

EXPLANATORY MEMORANDUM TO
THE RAILWAYS AND FREIGHT TRANSPORT ETC. (REVOCATION)
REGULATIONS 2024

2024 No. 8

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The instrument revokes certain pieces of assimilated law which have either expired or are no longer applicable following European Union (“EU”) exit. This obsolete legislation includes expired contingency measures relating to COVID-19 and EU exit, as well as legislation on cross-border rail services within the EU, freight information, and spent EU negotiating positions for international organisations. This instrument removes these obsolete pieces of legislation from the statute book.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The negative procedure was considered appropriate for this instrument because it revokes entirely obsolete legislation, none of which is currently producing any legal effect in Great Britain. Therefore, there will be little to no impact as a result of these revocations.
- 3.2 This instrument was laid for sifting on 8 November 2023. In a report dated 23 November 2023, and at a meeting on 28 November respectively, the Secondary Legislation Scrutiny Committee (SLSC) and the European Statutory Instruments Committee (ESIC) agreed that this instrument should follow the negative procedure. The Minister has considered the decision of the Sifting Committees and has approved and signed the instrument.
- 3.3 This instrument exercises powers provided for in sections 14(1) of the Retained EU Law (Revocation and Reform) Act 2023 (“the Act”).

4. Extent and Territorial Application

- 4.1 The extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is England, Wales, and Scotland.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales, and Scotland.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The Act was introduced to Parliament on 22 September 2022 and received Royal Assent on 29 June 2023. The purpose of the Act is to provide the Government with powers to amend, revoke, restate or replace retained EU law (“REUL”) and assimilated law, and to remove the special status it has in the United Kingdom (“UK”) legal system, amongst other changes. Under section 5(1) of the Act, all REUL became assimilated law from 1 January 2024 onwards. As a result, this instrument takes the opportunity to revoke a variety of assimilated law in accordance with the intention of the Act. The assimilated law covered by this instrument falls into three broad categories: expired or redundant contingency measures, cross-border and freight arrangements, and EU negotiating positions and decisions on the accession to (or adoption of) international protocols on behalf of the EU and European Community
- 6.2 In relation to expired or redundant contingency measures, this is assimilated law which was time-limited and introduced as temporary measures in relation to EU exit or COVID-19. As a result, the measures became obsolete once those temporary periods had expired.
- 6.3 In relation to cross-border and freight arrangements, this is assimilated law that specifies the scope of EU freight corridors as well as information sharing between operators and competent authorities. In all cases this legislation only applies to ‘Member States’, or concerns networks and platforms that Great Britain (“GB”) no longer has access to following EU exit.
- 6.4 In relation to EU negotiating positions, this is assimilated law that specifies agreed joint positions that the EU adopts and puts forward on behalf of its Member States at meetings of international organisations where the EU has legislative competence.
- 6.5 This instrument is made in exercise of the powers in section 14(1) of the Act which provides the power to revoke without replacing any secondary retained EU law; “secondary retained EU law” is defined in section 11(2) of the Act as any REUL which is not primary legislation. As noted above, all REUL became assimilated law from 1 January 2024. None of the assimilated law revoked by this instrument is primary legislation.

7. Policy background

What is being done and why?

- 7.1 This instrument uses powers under section 14(1) of the Act to revoke the pieces of assimilated law set out in paragraphs 7.2 – 7.25 of this memorandum, which includes obsolete contingency measures, obsolete measures pertaining to cross-border rail and freight services, and spent EU negotiating positions and decisions on the accession to (or adoption of) international protocols on behalf of the EU and European Community. These pieces of assimilated law are no longer operable, have expired, or are no longer applicable to GB following EU exit. Therefore, removing this legislation will not change how the railway operates but will remove obsolete pieces of legislation that have either expired or have no legal effect, thereby simplifying the statute book.

Explanations

What did any law do before the changes to be made by this instrument?

