

2024 No. 80

RETAINED EU LAW REFORM

**The Retained EU Law (Revocation and Reform) Act 2023
(Consequential Provision) Regulations 2024**

<i>Made</i>	<i>23rd January 2024</i>
<i>Laid before Parliament</i>	<i>24th January 2024</i>
<i>Coming into force</i> - -	<i>1st March 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 19(1) of the Retained EU Law (Revocation and Reform) Act 2023 (“the 2023 Act”)(a).

The Secretary of State is a relevant national authority for the purposes of section 19(1) of the 2023 Act(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Provision) Regulations 2024.

(2) These Regulations come into force on 1st March 2024.

(3) An amendment or revocation made by these Regulations has the same extent within the United Kingdom as the provision to which it relates.

Provision in consequence of the Retained EU Law (Revocation and Reform Act) 2023

2. The Schedule contains amendments to, and revocations of, certain subordinate legislation in consequence of provisions of the Retained EU Law (Revocation and Reform) Act 2023.

23rd January 2024

Kevin Hollinrake
Parliamentary Under Secretary of State
Department for Business and Trade

(a) 2023 c. 28.

(b) See section 21(1) of the 2023 Act for the definition of “relevant national authority”.

Amendments to, and revocation of, subordinate legislation

PART 1

Amendments

Amendment of the Defence and Security Public Contracts Regulations 2011

1.—(1) The Defence and Security Public Contracts Regulations 2011(a) are amended as follows.

(2) In regulation 6 (application)—

- (a) in paragraph (1), omit “and specified retained EU law”;
- (b) in paragraph (3), omit “and specified retained EU law”;
- (c) omit paragraph (7).

(3) In regulation 12(4) (technical specifications in the contract documents), in the words following sub-paragraph (b), for “retained EU obligations” substitute “assimilated obligations”.

(4) In regulation 25 (information as to technical or professional ability), in paragraph (4)(a)(ii)(aa) for “retained EU law” substitute “assimilated law”.

(5) In regulation 36(1) (conditions for performance of contracts) for “retained EU law” substitute “assimilated law”.

(6) In regulation 51(1) (duty owed to economic operators)—

- (a) omit “and” at the end of sub-paragraph (a);
- (b) omit sub-paragraph (b).

Amendment of the Public Contracts Regulations 2015

2.—(1) The Public Contracts Regulations 2015(b) are amended as follows.

(2) In regulation 2(1) (definitions) omit the definition of “the Retained Treaties”.

(3) In regulation 9 (public contracts awarded, and design contests organised, pursuant to international rules), in paragraph (1)(a) omit “, concluded in conformity with the Retained Treaties,”.

(4) In regulation 11 (service contracts awarded on the basis of an exclusive right), omit from “which is compatible with” to the end.

(5) In regulation 12 (public contracts between entities in the public sector)—

- (a) in paragraph (1)(c), omit “, in conformity with the Retained Treaties,”;
- (b) in the words following paragraph (2)(b), omit “, in conformity with the Retained Treaties,”;
- (c) in paragraph (4)(c), omit “, in conformity with the Retained Treaties,”.

(6) In regulation 17 (public contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules), in paragraph (1)(a), omit “, concluded in conformity with the Retained Treaties,”.

(7) In regulation 42 (technical specifications)—

(a) S.I. 2011/1848. In regulation 6, paragraphs (1) and (3) were amended, and paragraph (7) was inserted, by S.I. 2019/697. Regulations 12, 25, 36 and 51(1) were amended by S.I. 2019/697.

(b) S.I. 2015/102. The definition of “the Retained Treaties” in regulation 2(1) was inserted, and regulations 9(1)(a), 11, 12, 17(1)(a), 42(9) and (11) were amended, by S.I. 2020/1319. Regulation 89 was amended by S.I. 2016/275 and 2020/1319.

