

Retained EU (Revocation and Reform) Bill Research Briefing

November 2022



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Retained EU (Revocation and Reform) Bill

Research Briefing

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The **Retained EU Law (Revocation and Reform) Bill** is the UK Government's plan for the majority of the EU law that remains in place after Brexit. This Bill gives UK and Welsh Ministers powers to save, reform or remove retained EU law before 31 December 2023, when it will automatically expire.

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 Retained (Revocation and Reform) Bill 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 Bill begins a countdown for the majority of REUL to be saved, reformed or removed before 31 December 2023, unless this is extended by UK Ministers up to 23 June 2026 - the tenth anniversary of the Brexit referendum. There are some exceptions for Northern Ireland.

This Bill intends to:

- sunset the majority of REUL so that it expires on 31 December 2023;
- rename remaining REUL "assimilated law";
- provide a sunset extension mechanism up to 23 June 2026;
- grant UK and Welsh Ministers powers to amend, repeal and replace REUL and assimilated law more easily;
- grant Ministers powers to reinstate the supremacy of retained EU law;
- provide domestic courts with greater discretion to depart from REUL case law; and
- repeal the Business Impact Target as part of other regulatory reforms.

Annexed to this summary is a sequential list of provisions at a glance.

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1. Introduction

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

Important features of the Bill

The Bill contains important features which are key to our understanding of it. These are explained in this section of our paper.

The exact number of REUL is unknown

REUL is difficult to quantify. The UK Government estimates that there are over 2,400 pieces of legislation on its **REUL dashboard** but this does not include REUL made by Welsh Ministers. Quantifying other aspects, such as retained EU general principles and case law presents further challenges. The dashboard shows there are 570 pieces of REUL on the environment, food and rural affairs law, 318 on business, energy and industrial strategy, 137 on health and social care, 35 on digital, culture, media and sport and 16 on education.

The **Welsh Government's requests** for the dashboard to identify which legislation is reserved and devolved, and how Welsh legislation might be affected, were not agreed by the UK Government. It recently told the Senedd it **has no plans** of its own to assess REUL to ascertain this, and is relying on the UK Government for this determination.

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 this Bill relate to secondary REUL in devolved areas.

The Bill 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 Bill simultaneously sets up a complex system and starts a countdown

The Bill would simultaneously establish a complex system which requires action by the UK and devolved governments and legislatures and start a countdown to the first automatic sunset on 31 December 2023. EU-derived subordinate legislation and RDEUL which has not been saved by this date will be removed unless it is exempted from the automatic sunsets.

The UK Government **has said** it would jointly review REUL with the devolved governments in the run up to 31 December 2023.

The **Welsh Government says** the Bill would:

see all the governments of the UK engaged in a major piece of work to review thousands of legal instruments to ascertain how they should be handled under the Bill, or otherwise risk the law being removed from the statute book on this date.

It called this:

a **significant distraction** at a time when the focus of governments should be on matters of greater importance such as the cost-of-living crisis.

The **UK's Constitutional Law Association** has described the process of identifying and sifting REUL to decide what to do with it within the Bill's timeframe as a “gargantuan task”. The **Hansard Society** has called the approach “fundamentally and irresponsibly flawed”, and the **Public Law Project says** it's a “massive bureaucratic exercise”.

In devolved areas, the Bill gives powers to UK or Welsh ministers to act alone or jointly

The Bill 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 Welsh Ministers and UK Ministers have the same power to act, these are known as ‘concurrent powers’.

UK Ministers could use the Bill's concurrent powers, to act alone in devolved areas. The use of these powers would be scrutinised by the UK Parliament and would bypass the Senedd and the Welsh Government.

