



Llywodraeth Cymru
Welsh Government

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First bi-annual Welsh Government retained EU law (REUL) Act update: July 2023 to December 2023

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

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1. Introduction

Following the publication of the UK Government's **Retained EU Law Parliamentary Report June 2023 to December 2023** ('UK Government's Report'), the Welsh Government are providing the Senedd with a report on Wales' interaction with Retained EU Law (REUL) between July 2023 and December 2023.

This report covers the period July 2023 to December 2023 to ensure consistency with the UK Government's reporting period.

The Welsh Government make this report in the spirit of keeping the Senedd updated on our position regarding, and management of, REUL, and the thrust of what we expect in terms of REUL reform over the next 6 months.

REUL was a type of UK domestic law created by the EU (Withdrawal) Act 2018 (EUWA). As the UK Government's Report states:

“ [the] primary objective of REUL was to provide legal continuity and certainty. It sought to minimise any substantive changes in UK domestic law at the point the transition period (and dynamic alignment with EU law) ended. This was achieved by preserving domestic legislation that had implemented EU obligations and by taking a “snapshot” of directly applicable EU legislation (EU Regulations, tertiary legislation and decisions) which formed “retained direct EU legislation” (also known as RDEUL). ”

It is important to note that the Senedd withheld consent to the REUL Bill and Welsh Government have not been convinced of the necessity, desirability, and wisdom of embarking on significant change to the body of REUL at this time and more generally. As such, we retain a quite different attitude to the merits of

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revoking or reforming REUL, compared to the UK Government, and we believe that Wales' priorities are and should be aligned with those of the EU.

REUL has been replaced as terminology by "assimilated law," however, for the purposes of this update "REUL" is used consistently to avoid confusion and recognise that during this period it was referred to as REUL.

The Scottish Government has also published a response to the UK Government's report, [First Bi Annual Scottish Government REUL Act Update](#).

2. Welsh Government policy on the management of REUL (now "assimilated law")

In response to the publication of the UK's report, we published a [Written Statement](#) confirming the Welsh Government's policy on the use of REUL powers:

“ [we] will make use of REUL Act powers in a proportionate and judicious manner where there are benefits to Wales of doing so. We will not rush to change the law simply because we can. We will work with the UK Government when doing so is good for Wales. ”

We regret that the UK Government declined to include a statutory requirement in the REUL Act for Welsh Ministers' consent before UK Ministers make regulations in devolved areas under powers in the REUL Act.

Notwithstanding this, UK Ministers have since made non-statutory commitments they will seek agreement from Welsh Ministers to the exercise of REUL Act powers in devolved areas.

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The Welsh Government remains focused on delivering our own legislative programme and Programme for Government. We do not believe major changes to REUL are needed nor should they be a priority. We also consider proposals for deregulation need careful thought in order to ensure any risks to trading relationships are properly considered and appropriately managed, particularly with the EU.

While we do not currently have plans to use REUL Act powers to reform legislation, we remain concerned about the potential impact of UK Government reform proposals. Therefore, we engage with the UK Government to consider their proposals where they relate to issues of devolved competence in Wales.

3. Welsh REUL Act legislation

At a central and policy level, Welsh Government officials liaise with their UK Government counterparts on the UK Government's proposals. The UK Government report provides the details of the revocations and reforms it has progressed between July 2023 and December 2023. Those are not repeated here.

Generally, the liaison between UK Government and Welsh Government has been positive where proposals use concurrent powers. For example, Schedule 2 to the 'Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023' revoked 93 pieces of REUL which were redundant, had been superseded or no longer had any legal effect in the UK following EU exit.

Welsh Government officials worked with counterparts in the UK Government to ensure the revocation of these instruments was appropriate in a devolved context and ensure that all necessary measures were retained.

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There are no examples in this period of Welsh Ministers writing to their UK counterparts to refuse consent to proposals using powers under the REUL Act, which to date have been on a limited basis.

For Statutory Instruments (SIs) amending REUL originally made by the Welsh Ministers on a Wales only basis, Welsh Ministers have made one SI. The REUL Act contains a regulation making power to make consequential amendments, which can, among other things, be used to amend legislation to update references to REUL (or equivalent terminology) arising from the REUL Act's changes. To reflect the terminology changes provided for by section 5 of the REUL Act we introduced the Welsh Government SI to amend approximately 20 Welsh SIs ([The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Wales\) Regulations 2023](#) provides more detail) and three pieces of primary legislation:

- The Tax Collection and Management (Wales) Act 2016
- The Waste (Wales) Measure 2010
- The Learner Travel (Wales) Measure 2008

The Welsh Government agrees with the Scottish Government and UK Government that the impacts of the package of changes mentioned in the UK's parliamentary report need to be kept under review and will continue to engage with the UK Government and other devolved governments in that regard.

4. Forward look

The public-facing communications on REUL are provided by the UK Government [REUL Dashboard](#) which shows a list of retained EU laws that the UK saved to ensure legislative continuity immediately after Brexit (please note that the REUL Dashboard includes UK legislation which is reserved, and which has mixed competence or falls under devolved competence. However, it does

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not include any legislation made by the devolved institutions in Scotland, Northern Ireland, or Wales).

Additionally, the UK Government report provided an insight into some of the proposed reforms that it intends for 2024. It also suggests that the next phase of REUL reform will focus on regulatory reform as part of the UK Government's **Smarter Regulation programme**. The REUL Act powers to amend, remove and replace retained EU law with UK provisions are referenced as a vehicle for the UK Government's reviewing and reforming of domestic regulations.

The implications of this deregulatory agenda are currently unclear; however, we will continue to liaise and engage with the UK Government to ensure our response to proposed regulatory changes delivers the best outcome for Wales.

Where the Welsh Government believes that UK Government proposals are acceptable and accord with our own priorities, we will keep the Senedd notified in line with our agreed protocols and standing orders.

The Welsh Government does not currently have any plans to use our REUL Act powers to revoke, restate or reform REUL originally made by the Welsh Ministers on a Wales only basis.

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