- (a) in paragraph (9), for “retained EU law” substitute “assimilated law”;
 - (b) in paragraph (11), for “retained EU law” substitute “assimilated law”.
- (8) In regulation 89(1) (duty owed to economic operators from the United Kingdom and Gibraltar)—
- (a) omit “and” at the end of sub-paragraph (a);
 - (b) omit sub-paragraph (b).

Amendment of the Concession Contracts Regulations 2016

- 3.—**(1) The Concession Contracts Regulations 2016(a) are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) in the definition of “exclusive right”, omit “which is compatible with the Retained Treaties”;
 - (b) omit the definition of “the Retained Treaties”.
- (3) In regulation 5 (meaning of “utilities”), in paragraph (4)(b) omit “which is compatible with the Retained Treaties”.
- (4) In regulation 10(5) (general exclusions: concession contracts awarded pursuant to international rules), in sub-paragraph (a) omit “, concluded in conformity with the Retained Treaties,”.
- (5) In regulation 17 (concession contracts between entities within the public sector)—
- (a) in paragraph (1)(c), omit “, in conformity with the Retained Treaties,”;
 - (b) in paragraph (2), omit “, in conformity with the Retained Treaties,”;
 - (c) in paragraph (4)(c), omit “, in conformity with the Retained Treaties,”.
- (6) In regulation 50(1) (duty owed to economic operators from the United Kingdom and Gibraltar)—
- (a) omit “and” at the end of sub-paragraph (a);
 - (b) omit sub-paragraph (b).

Amendment of the Utilities Contracts Regulations 2016

- 4.—**(1) The Utilities Contracts Regulations 2016(b) are amended as follows.
- (2) In regulation 2(1) (definitions) omit the definition of “the Retained Treaties”.
- (3) In regulation 20 (contracts awarded and design contests organised pursuant to international rules), in paragraph (1)(a), omit “, concluded in accordance with the Retained Treaties,”.
- (4) In regulation 22 (service contracts awarded on the basis of an exclusive right), omit from “which is compatible with” to the end.
- (5) In regulation 27 (contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules), in paragraph (1)(a) omit “, concluded in accordance with the Retained Treaties,”.
- (6) In regulation 28 (contracts between contracting authorities)—
- (a) in paragraph (1)(c), omit “, in conformity with the Retained Treaties,”;
 - (b) in paragraph (2), omit “in conformity with the Retained Treaties”;
 - (c) in paragraph (4)(c), omit “, in conformity with the Retained Treaties,”.
- (7) In regulation 60 (technical specifications)—

(a) S.I. 2016/273. The definition of “the Retained Treaties” in regulation 2(1) was inserted, and the definition of “exclusive right” in regulation 2(1) and regulations 5, 10, 17 and 50 were amended, by S.I. 2020/1319.

(b) S.I. 2016/274. The definition of “the Retained Treaties” in regulation 2(1) was inserted, and regulations 20, 22, 27, 28, 60 and 104 were amended, by S.I. 2020/1319.

- (a) in paragraph (8), for “retained EU law” substitute “assimilated law”;
- (b) in paragraph (10), for “retained EU law” substitute “assimilated law”.

(8) In regulation 104(1) (duty owed to economic operators from the United Kingdom and Gibraltar)—

- (a) omit “and” at the end of sub-paragraph (a);
- (b) omit sub-paragraph (b).

Amendment of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019

5.—(1) Regulation 8 of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019^(a) (retained direct EU legislation: laying of documents before Northern Ireland Assembly) is amended as follows.

- (2) In the heading, for “retained direct EU legislation” substitute “assimilated direct legislation”.
- (3) In paragraph (1)—
 - (a) for “retained direct EU legislation” substitute “assimilated direct legislation”;
 - (b) for “paragraph 7(b)” substitute “paragraph 7(2)(b)”.

Amendment of the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018

6. In Part 2 of the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018^(b) (service of documents in civil and commercial matters), omit Chapter 3 (the Agreement: cessation, and saving, of rights etc.).

Amendment of the Competition (Amendment etc.) (EU Exit) Regulations 2019

7.—(1) The Competition (Amendment etc.) (EU Exit) Regulations 2019^(c) are amended as follows.