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

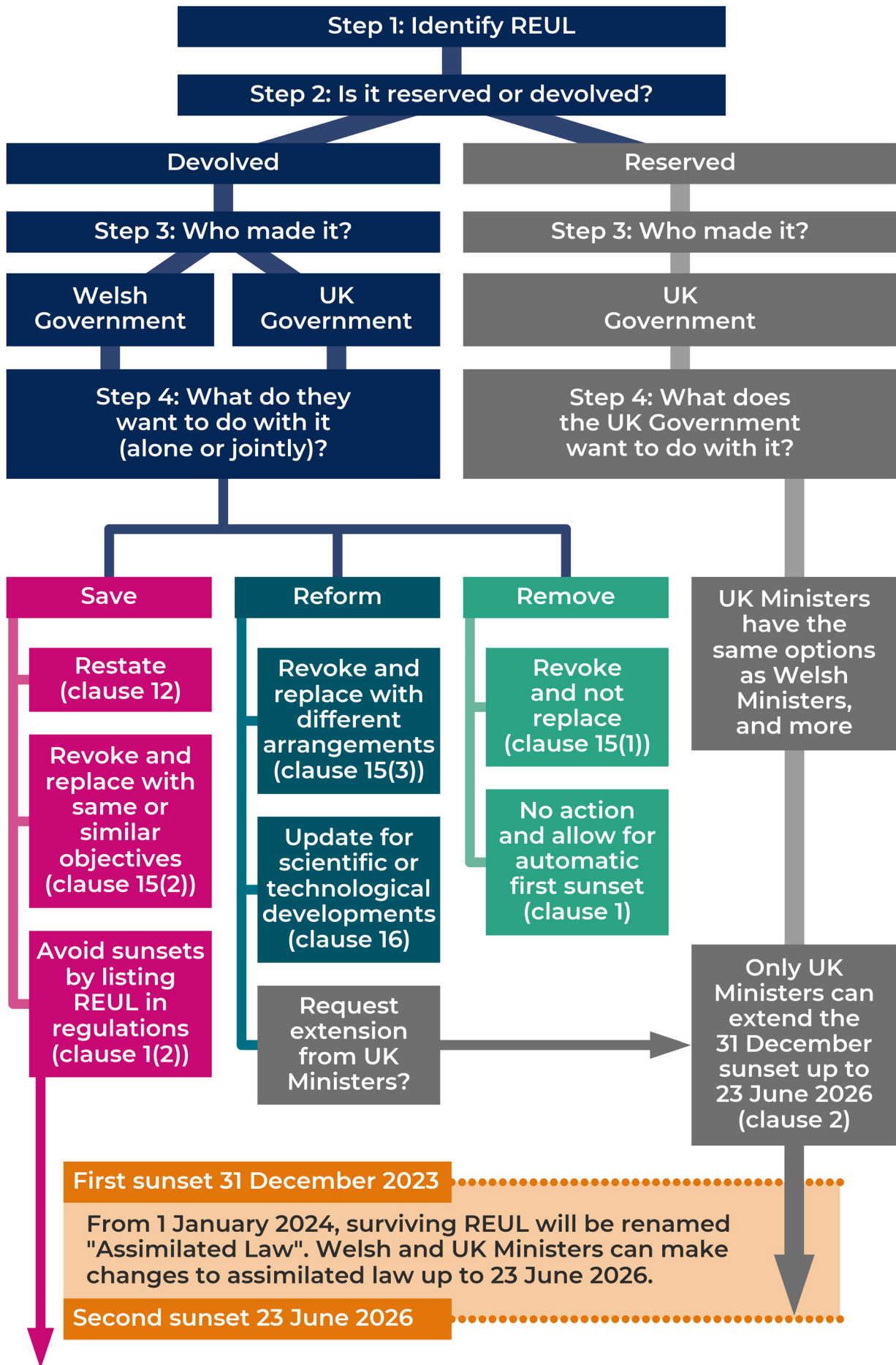
Welsh Ministers have until 31 December 2023 to act

The Bill provides Welsh Ministers with many routes to save, reform or remove REUL by 31 December 2023.

Each option requires the Welsh Government to identify REUL, decide what it wants to do and choose which route to take under the Bill, all while determining what the impact of the UK and other devolved governments' plans will have on what it wants to do.

The automatic sunset of REUL on 31 December 2023 can be extended by UK Ministers only, up to 23 June 2026. This means that the Welsh Government is reliant on the UK Government for extensions under the Bill. However, the sunseting of devolved REUL is a devolved matter, therefore the Senedd could pass an Act doing the equivalent.

The infographic on the next page shows how Welsh or UK Ministers could save, reform or remove REUL under the Bill.



Wider impacts?