Expired or Redundant Contingency Measures

Regulation (EU) 2019/503 of the European Parliament and of the Council of 25 March 2019 on certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union¹

- 7.2 This Regulation was a contingency measure introduced by the EU to support the continuation of cross-border rail services between the UK and EU and the management and operation of cross-border infrastructure linking the EU and UK following EU exit. It laid down provisions on the continued temporary recognition of UK and Intergovernmental Commission issued safety certificates, safety authorisations, train driving licences, and operator licences for the purposes of cross-border railway services to Calais in France and Dundalk in the Republic of Ireland, which had effect for a period of nine months from 1 February 2020. The temporary recognition afforded by this measure expired on 31 October 2020 and has therefore now ceased to apply.

Regulation (EU) 2020/2222 of the European Parliament and of the Council of 23 December 2020 on certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link²

- 7.3 This Regulation was a contingency measure for the Channel Tunnel. It provided for an additional extension to the recognition of UK operator licences and safety certificates issued by the Intergovernmental Commission as they applied to and were recognised in the French section of the Channel Tunnel and cross-border area post EU exit. The extensions covered under this regulation were for up to nine months from 1 January 2021. The Regulation (which applied to undertakings operating on French territory) expired on 30 September 2021 and is no longer in force.

Regulation (EU) 2020/698 of the European Parliament and of the Council of 25 May 2020 laying down specific and temporary measures in view of the COVID-19 outbreak concerning the renewal or extension of certain certificates, licences and authorisations and the postponement of certain periodic checks and periodic training in certain areas of transport legislation³

- 7.4 This Regulation extended the period of validity of certain operator licences, train driving licences, road vehicle licences, authorisations, and certificates, and extended the period for certain checks, and training for train drivers, and road drivers (including drivers of road vehicles for the carriage of goods or passengers), due to the impact of COVID-19. These extensions had varying durations of 6-7 months and are no longer operable. This assimilated law is linked to Commission Decision (EU) 2020/1237 referred to at paragraph 7.5 below and both instruments are now obsolete.

¹ OJ L 85I, 27.3.2019, p. 60–65

² OJ L 437, 28.12.2020, p. 43–48

³ OJ L 165, 27.5.2020, p. 10–24

*Commission Decision (EU) 2020/1237 of 25 August 2020 authorising the United Kingdom to apply an extension of certain periods specified in Articles 3 and 11 of Regulation (EU) 2020/698 of the European Parliament and of the Council*⁴

- 7.5 This Commission Decision authorised the UK to apply further temporary extensions to the validity of certain documents and checks relating to driving licences and train driver licences referred to in Regulation (EU) 2020/698 above. These were for an additional four months beyond the timeframes specified in that legislation. These extended timeframes elapsed on 1 March 2021, so this instrument is therefore obsolete.

Cross-border and Freight Arrangements

*Commission Implementing Decision (EU) 2018/491 of 21 March 2018 on the compliance of the joint proposal submitted by the Member States concerned for the extension of the North Sea Mediterranean rail freight corridor with Article 5 of Regulation (EU) No 913/2010 of the European Parliament and of the Council*⁵

- 7.6 This is an EU Decision stating that a proposal received in relation to the extension of the North Sea Mediterranean “rail freight corridor” (a European rail network for competitive freight) to Geneva is compliant with Article 5 of Regulation (EU) No 913/2010. Regulation 913/2010 was revoked in GB on 23 July 2020 by the Railways (Miscellaneous Amendments, Revocations and Transitions Provisions) (EU Exit) Regulations 2020 following EU exit. This EU Decision therefore no longer has any practical legal effect in GB.

*Regulation (EU) 2020/1056 of The European Parliament and of the Council of 15 July 2020 on electronic freight transport information*⁶

- 7.7 This Regulation establishes a legal framework and requirements in relation to digital platforms for the electronic exchange of regulatory information between freight sector operators and competent authorities (for example, sectoral regulators and government departments) to remove reliance on the use of paper documents. It is not currently in effect and will not affect GB as it will apply to (and be accessible to) EU Member States only from 21 August 2024.

