedure for the instrument. This is the Legislation, Justice and Constitution Committee, as explained above (see [page 15](#)). Note that the Welsh Ministers do not have to accept the committee's recommendation.
- 3. Condition 3** is that 14 days have expired since the draft instrument was laid in the Senedd and a committee of the Senedd has made no recommendation.

UK and Welsh Ministers acting jointly

Part 3 of Schedule 5 applies to the joint exercise of powers by UK and devolved Ministers. This establishes a parallel procedure in the UK Parliament and Senedd for regulations made jointly under the Bill.

9. Commencement, extent etc

Interpretation

Section 21 defines terms used in the Bill.

Extent, commencement and short title

Section 22 sets out when each section comes into force.

Section 23 states the Act's full title and confirms that it applies to England, Wales, Scotland and Northern Ireland.

10. Annex: The Bill's provisions at a glance

Section 1 sunsets EU-derived subordinate legislation and retained direct EU legislation listed in Schedule 1 on 31 December 2023 unless it is saved by Ministers. Section 1(4) provides an option to exempt REUL from Schedule 1, thereby saving it from being revoked on 31 December 2023. This must have been done by 31 October 2023 by either UK Ministers or Welsh Ministers, or both acting jointly.

Section 2 sunsets EU-derived rights, powers, liabilities, etc in section 4 of the EU (Withdrawal) Act 2018, and anything that has been retained by virtue of it on 31 December 2023.

Section 3 abolishes the supremacy of EU law after the end of 2023 and introduces a new hierarchy in domestic law.

Section 4 abolishes general principles of EU law after the end of 2023. These include legal certainty, equal treatment, proportionality, respect for fundamental rights and the precautionary principle.

Section 5 renames REUL that does not sunset on 31 December 2023 as "assimilated law" from 1 January 2024.

Section 6 changes the role of the courts so that they are no longer bound by retained EU case law. In certain circumstances, the Counsel General can refer points of law on REUL cases within six months, which can ultimately result in the case being heard by the Supreme Court. The Counsel General may

also become party to proceedings related to the meaning or effect of Welsh legislation.

Section 7 allows domestic law to be read and given effect so that it is compatible with retained direct EU law (RDEUL). This power expires on 23 June 2026.

Section 8 allows for courts and tribunals to issue incompatibility orders where they decide that domestic law is incompatible with RDEUL.

Section 9 modifies the procedures that apply when amending REUL under EUWA18. As a result, it will become easier to amend certain categories of REUL.

Section 10 amends EU (Withdrawal) Act 2018 in relation to procedural requirements for statutory instruments.

Section 11 grants powers to UK or Welsh Ministers acting alone or jointly to restate any secondary REUL before the end of 2023.

Section 12 replicates section 11 so that UK or Welsh Minister acting alone or jointly can restate secondary assimilated law or reproduce sunsetted retained EU rights, powers, liabilities etc. before 23 June 2026.

Section 13 makes general provisions about sections 11 and 12.

Section 14 is a broad power that allows UK or Welsh Ministers acting alone or jointly to revoke secondary REUL without replacing it, or replace it with provision to achieve the same or similar objectives, or replace it with alternative arrangements. Ministers must not increase the regulatory burden when revoking or replacing REUL under this section. These powers expire on 23 June 2026.

Section 15 allows UK or Welsh Ministers, acting alone or jointly, to modify secondary REUL and secondary assimilated law to take account of technological changes or developments in scientific understanding.

Section 16 amends legislation allowing UK Ministers to remove and reduce burdens. "Burden" includes any of the following: a financial cost, an administrative inconvenience an obstacle to efficiency, productivity or profitability, or a sanction, criminal or otherwise, which affects the carrying on

of any lawful activity.

Section 17 of the Act places a duty on the UK Government to produce reports on the Act covering six monthly periods and places requirements for what the report should contain. Each report must provide:

- A summary of the updated REUL dashboard;
- A progress update on the revocation and reform of REUL in the reporting period;
- A plan for revoking and reforming REUL in subsequent reporting periods, including a list of provisions.

Section 18 abolishes the Business Impact Target (BIT) as part of other regulatory reforms. The BIT does not apply to regulatory provisions in devolved areas.

Section 19 grants UK Ministers powers to make regulations in consequence of the Act as they consider appropriate, which includes the power to modify “any” enactment.

Section 20 clarifies the scope of the regulation-making powers in the Bill, and introduces Schedules 4 and 5 of the Act.

Section 21 defines terms used in the Act.

Section 22 sets out when each provision of the Act comes into force.

Section 23 states the Act’s full title and confirms that it applies to England, Wales, Scotland and Northern Ireland.

Schedule 1 lists REUL to be revoked on 31 December 2023. lists retained direct EU law (RDEUL).

Schedule 2 makes amendments that are consequential on the renaming of REUL as “assimilated law” in section 5 of the Act. For example, references to specific categories of REUL in other enactments are replaced with references to the equivalent category of assimilated law.

Schedule 3 makes amendments that are consequential to section 9, including amending parliamentary procedure for certain REUL.

Schedule 4 outlines restrictions on devolved Ministers, such as that they can't make provision outside devolved competence.

Schedule 5 sets procedures for the regulation-making powers in the Bill, including providing a sifting role to a Senedd committee. This is the Legislation, Justice and Constitution Committee..