



Llywodraeth Cymru
Welsh Government



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Second bi-annual Welsh Government retained EU law (REUL) Act update: January 2024 to June 2024

Our approach to retained EU law (REUL) and expectations over the next 6 months.

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1. Introduction

The Retained EU Law (Revocation and Reform) Act 2023 (the 'REUL Act') received royal assent on 29 June 2023. The REUL Act gave UK ministers and devolved authorities broad powers to revoke, replace and reform secondary retained EU law. The powers were available up until the end of 2023. Section 17 of the REUL Act requires the UK Government, every six months to June 2026, to update the retained EU law dashboard and publish a report on the revocation and reform of retained EU law (now known as 'assimilated law').

As from the beginning of 2024 retained EU law (REUL) no longer exists and what stands in its place is the body of law previously comprised in REUL minus the interpretive features of EU law which applied to it. To distinguish the two the latter is now referred to as 'assimilated law', and the concurrent powers in the REUL Act to revoke, replace and reform can now be used in relation to secondary assimilated law. These powers can be used up until 23 June 2026.

Following the publication of the [UK Government's Retained EU Law Parliamentary Report: January 2024 to June 2024](#) ('UK Government's report'), the Welsh Government are providing the Senedd with this report on Welsh Government's interaction with assimilated law Statutory Instruments (SIs) between January 2024 and June 2024.

The UK Government's report retains the same format as their previous report, albeit with an additional chapter on preservation of Section 4 of the European Union (Withdrawal) Act 2018 rights.

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This Welsh Government report broadly mirrors the UK Government's report with respect to use of REUL Act powers to revoke reform or restate assimilated law and over the same reporting period. This report covers legislation where Welsh Ministers have exercised their powers in the REUL Act or have consented to the use of concurrent powers in the REUL Act by the UK Government. This is the same approach being taken by the Scottish Government, who will also publish a second bi-annual update on the REUL Act around the time of this update.

2. Welsh Government policy and management of assimilated law

This report covers the period up to the announcement of the UK General Election held on 4 July 2024. It covers legislation made as part of the previous UK Government's agenda to revoke, restate or reform assimilated law SIs. During this period, the Welsh Government continued with our policy of only making use of REUL Act powers to amend Welsh-made legislation in a proportionate and judicious manner where there are benefits to Wales. We have been focused on delivering our own legislative programme and **Programme for Government**. During the reporting period, we did not identify any benefit to Wales from use of REUL Act powers .

The UK Government Report identifies in the period January to June 2024 the previous UK Government laid 24 SIs to revoke or reform assimilated law. Of those 24 SIs, eight were made using REUL Act powers. The eight SIs made using REUL Act powers consisted of three which included elements in areas of devolved competence, and five in wholly reserved areas. Throughout the

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reporting period the UK Government continued to meet their non-statutory commitment to seek agreement from Welsh Ministers before exercising REUL Act powers in devolved areas on an SI-by-SI basis. The UK Government sought and were given consent from Welsh Government in relation to the three SIs which included devolved areas (listed in Annex A).

A small number of assimilated law SIs at various stages of completion and liaison between governments were suspended with the announcement of the General Election.

The UK Government have set out in their [Retained EU Law and assimilated law Dashboard](#) all retained EU laws the UK Government has identified to date. The majority of these were saved to ensure legislative continuity immediately after Brexit (The REUL Dashboard includes UK legislation which is reserved, has mixed competence or falls under devolved competence. It does not include any legislation made by the devolved institutions in Scotland, Northern Ireland, or Wales). The dashboard was updated in advance of the UK Government report being published.

Where the UK Government proposed SIs using concurrent powers, liaison between the UK Government and Welsh Government at official level has been broadly positive. Early engagement between the two governments creates a smoother and more consistent process. Welsh Government officials worked with UK Government counterparts to ensure the use of REUL Act powers was appropriate in a devolved context, including assessing the potential policy effect in Wales.

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3. UK Government's Smarter Regulation agenda

In the [first Welsh Government REUL Act Update](#) we identified potential implications for Wales of the previous UK Government's intent to use of REUL Act powers to deliver their Smarter Regulation agenda.