*Decision (EU) 2020/2228 of the European Parliament and of the Council of 23 December 2020 on a European Year of Rail (2021)*⁷

- 7.8 This Decision set out targets and objectives for the 'European Year of Rail 2021' to encourage and support efforts to increase the share of passengers and freight moving by rail within and between EU Member States. The 'European Year of Rail 2021' has now ended, and the provisions laid down by the Decision were only applicable to EU Member States. Therefore, this legislation is obsolete.

*Commission Implementing Regulation (EU) 2015/429 of 13 March 2015 setting out the modalities to be followed for the application of the charging for the cost of noise effects*⁸.

⁴ OJ L 282, 31.8.2020, p. 22–25

⁵ OJ L 81, 23.3.2018, p. 23–24

⁶ OJ L 249, 31.7.2020, p. 33–48

⁷ OJ L 437, 28.12.2020, p. 108–115

⁸ OJ L 70, 14.3.2015, p. 36–42

- 7.9 This Implementing Regulation set out a scheme for rail infrastructure managers to follow when applying charges for transport-related noise pollution, mostly in relation to freight. It introduced bonus and penalty schemes to incentivise rail operators to reduce noise. This scheme was temporary and expired on 31 December 2021; the legislation is therefore obsolete.

EU Negotiating Positions and Decisions on the Accession to (or adoption of) International Protocols on behalf of the EU and European Community

Decision (EU) 2020/791 of 10 June 2020 on the position to be taken on behalf of the European Union at the 13th session of the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail regarding the adoption of amendments to the Uniform Technical Prescriptions concerning freight wagons, vehicle marking and rolling stock noise, and regarding the adoption of a full revision of the rules for the certification and auditing of entities in charge of maintenance and of the specifications concerning national vehicle registers⁹

- 7.10 This is an EU Decision for a meeting of the Organisation for International Carriage by Rail (“OTIF”) from 2020 on rolling stock noise, entities in charge of maintenance, and vehicle registers. Since this meeting has passed, the Decision is now obsolete.

Council Decision (EU) 2020/649 of 7 May 2020 on the position to be taken on behalf of the European Union during the 56th session of the Committee of Experts for the Carriage of Dangerous Goods of the Intergovernmental Organisation for International Carriage by Rail as regards certain amendments to Appendix C to the Convention concerning International Carriage by Rail¹⁰

- 7.11 This is an EU Decision for an OTIF meeting from 2020 during the 56th session of the Committee of Experts for the Carriage of Dangerous Goods regarding amendments to Appendix C to the Convention concerning International Carriage by Rail (“COTIF”). Since this meeting has passed, the Decision is now obsolete.

Council Decision (EU) 2018/1609 of 28 September 2018 on the position to be taken on behalf of the European Union within the United Nations Economic Commission for Europe (UNECE) Working Party on Customs Questions affecting Transport and within the UNECE Inland Transport Committee concerning the adoption of the Convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail¹¹

- 7.12 This is an EU Decision from 2018 for the UNECE Working Party on Customs Questions affecting Transport and the UNECE Inland Transport Committee concerning the draft UNECE Convention on the facilitation of border crossing procedures for passengers, luggage, and load-luggage carried in international traffic by rail. Since this meeting has passed, the Decision is now obsolete.

Council Decision (EU) 2018/1296 of 18 September 2018 establishing the position to be adopted on behalf of the European Union at the 13th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards

⁹ OJ L 193, 17.6.2020, p. 7–8

¹⁰ OJ L 153, 15.5.2020, p. 1–2

¹¹ OJ L 268, 26.10.2018, p. 44–45

*certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to the Appendices thereto*¹²

- 7.13 This is an EU Decision from 2018 for the 13th General Assembly of OTIF regarding amendments to COTIF and its appendices. Since this meeting has passed, the Decision is now obsolete.

*Council Decision (EU) 2018/768 of 22 May 2018 establishing the position to be adopted, on behalf of the European Union, at the 55th session of the Committee of Experts for the Carriage of Dangerous Goods of the Intergovernmental Organisation for International Carriage by Rail as regards certain amendments to Appendix C to the Convention concerning International Carriage by Rail*¹³

- 7.14 This is an EU Decision from 2018 for the 55th session of the Committee of Experts for the Carriage of Dangerous Goods under OTIF regarding amendments to Appendix C to COTIF. Since this meeting has passed, the Decision is now obsolete.