- (2) In Part 6—
 - (a) in the heading, for “retained EU law” substitute “assimilated law”;
 - (b) omit regulation 62 (cessation of Treaty Rights and Obligations);
 - (c) in regulation 63—
 - (i) in the heading, for “retained direct EU legislation” substitute “assimilated direct legislation”;
 - (ii) in paragraph (a), for “retained direct EU legislation” substitute “assimilated direct legislation”;
 - (iii) in paragraph (b), for “retained EU Regulations” substitute “assimilated Regulations”.
- (3) In Schedule 3—
 - (a) in the heading, for “retained direct EU legislation” substitute “assimilated direct legislation”;
 - (b) in Part 1, in the heading for “retained direct EU legislation” substitute “assimilated direct legislation”;
 - (c) in Part 2, in the heading for “retained EU Regulations” substitute “assimilated Regulations”.

^(a) S.I. 2019/628. Regulation 8(1) was amended by S.I. 2020/463.
^(b) S.I. 2018/1257.
^(c) S.I. 2019/93.

Amendment of the European Union Budget, and Economic and Monetary Policy (EU Exit) Regulations 2019

8. In the European Union Budget, and Economic and Monetary Policy (EU Exit) Regulations 2019(a), omit—

- (a) regulation 4 (cessation of rights, etc.);
- (b) regulation 5 (cessation of rights, etc. on restatement).

Amendment of the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019

9. In the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019(b), omit Part 4 (Treaty Rights and Obligations).

Amendment of the Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019

10. In regulation 3 of the Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019(c) (exit-related amendments of the Defence and Security Public Contracts Regulations 2011), omit—

- (a) paragraph (3)(a) and (c);
- (b) paragraph (6)(b);
- (c) paragraph (21);
- (d) paragraph (28)(b).

Amendment of the Immigration, Nationality and Asylum (EU Exit) Regulations 2019

11. In the Immigration, Nationality and Asylum (EU Exit) Regulations 2019(d), omit—

- (a) regulation 48 (disapplication of inconsistent retained EU rights etc.);
- (b) Chapter 4 of Part 3 (asylum: international agreements).

Amendment of the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019

12. In the Social Security Coordination (Reciprocal Healthcare) (Amendment etc) (EU Exit) Regulations 2019(e), omit Part 4 (rights etc deriving from the Treaties).

Amendment of the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019

13.—(1) The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019(f) are amended as follows.

(2) In Part 4, in the heading for “retained direct EU legislation” substitute “assimilated direct legislation”.

(3) Omit Part 6 (rights etc. deriving from the Treaties).

(4) In Part 1 of Schedule 1 (cross-border cases arising before IP completion day: modifications to primary legislation)—

-
- (a) S.I. 2019/484.
 - (b) S.I. 2019/479.
 - (c) S.I. 2019/697.
 - (d) S.I. 2019/745.
 - (e) S.I. 2019/776.
 - (f) S.I. 2019/777.

- (a) in paragraph 1 (modifications to the National Health Service Act 2006), in sub-paragraphs (c) and (d) for “retained EU obligations” substitute “assimilated obligations”;
- (b) in paragraph 3 (modifications to the Health and Social Care Act 2012), in sub-paragraphs (a) and (b) for “a retained EU obligation” substitute “an assimilated obligation”.

Amendment of the Health Services (Cross-Border Health Care and Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

14. In the Health Services (Cross-Border Health Care and Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(a), omit Part 4 (supplementary: EU-derived rights).

Amendment of the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020

15. In the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020(b), omit Part 4 (cessation of directly effective treaty rights).

Amendment of the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020

16.—(1) The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020(c) are amended as follows.

