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FOIL UPDATE 27th September 2022



The Retained EU Law (Revocation and Reform) Bill

This Bill was introduced to Parliament on 22nd September 2022. As members will know, retained EU Law is a category of domestic law created at the end of the transition period and consists of EU-derived legislation that was preserved in our domestic legal framework by the European Union (Withdrawal) Act 2018. Now that the Government has mapped where EU-derived legislation sits on the UK statute book, it is bringing forward this Bill in order, it says, to realise the opportunities of Brexit, and to support the unique culture of innovation in the UK.

The Bill makes provisions for ‘sunsetting’ retained EU Law, so that the majority of retained EU law will expire on 31st December 2023, unless otherwise preserved. The Bill includes an extension mechanism for the sunset of specified pieces of retained EU law until 2026, should it be required. this will allow departments additional time where necessary to assess whether some retained EU law should be preserved.

The Bill also provides for the ending of supremacy of retained EU law from UK law by 2023 and any retained EU law that is preserved will become “assimilated law” to reflect that EU interpretive features no longer apply.

The Bill will also provide domestic courts with greater discretion to depart from retained case law. It will also provide new court procedures for UK and Devolved Law Officers to refer or intervene in cases regarding retained case law.

The Bill will downgrade the status of retained direct EU legislation for the purposes of the amendment and also modify powers in other statutes, to facilitate their use to amend retained direct EU legislation in the same way they can be used on domestic secondary legislation.

The Bill will create powers to make secondary legislation so that retained EU law can be amended, repealed and replaced more easily. The Bill also takes powers to specify, after the sunset, the body of law that will continue to apply in place of retained EU law, and how it should be interpreted. Using these powers, the Government will ensure that only regulation that is fit for purpose, and suited for the UK will remain on the statute book.

FOIL will be monitoring the progress of the Bill.

For further information, documents related to the Retained EU Law (Revocation and Reform) Bill can be found on the Parliament website at: [Retained EU Law \(Revocation and Reform\) Bill - Parliamentary Bills - UK Parliament](#)

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