

**EXPLANATORY MEMORANDUM TO**  
**THE RETAINED EU LAW (REVOCATION AND REFORM) ACT 2023**  
**(CONSEQUENTIAL PROVISION) REGULATIONS 2024**

**2024 No. 80**

**1. Introduction**

1.1 This explanatory memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty.

**2. Declaration**

2.1 Minister Hollinrake, the Minister of State at the Department for Business and Trade can confirm that this Explanatory Memorandum meets the required standard.

2.2 James Harrison, Deputy Director, Smarter Regulation Directorate at the Department for Business and Trade, can confirm that this Explanatory Memorandum meets the required standard.

**3. Contact**

3.1 Christie Alderson and Emma Cotterill at the Department for Business and Trade: Telephone: 07531814971 or email: christie.alderson3@businessandtrade.gov.uk emma.cotterill@businessandtrade.gov.uk can be contacted with any queries regarding the instrument.

**Part One: Explanation, and context, of the Instrument**

**4. Overview of the Instrument**

*What does the legislation do?*

4.1 These Regulations make consequential amendments to secondary legislation necessitated by provisions of the Retained EU Law (Revocation and Reform) Act 2023 ("REUL Act").

4.2 These Regulations primarily remove references in secondary legislation to section 4 of the European Union (Withdrawal) Act 2018 (EUWA), and at the same time remove references in those pieces of legislation to "retained EU law" ("REUL") and similar terms and replace them with "assimilated law" and similar terms. These changes reflect the changes made by the REUL Act. Section 2 of the REUL Act repealed section 4 of EUWA at the end of 2023. Section 5 of the REUL Act provides that after the end of 2023, "REUL" (and similar terms) are to be known as "assimilated law" (and similar terms). This renaming follows the repeal of section 4 of EUWA under section 2 and the abolition of supremacy and general principles of EU law (under, respectively, sections 3 and 4 of the REUL Act).

4.3 The SI also updates a reference to a provision of the Direct Payments to Farmers (Legislative Continuity) Act 2020 contained in the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019. The relevant provision of that Act is being re-numbered by paragraph 10 of Schedule 2 to the REUL Act.

***Where does the legislation extend to, and apply?***

- 4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is as follows.
- The amendment or revocation of an enactment or provision of an enactment has the same extent as the enactment or provision of an enactment amended or revoked.
  - The remainder of this instrument extends UK-wide.
- 4.5 The territorial application of the provisions in this instrument (that is, where the instrument produces a practical effect) is the same as its extent.

**5. Policy Context**

***What is being done and why?***

- 5.1 This instrument primarily serves to enhance the clarity and accessibility of the statute book, by making consequential changes to various pieces of secondary legislation to reflect changes brought about by the REUL Act. This instrument does not effect policy change.
- 5.2 The instrument removes references in secondary legislation to section 4 of EUWA now that section has been repealed.
- 5.3 The instrument also makes textual amendments to references to terms such as “retained direct EU legislation” contained in secondary legislation to reflect that after the end of 2023, these are to be known as terms such as “assimilated direct legislation”. This, and the removal of references to section 4 of EUWA, are similar to the changes made to primary legislation by the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023.
- 5.4 Importantly, this instrument only makes consequential amendments to statutory instruments made by UK Ministers. The instrument does not amend Acts of the Scottish Parliament, Scottish Statutory Instruments, Acts of Senedd Cymru or Statutory Instruments made by Welsh Ministers, or Northern Ireland Acts or Measures or Statutory Rules made by Northern Ireland Departments.

**6. Legislative and Legal Context**

***How has the law changed?***

- 6.1 EUWA provided for legal continuity following the UK’s departure from the European Union, by retaining the majority of EU law as it applied in the UK legal system on 31 December 2020 (at the end of the transition period). This body of law was incorporated onto the UK statute book as a new category of law called “REUL”.
- 6.2 REUL includes rights retained under section 4 of EUWA. Section 4 ensured the continuation in domestic law of directly effective rights, powers, liabilities, obligations, restrictions, remedies, and procedures in EU law that had previously had effect in domestic law before the end of the transition period. These rights and principles provided continuity following the end of the transition period, but were not intended to be retained indefinitely.
- 6.3 The REUL Act makes changes to the way in which REUL that remains on our statute book is interpreted, by abolishing EU interpretive effects at the end of 2023, ie. rights under section 4 of EUWA, the supremacy of EU law and general principles of EU

law. Following the abolition of these EU interpretive effects, REUL that remains on our statute book was renamed as “assimilated law”.

- 6.4 This Instrument makes consequential amendments to reflect these changes, by removing references in secondary legislation to rights under section 4 of EUWA and amending references to “REUL” (and similar terms) to “assimilated law” (and similar terms) in those pieces of secondary legislation.

*Why was this approach taken to change the law?*

- 6.5 The REUL Act abolished interpretive effects at the end of 2023. This Instrument makes consequential amendments to reflect those changes, by removing references in secondary legislation to rights under section 4 of EUWA and amending references to “REUL” (and similar terms) to “assimilated law” (and similar terms) in those pieces of secondary legislation. It does not make policy change.

## **7. Consultation**

*Summary of consultation outcome and methodology*

- 7.1 The United Kingdom Government indicated to the Devolved Administrations that it would ask them to provide their consent to this consequential Statutory Instrument, and therefore the UK Government decided to seek their formal agreement for laying these regulations which we have received.
- 7.2 These regulations will make consequential amendments where competence is devolved to Northern Ireland, including certain amendments to legislation that was made in Northern Ireland, given the lack of an Executive and Assembly. The Northern Ireland Civil Service has been given the opportunity to identify legislation that should be amended, and the Northern Ireland Civil Service and Legislative Counsel for Northern Ireland have been given the opportunity to consider and provide comments on these regulations.
- 7.3 The Scottish Government and the Welsh Government have been given an opportunity to consider and provide comments on these regulations.

## **8. Applicable Guidance**

- 8.1 No guidance is necessary in relation to these regulations.

## **Part Two: Impact and the Better Regulation Framework**

## **9. Impact Assessment**

- 9.1 A full Impact Assessment has not been prepared for this instrument because the instrument only makes consequential amendments.

*Impact on businesses, charities, and voluntary bodies*

- 9.2 There is no, or no significant, impact on business, charities, or voluntary bodies because this instrument only makes consequential amendments to secondary legislation.
- 9.3 The legislation does not impact small or micro businesses. The instrument makes only consequential amendments to secondary legislation, none of which will result in a change of policy.

9.4 There is no, or no significant, impact on the public sector as the SI only makes consequential amendments to secondary legislation.

## **10. Monitoring and review**

*What is the approach to monitoring and reviewing this legislation?*

10.1 Monitoring this legislation is not considered necessary because the legislation is only making consequential amendments.

10.2 As this instrument is made under the Retained EU Law (Revocation and Reform) Act 2023 a statutory review clause is not required.

## **Part Three: Statements and Matters of Particular Interest to Parliament**

### **11. Matters of special interest to Parliament**

11.1 None.

### **12. European Convention on Human Rights**

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

### **13. The Relevant European Union Acts**

13.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under EUWA.

13.2 This instrument does relate to the reform of REUL because it is made using the power contained in section 19(1) of the REUL Act to make consequential amendments.