If passed as introduced, the Bill could impact on a number of broader issues. These include:

- Potential disputes between the Welsh and UK governments over what's reserved/devolved;
- That to ensure the UK complies with its international obligations, the **UK Government has committed** to taking steps to preserve the substance and legal effects of REUL;
- Ensure 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 level playing field**;
- The **Welsh Government's ambition** to improve pre-Brexit standards, where possible;
- Intra-UK and UK-EU regulatory **alignment and divergence**;
- The operation of the **Internal Market Act 2020**; and
- Potential changes in **common framework** areas.

2. Purpose of the Bill

The Bill states that its 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 Bill's **Explanatory Notes** confirm that the Bill will give effect to the policies set out in the **Benefits of Brexit Report**, published in January 2022.

3. How to save REUL

The Bill as introduced provides 3 routes for Welsh Ministers to save REUL, summarised in this section.

Route 1: Avoid the automatic sunsets of 31 December 2023 and 23 June 2026 by listing some types of REUL in regulations

Clause 1 sunsets EU-derived subordinate legislation and retained direct EU legislation on 31 December 2023 unless it is saved by Ministers. Clause 1(2) provides an option to avoid this and future sunsets if the REUL is specified in new regulations made by UK Ministers, Welsh Ministers or both acting jointly.

This means that Welsh Ministers could save some REUL en bloc, by making one set of regulations listing hundreds of pieces of devolved REUL that it wishes to save. This one set of regulations would be subject to the negative procedure, giving the Senedd 40 days to object and annul.

The Senedd's **Legislation, Justice and Constitution (LJC) Committee** considers every negative instrument. While the whole Senedd votes on whether to annul a negative statutory instrument, the responsibility for tabling a motion to annul rests with individual Members.

Route 2: Restate REUL

Clause 12 grants powers to UK or Welsh Ministers acting alone or jointly to restate any secondary REUL before the end of 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.

Clause 13 replicates clause 12 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.

From 1 January 2024, all surviving REUL will be renamed “assimilated law” under clause 6 of the Bill, discussed further below. The Bill provides Ministers with powers

to make changes to assimilated law up to 23 June 2026.

Clause 14 provides general guidance in relation to clauses 12 and 13.

For example, a restatement may:

- use words or concepts that are different from those used in the law being restated;
- 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 clauses 12 or 13 may make provision about the relationship between the restatement and other legislation.

Route 3: Revoke and replace REUL with the same arrangements

Clause 15 is a broad power that allows UK or Welsh Ministers acting alone or jointly to revoke secondary REUL and replace it with 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.

Clause 15(2) allows Ministers to revoke and replace REUL with 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. The Ministers could not impose taxes or establish public authorities.

“Regulatory burden”

When revoking or replacing secondary REUL, Ministers must not increase regulatory burdens, such as financial costs, trade obstacles or administrative inconveniences. A key question will be whether this introduces a regulatory ceiling for the Welsh Government, which has stated it wants to improve pre-Brexit standards, where possible.

4. How to reform REUL

The Bill provides 3 routes for Welsh Ministers to reform REUL, summarised in this section.

Route 1: Revoke REUL and replace it with alternative arrangements

Clause 15 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.

Clause 15(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.

“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 scientific technology

Clause 16 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.

This power can be used until 31 December 2023 to modify secondary REUL, and thereafter to modify secondary assimilated law.

Route 3: Ask UK Ministers for a sunset extension up to 23 June 2026

Clause 2 provides only UK Ministers with the power to extend the first automatic sunset from 31 December 2023 up to the 23 June 2026. The UK Government originally said this could be used “to implement more complex reforms”.

The Bills **Explanatory Notes** do not refer to increasing the time allowed for more complex reforms. They state that clause 2 could be used where:

a lack of parliamentary time, or external factors, hinder progress towards reform of retained EU law prior to the 2023 sunset date.

The Welsh Government could ask UK Ministers to extend the sunset for devolved REUL, or for specified individual instruments.

Procedural changes to reforming REUL

Clause 10 modifies the procedures that apply when amending REUL.

Clause 10 (and Schedule 1) provide that two categories of REUL (namely retained direct principal EU legislation and directly effective rights etc saved under section 4 EUWA 2018) will be downgraded to the status of domestic secondary legislation.

As a result, those categories of REUL will become easier to amend. Regulations that amend those categories of REUL will generally follow the negative procedure rather than the affirmative procedure. This will apply to amending regulations, whichever of the four governments makes them.