*Council Decision 2014/888/EU of 4 December 2014 on the approval, on behalf of the European Union, of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007*¹⁴

- 7.15 This is an EU Decision from 2014 which records the approval of the EU to adopt the Luxembourg “Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock”, Authorising the deposit of the instrument of approval and declaration provided for in the Protocol. The EU acceded to the Protocol in 2014. As the UK has left the EU, this Decision is now obsolete.

*Council Decision 2009/940/EC of 30 November 2009 on the signing by the European Community of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007*¹⁵

- 7.16 This is an EU Decision from 2009 on the signature by the European Community of the Luxembourg Protocol referred to in paragraph 7.15 above. The European Community signed the Protocol in 2009. As the UK has left the European Union, this Decision is now obsolete.

*Council Decision (EU) 2018/319 of 27 February 2018 establishing the position to be adopted on behalf of the European Union at the 26th session of the Revision Committee of the Intergovernmental Organisation for International Carriage by Rail as regards certain amendments to the Convention concerning International Carriage by Rail and to the Appendices thereto*¹⁶

- 7.17 This is an EU Decision from 2018 for the 26th session of the Revision Committee under OTIF regarding amendments to COTIF and its appendices. Since this meeting has passed, the Decision is now obsolete.

¹² OJ L 243, 27.9.2018, p. 11–18

¹³ OJ L 129, 25.5.2018, p. 77–79

¹⁴ OJ L 353, 10.12.2014, p. 9–12

¹⁵ OJ L 331, 16.12.2009, p. 1–3

¹⁶ OJ L 62, 5.3.2018, p. 10–17

Council Decision (EU) 2016/833 of 17 May 2016 establishing the position to be adopted, on behalf of the European Union, at the 54th session of the Committee of Experts for the Carriage of Dangerous Goods set up by the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain amendments to Appendix C to the Convention concerning International Carriage by Rail¹⁷

- 7.18 This is an EU Decision from 2016 for the 54th session of the Committee of Experts for the Carriage of Dangerous Goods under OTIF regarding amendments to Appendix C to COTIF. Since this meeting has passed, the Decision is now obsolete.

Council Decision (EU) 2015/1734 of 18 September 2015 establishing the position to be adopted on behalf of the European Union at the 12th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to its Appendices¹⁸

- 7.19 This is an EU Decision for the 12th General Assembly of OTIF from 2015 regarding amendments to COTIF and its appendices. Since this meeting has passed, the Decision is now obsolete.

Council Decision 2014/699 of 24 June 2014 establishing the position to be adopted on behalf of the European Union at the 25th session of the OTIF Revision Committee as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to the Appendices thereto¹⁹

- 7.20 This is an EU Decision for a meeting of the Revision Committee under OTIF from 2014 regarding amendments to COTIF and its appendices. Since this meeting has passed, the Decision is now obsolete.

Council Decision (EU) 2019/1763 of 4 October 2019 establishing the position to be adopted on behalf of the European Union within the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain modifications to the National Vehicle Registers (NVR) specification and the Uniform Technical Prescriptions — Telematics applications for freight services (UTP TAF)²⁰

- 7.21 This is an EU Decision for a meeting of the Committee of Technical Experts under OTIF from 2019 regarding modifications to National Vehicle Registers (NVR) and Uniform Technical Prescriptions. Since this meeting has passed, the Decision is now obsolete.

Council Decision (EU) 2018/1875 of 26 November 2018 establishing the position to be adopted on behalf of the European Union within the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain amendments to the Uniform Technical Prescriptions — General Provisions — Subsystems (UTP GEN-B) and the Uniform Technical Prescriptions — Telematics applications for freight services (UTP TAF)²¹

¹⁷ OJ L 140, 27.5.2016, p. 12–14

¹⁸ OJ L 252, 29.9.2015, p. 43–48

¹⁹ OJ L 293, 9.10.2014, p. 26–33

²⁰ OJ L 270, 24.10.2019, p. 79–80

²¹ OJ L 306, 30.11.2018, p. 50–52

- 7.22 This is an EU Decision for a meeting of the Committee of Technical Experts under OTIF from 2018 regarding amendments to the Uniform Technical Prescriptions. Since this meeting has passed, the Decision is now obsolete.

