



Retained EU Law (Revocation and Reform) Act 2023

2023 CHAPTER 28

Powers relating to retained EU law and assimilated law

14 Powers to revoke or replace

- (1) A relevant national authority may by regulations revoke any secondary retained EU law without replacing it.
- (2) A relevant national authority may by regulations revoke any secondary retained EU law and replace it with such provision as the relevant national authority considers to be appropriate and to achieve the same or similar objectives.
- (3) A relevant national authority may by regulations revoke any secondary retained EU law and make such alternative provision as the relevant national authority considers appropriate.
- (4) Regulations under [subsection \(2\)](#) or [\(3\)](#)—
 - (a) may confer a power to make subordinate legislation that corresponds or is similar to a power to make subordinate legislation conferred by secondary retained EU law revoked by the regulations (and may not otherwise confer a power to make subordinate legislation);
 - (b) subject to that, may confer functions (including discretions) on any person;
 - (c) may create a criminal offence that corresponds or is similar to a criminal offence created by secondary retained EU law revoked by the regulations (and may not otherwise create a criminal offence);
 - (d) may provide for the imposition of monetary penalties in cases that correspond or are similar to cases in which secondary retained EU law revoked by the regulations enables monetary penalties to be imposed (and may not otherwise provide for the imposition of monetary penalties);
 - (e) may provide for the charging of fees;
 - (f) may not—
 - (i) impose taxation;

- (ii) establish a public authority.
- (5) No provision may be made by a relevant national authority under [this section](#) in relation to a particular subject area unless the relevant national authority considers that the overall effect of the changes made by it under [this section](#) (including changes made previously) in relation to that subject area does not increase the regulatory burden.
- (6) For the purposes of [subsection \(5\)](#), the creation of a voluntary scheme is not to be regarded as increasing the regulatory burden.
- (7) The provision that may be made by regulations under [this section](#) may be made by modifying any secondary retained EU law.
- (8) Any provision made by virtue of [this section](#) is not retained EU law.
- (9) No regulations may be made under [this section](#) after 23 June 2026.
- (10) In [this section](#)—
- “burden” includes (among other things)—
 - (a) a financial cost;
 - (b) an administrative inconvenience;
 - (c) an obstacle to trade or innovation;
 - (d) an obstacle to efficiency, productivity or profitability;
 - (e) a sanction (criminal or otherwise) which affects the carrying on of any lawful activity;
 - “revoke”—
 - (a) includes repeal, and
 - (b) in relation to anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018, means provide that it is not recognised or available in domestic law (and, accordingly, not to be enforced, allowed or followed);
- “secondary retained EU law”: references to secondary retained EU law are to be read after the end of 2023 as references to secondary assimilated law.
- (11) In [subsection \(8\)](#) the reference to retained EU law is to be read after the end of 2023 as a reference to assimilated law.