Schedule 1 makes amendments that are consequential to clause 10. Amendments to parliamentary procedure in other legislation, including in devolved areas, are made, such as to the ***Professional Qualifications Act 2022***.

Clause 11 amends EUWA18 in relation to procedural requirements for statutory instruments.

This clause removes post-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 Bill provides 2 routes for Welsh Ministers to remove REUL, summarised in this section.

Route 1: Do nothing and allow automatic sunset on 31 December 2023

Clause 1 will sunset EU-derived subordinate legislation and retained direct EU legislation at the end of 2023 unless it is saved by Ministers.

Clause 1(2) provides an option to avoid this and future sunsets if the REUL is specified in regulations made by UK Ministers, Welsh Ministers or both acting jointly.

Clause 3 will sunset EU-derived rights, powers, liabilities, etc.

These apply by virtue of section 4 of the European Union (Withdrawal) Act 2018. Clause 3 will automatically sunset section 4, and anything that has been retained by virtue of it. EU-derived rights etc saved under section 4 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.

The Bill will sunset all such rights entirely and the sunset extension will not apply. However, their effects can still be replicated by using restatement powers under clauses 12 and 13.

Clause 4 abolishes the supremacy of EU law at the end of 2023 and introduces a new hierarchy in domestic law.

The Bill 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, clause 4 gives Ministers (via clause 8) power to re-introduce the principle, so that specific domestic legislation is to be read and given effect in a way that is compatible with specific RDEUL. Clause 8 powers can be used until 23 June 2026.

Clause 5 abolishes general principles of EU law at 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

Clause 15 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 with the same or similar objectives, or to replace it with alternative arrangements before 23 June 2026.

Clause 15(1) allows for REUL to be revoked without replacing it.

6. Regulatory changes to reduce “burdens”

Clause 17 amends legislation allowing UK Ministers to ‘remove and reduce burdens’.

The Legislative and Regulatory Reform Act 2006 is amended to include any 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”.

“Burden”, as defined in the Bill, means any of the following:

- (a) a financial cost; (b) an administrative inconvenience; (c) an obstacle to efficiency, productivity or profitability; or (d) a sanction, criminal or otherwise, which affects the carrying on of any lawful activity.

Clause 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”

Clause 6 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.

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

Clause 4 abolishes the supremacy of EU law at the end of 2023 and introduces a new hierarchy.

From 2024, RDEUL must be read and given effect in accordance with domestic legislation, even if the domestic legislation pre-dates the RDEUL.

The [House of Commons Library](#) explains:

This change would require key areas of domestic law to be reinterpreted after 2023, so far as any RDEUL has not yet expired under clause 1.

Despite abolishing the principle of supremacy, clause 4 gives Ministers (via clause 8) power to re-introduce the principle, so that specific domestic legislation is to be read and given effect in a way that is compatible with specific RDEUL. Clause 8 powers can be used until 23 June 2026.

Retained general principles of EU law will be abolished

Clause 5 abolishes general principles of EU law at 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.

The way domestic courts handle REUL will change

Clause 7 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.

The Counsel General may also become party to proceedings related to the meaning or effect of Welsh legislation.

Clause 8 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.

Despite clause 4 abolishing the principle of supremacy, clause 8 gives Ministers power to re-introduce the principle, so that specific domestic legislation is to be read and given effect in a way that is compatible with specific RDEUL.

Clause 9 allows for courts and tribunals to issue incompatibility orders where they decide that domestic law is incompatible with RDEUL.

Incompatibility orders can be used to:

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

8. Regulation-making rules

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

This could include UK Ministers legislating in devolved areas.

Clause 20 clarifies the scope of the regulation-making powers in the Bill, and introduces Schedules 2 and 3 to the Bill.

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

Schedule 1 makes amendments that are consequential to clause 10, including amending parliamentary procedure for certain REUL.

The Bill amends parliamentary procedure for legislation in devolved areas, such as the **Professional Qualifications Act 2022**. The Senedd has withheld consent for some of this legislation.

Schedule 2 outlines restrictions on devolved Ministers, such as that they can't make provision outside devolved competence.

These are that the devolved Ministers have no power to make regulations under the Bill that are outside devolved competence.