Council Decision 89/339/EEC of 3 May 1989 accepting on behalf of the Community the recommendation of 5 June 1962 of the Customs Cooperation Council concerning the customs treatment of registered baggage carried by rail as amended on 21 June 1988²²

- 7.23 This is a Decision on behalf of the European Economic Community from 1989 to accept Customs Cooperation Council recommendations concerning customs treatment of baggage carried by rail. As the recommendations were accepted in 1989, and the UK has left the community, the Decision is now obsolete.

Council Decision 2014/327/EU of 6 May 2014 establishing the position to be adopted by the Union at the 53rd session of the OTIF Committee of Experts on the Transport of Dangerous Goods as regards certain amendments to Appendix C to the Convention concerning International Carriage by Rail (COTIF) applicable from 1 January 2015²³

- 7.24 This is an EU Decision for the 53rd session for the Committee of Experts on the Transport of Dangerous Goods under OTIF from 2014 regarding amendments to Appendix C to COTIF. Since this meeting has passed, the Decision is now obsolete.

Council Decision 2013/103/EU of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 Text with EEA relevance²⁴

- 7.25 This is an EU Decision from 2011 regarding the Accession of the European Union to COTIF. The EU acceded to COTIF in 2011. As the UK has now left the EU, this Decision is now obsolete.

Why is it being changed?

Expired or Redundant Contingency Measures

- 7.26 The four contingency measures covered by this instrument are being revoked as they have now expired and therefore have no legal effect in GB. In the case of EU exit, this was to provide, inter alia, for the temporary continued recognition of cross-border UK licences and certificates in the French section of the Channel Tunnel whilst longer term arrangements were put in place by the UK and French governments. Effective arrangements to support the continued, effective operation of the Channel Tunnel are now in place, rendering the contingency measures obsolete, and the measures have in any case now expired. In the case of COVID-19, the purpose of these regulations was to temporarily extend the validity of certain checks and authorisations, such as medical examinations for train drivers during the pandemic when such examinations were not possible or permitted due to social distancing rules. These regulations have now also expired.

²² OJ L 142, 25.5.1989, p. 7–7

²³ OJ L 166, 5.6.2014, p. 27–30

²⁴ OJ L 51, 23.2.2013, p. 1–7

Cross-border and Freight Arrangements

- 7.27 The four cross-border and freight EU legislative instruments covered by this instrument are either inoperable or irrelevant following the UK's departure from the EU because they no longer have legal effect in GB or have simply expired.
- 7.28 Specifically, Regulation (EU) 2020/1056 came into effect during the Transition Period but was not due to come into force until 2024. In addition, it would require access to EU digital platforms, which GB operators do not have access to following EU exit. Therefore, it is no longer relevant following departure from the EU and will not subsequently have any impact on GB freight operating companies. In addition, its requirements do not currently apply in the EU. It therefore serves no legal purpose.
- 7.29 Similarly, Commission Implementing Decision (EU) 2018/491 is no longer applicable to (and therefore inoperable in) GB as it relates to the EU's rail freight corridors, which GB operators no longer have access to or participate in post EU exit. The Decision is therefore inoperable. In addition, the EU regulation which governs the rail freight corridors more broadly (Regulation (EU) 913/2010) has already been revoked in GB. The remaining two legislative instruments – Decision (EU) 2020/2228 and Commission Implementing Regulation (EU) 2015/429 – ceased to apply to the UK at the end of the Transition Period in 2021 as the provisions only apply to EU Member States.
- 7.30 Therefore, all four regulations are being revoked as they are no longer operable.