The Smarter Regulation agenda (set out in [Smarter Regulation to Grow the Economy](#)) included reforms intended to “improve regulation across the board to reduce burdens, push down the cost of living and drive economic growth”. REUL Act powers were identified as a tool to revoke and reform regulation to this aim.

A core aspect of the proposed regulatory reform was to reduce the burden on businesses. Whilst reducing unnecessary burdens on businesses is a shared aim, the approach raised the risk of a deregulatory approach eroding vital safeguards and the use of REUL Act powers reducing scrutiny of those choices.

There was only limited interaction with the UK Government on the substance and implications of the wider Smarter Regulation agenda before the General Election was announced.

4. Forward look

We expect the recent election and change in UK Government to lead to a new approach to regulatory reform and the use of REUL Act powers. We expect the UK Government to continue to uphold commitments not to legislate in devolved

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areas using concurrent powers without the consent of Welsh Ministers.

The Welsh Government is ready to work closely with the new UK Government on their plans for regulation, including any anticipated use of powers in the REUL Act. We will prioritise early engagement between the two Governments to enable us to keep the Senedd and relevant committees informed on any legislative proposals. We will continue to work collaboratively where we share priorities and where there are implications for Wales, including exploring any opportunities to align our approaches.

Where the UK Government proposes and seeks consent to use concurrent powers the Welsh Government will consider requests on a case-by-case basis in line with our own priorities. We will keep the Senedd notified in line with agreed protocols and standing orders.

As UK Government's report acknowledges, the new UK Government is in the process of formulating detailed legislative plans and priorities. It has committed to creating a pro-business environment with a regulatory framework that supports innovation, investment, and high-quality jobs and will reform assimilated law, where applicable, to deliver that vision. We share these ambitions, whilst looking to ensure environmental, social and economic rights and standards set out in assimilated law are safeguarded.

The UK Government report's forward look refers to planning reform, health sector reform, the implementation of a new Industrial Strategy and the creation of a new Regulatory Innovation Office. The Report also highlights the UK Government's commitment to upholding and strengthening workers' rights by codifying relevant section 4 rights (The REUL Act repealed section 4 of the

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European Union (Withdrawal) Act 2018, which means that rights previously preserved by that section (known as “section 4 rights”) are no longer recognised in domestic law, unless their effect has been restated using powers in the REUL Act). We look forward to working with the UK Government on these and other issues.

The next bi-annual report is expected in early 2025 and will follow the UK Government’s report.

Annex A: UK Government use of REUL Act powers for which Welsh Ministers provided consent during the reporting period

Statutory Instrument

[The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Provision\) Regulations 2024](#)

Detail

Made consequential amendments to secondary legislation to implement the re-labelling of REUL (and related terms) as “assimilated law” (and related terms) in secondary legislation. Also made provision to remove references in secondary legislation to rights retained under section 4 of the European Union (Withdrawal)

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Act 2018, which were removed by the REUL Act. These modifications aimed to enhance legal clarity of the statute book, ultimately increasing the accessibility and comprehensibility of the law.

Progress

Laid before UK Parliament 24/01/2024 and Welsh Government Written Statement published 26/01/2024. Came into force 01/03/2024.

Statutory Instrument

The Official Controls (Fees and Charges) (Amendment) Regulations 2024

Detail

The SI enabled fees and charges to be administered in a way which reflects the changes to the sanitary and phytosanitary border official controls regime, as laid out in the Border Target Operating Model.

Progress

Laid before UK Parliament 26/02/2024 and Welsh Government Written Statement published 27/02/2024. Came into force 30/04/2024.

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Statutory Instrument

The Retained EU Law (Revocation and Reform) Act 2023 (Environment, Food and Rural Affairs) (Revocation) Regulations 2024

Detail

Removed 73 pieces of redundant assimilated law from the statute book.

Progress

Laid before UK Parliament 16/04/2024 and Welsh Government Written Statement published 15/03/2024. Came into force 10/05/2024.

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