Schedule 3 sets procedures for the regulation-making powers in the Bill, including providing a sifting role to a Senedd committee. The Senedd's Legislation, Justice and Constitution Committee is currently the responsible committee for sifting regulations made under the EU (Withdrawal) Act 2018 and EU (Future Relationship) Act 2020.

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 paragraphs 10 & 11 of Schedule 3.

Regulations made under the affirmative procedure.

Welsh Ministers may make the following regulations, listed in paragraph 7(2) of Schedule 3 to the Bill, only if a draft of the instrument has been laid before, and approved by a resolution of, the Senedd:

- regulations under **clause 8** which amend, repeal or revoke primary legislation. Clause 8 gives Welsh Ministers power to re-introduce 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 RDEUL. This power expires on 23 June 2026;
- regulations under clauses 12 or 13 which amend, repeal or revoke primary legislation. Clause 12 grants powers to UK or Welsh Ministers to restate any secondary REUL before the end of 2023. Clause 13 replicates clause 12 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 clause 15(2) which confer a power to make subordinate legislation or create a criminal offence. Clause 15(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 clause 15(3). Clause 15(3) allows UK or Welsh Ministers to revoke secondary REUL and replace it with alternative arrangements before 23 June 2026.

The Bill makes certain regulations subject to annulment.

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

- regulations under **clause 1**, including whereby Welsh Ministers list REUL to avoid its automatic sunsets;
- regulations under **clause 8** which do not amend, repeal or revoke primary legislation. This power expires on 23 June 2026;
- regulations under **clause 16**. Clause 16 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.

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 clause 15(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 wish 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 could be the Legislation, Justice and Constitution Committee, as explained above (see page 16). 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 4 of Schedule 3 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. Clauses on commencement, extent etc

Interpretation

Clause 21 defines terms used in the Bill.

Extent, commencement and short title

Clause 22 sets out when each clause comes into force.

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

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

Clause 1 sunsets EU-derived subordinate legislation and retained direct EU legislation (RDEUL) on 31 December 2022 unless it is saved by Ministers. Clause 1(2) provides an option to avoid this and future sunsets if the REUL is specified in regulations made by UK Ministers, Welsh Ministers or both acting jointly.

Clause 2 provides only UK Ministers with the power to extend the first automatic sunset from 31 December 2023 up to the 23 June 2026. The UK Government originally said this could be used “to implement more complex reforms”.

Clause 3 sunsets the 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.

Clause 4 abolishes the supremacy of EU law on 31 December 2023 and introduces a new hierarchy in domestic law.

Clause 5 abolishes general principles of EU law on 31 December 2023. These include legal certainty, equal treatment, proportionality, respect for fundamental rights and the precautionary principle.

Clause 6 renames REUL that survives the first automatic sunset on 31 December 2023 as “assimilated law” from 1 January 2024.

Clause 7 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.

Clause 8 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.

Clause 9 allows for courts and tribunals to issue incompatibility orders where they decide that domestic law is incompatible with RDEUL.

Clause 10 modifies the procedures that apply when amending REUL under EUWA18. As a result, it will become easier to amend certain categories of REUL.

Clause 11 amends EU (Withdrawal) Act 2018 in relation to procedural requirements for statutory instruments.

Clause 12 grants powers to UK or Welsh Ministers acting alone or jointly to restate any secondary REUL before the end of 2023.

Clause 13 replicates clause 12 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.

Clause 14 provides general guidance in relation to clauses 12 and 13.

Clause 15 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 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 clause. These powers expire on 23 June 2026.

Clause 16 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.

Clause 17 amends legislation allowing UK Ministers to remove and reduce burdens. “Burden” means 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.

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

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

Clause 20 clarifies the scope of the regulation-making powers in the Bill, and introduces Schedules 2 and 3 to the Bill.

Clause 21 defines terms used in the Bill.

Clause 22 sets out when each clause comes into force.

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

Schedule 1 makes amendments that are consequential to clause 10, including amending parliamentary procedure for certain REUL.

Schedule 2 outlines restrictions on devolved Ministers, such as that they can't make provision outside devolved competence.

Schedule 3 sets procedures for the regulation-making powers in the Bill, including providing a sifting role to a Senedd committee. The Senedd's Legislation, Justice and Constitution Committee is currently the responsible committee for sifting regulations made under the EU (Withdrawal) Act 2018 and EU (Future Relationship) Act 2020.