EU Negotiating Positions and Decisions on the Accession to (or Adoption of) International Protocols on behalf of the EU and European Community

- 7.31 The majority of these are bespoke pieces of legislation created to set out the EU's agreed negotiating stance at a particular meeting, after which the legislation becomes obsolete. The meetings these negotiating positions were created to address have all now passed. The UK now negotiates on its own behalf at these organisations and has full membership in its own right. Additionally, some of these pieces of legislation, for example Council Decision 89/339/EEC, reflect an EU decision to adopt an agreement or recommendation, rather than the actual adoption itself. In the light of the above, the assimilated law in this category is being revoked because it is either obsolete following the end of the specific meeting it was created to address or produces no practical legal effect following EU exit.

What will it now do?

- 7.32 This instrument will revoke the pieces of legislation specified in paragraphs 7.2 – 7.25 as they apply in GB because they no longer have any legal effect. The Department does not anticipate any impacts arising from these revocations as the specified legislation is obsolete or has expired.

8. European Union Withdrawal, Future Relationship and Assimilated Law Reform

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.
- 8.2 This instrument does however relate to the reform of assimilated law under the powers in section 14(1) of the Act because it revokes several pieces of assimilated law.

8.3 The Minister has made the relevant sifting statement required by the Act in the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 There are no plans to consolidate this legislation.

10. Consultation outcome

10.1 The Department has not undertaken a formal consultation on this instrument because of the minimal impact of the proposed revocations. No material impact is expected on the relevant regimes as the pieces of legislation being revoked are either no longer operable or applicable to GB.

10.2 However, the Department has undertaken extensive engagement with stakeholders from the transport sector, and in particular the rail industry, to discuss the approach to this instrument and revocation of the pieces of assimilated law covered by it.

10.3 A discussion paper outlining the proposed approach was shared with stakeholders for comment between 23 May and 29 June 2023. Several roundtable discussions were also held bringing together stakeholders from across the rail sector, including industry representative bodies, the Devolved Administrations, and independent experts. No objections were raised in response and stakeholders have expressed no concerns with the revocations covered by this instrument.

10.4 The Office of Rail and Road has also been closely engaged throughout the formulation of this policy as the independent, expert regulator, and is supportive of the approach.

11. Guidance

11.1 The Department will not be producing public guidance on this instrument.

12. Impact

12.1 There is no, or no significant, impact on business, charities, or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because the legislation it revokes is obsolete, either because it has already expired or is no longer relevant or applicable to GB following EU exit. Therefore, no general impacts are expected as a result of this instrument and no particular impacts on individual groups or regions are expected, as the legislation in question will be revoked uniformly across GB. Minor familiarisation costs are expected, but they are expected to be negligible as the legislation being revoked is inoperable and therefore not currently applicable in practice or relied upon by businesses or individuals (these costs are unquantified but expected to be close to zero).

12.4 No further wider impacts on small, medium, or micro sized businesses have been identified.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 As regards monitoring of this legislation, the Department intends to undertake proportionate internal reviews in the respective policy areas specified in this instrument to inform any subsequent amendments to the regimes.
- 14.2 As this instrument is made under the Act, no review clause is required.

15. Contact

- 15.1 Polly Lloyd-Healey at the Department for Transport Telephone: 07415 881957 Email: polly.lloyd-healey@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Peter Lovitt, Deputy Director for Rail Retained EU Law and Access Simplification at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Huw Merriman MP, Minister of State at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statement required under the Retained EU Law (Revocation and Reform) Act 2023

1. Sifting statement

1.1. Huw Merriman MP, Minister of State at the Department for Transport, has made the following statement regarding use of legislative powers in the Retained EU Law (Revocation and Reform) Act 2023:

“In my view, the Railways and Freight Transport etc. (Revocation) Regulations 2024 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e., the negative procedure)”.

1.2. This is the case because this instrument simply revokes pieces of assimilated law that are obsolete as they have either expired or are no longer applicable to Great Britain following EU exit. The instrument is not expected to have any impact on the way the rail sector operates in practice. It does, however, remove these obsolete pieces of legislation from the statute book, providing greater clarity to industry.