(2) The following provisions are omitted—

- (a) in regulation 6 (the Public Contracts Regulations 2015: amendments commenced on IP completion day)—
 - (i) paragraph (2)(i), in so far as it inserted the definition of “the Retained Treaties” into regulation 2(1) of the Public Contracts Regulations 2015,
 - (ii) paragraph (8)(a) (amendment of regulation 9(1)(a)),
 - (iii) paragraph (10) (amendment of regulation 11),
 - (iv) paragraph (11) (amendment of regulation 12),
 - (v) paragraph (15)(a)(i) (amendment of regulation 17(1)(a)),
 - (vi) paragraph (30)(b) (amendment of regulation 42(11)), and
 - (vii) paragraph (57)(b) (amendment of regulation 89(1)(b));
- (b) in regulation 8 (the Concession Contracts Regulations 2016: amendments commenced on IP completion day)—
 - (i) paragraph (2)(d) (amendment of definition of “exclusive right”),
 - (ii) paragraph (2)(f) (definition of “the Retained Treaties”),
 - (iii) paragraph (3) (amendment of regulation 5),
 - (iv) paragraph (7)(d)(i) (amendment of regulation 10(5)(a)),
 - (v) paragraph (10) (amendment of regulation 17), and
 - (vi) paragraph (27)(b) (amendment of regulation 50(1)(b));
- (c) in regulation 10 (the Utilities Contracts Regulations 2016: amendments commenced on IP completion day)—
 - (i) paragraph (2)(h) (definition of “the Retained Treaties”),
 - (ii) paragraph (11)(a) (amendment of regulation 20(1)(a)),
 - (iii) paragraph (13) (amendment of regulation 22),

(a) S.I. 2019/784.
 (b) S.I. 2020/1038.
 (c) S.I. 2020/1319.

- (iv) paragraph (17)(a)(i) (amendment of regulation 17(1)),
 - (v) paragraph (18) (amendment of regulation 28),
 - (vi) paragraph (37)(b) (amendment of regulation 60(10)), and
 - (vii) paragraph (59)(b) (amendment of regulation 104(1)(b));
 - (d) regulation 25 (cessation of certain prohibitions on the grounds of nationality);
 - (e) regulation 26 (cessation of rights etc. under certain international agreements).
- (3) In Part 4, in the heading for “retained direct EU legislation” substitute “assimilated direct legislation”.

Amendment of the Cessation of EU Law Relating to Prohibitions on Grounds of Nationality and Free Movement of Persons Regulations

17.—(1) The Cessation of EU Law Relating to Prohibitions on Grounds of Nationality and Free Movement of Persons Regulations 2022(a) are amended as follows.

- (2) In regulation 1 (citation, commencement and interpretation)—
 - (a) omit paragraph (3);
 - (b) in paragraph (4), omit sub-paragraphs (a) and (b) (including “or” at the end).
- (3) Omit—
 - (a) regulation 2 (cessation of prohibitions on the grounds of nationality);
 - (b) regulation 3 (cessation of free movement of persons).

PART 2

Revocations

18. The following instruments are revoked—

- (a) the Special Fissile Materials (Right of Use and Consumption) (EU Exit) Regulations 2018(b);
- (b) the Freedom of Establishment and Free Movement of Services (EU Exit) Regulations 2019(c);
- (c) the Prohibition on Quantitative Restrictions (EU Exit) Regulations 2020(d).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 19(1) (consequential provision) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) (“the 2023 Act”).

These Regulations amend or revoke various subordinate legislation in consequence of the following provisions of the 2023 Act—

- (a) section 2 of the 2023 Act, which repealed section 4 of the European Union (Withdrawal) Act 2018 (c. 16) at the end of 2023;
- (b) section 5(1) of the 2023 Act insofar as it renamed retained EU law (“REUL”) so that at all times after the end of 2023, REUL that remains in force is known as “assimilated law”;

(a) S.I. 2022/1240.
 (b) S.I. 2018/1094.
 (c) S.I. 2019/1401.
 (d) S.I. 2020/1625.

(c) section 5(2) of, and paragraph 10 of Schedule 2 to, the 2023 Act which amended the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen.

© Crown copyright 2024

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£8.14

<http://www.legislation.gov.uk/id/uksi/2024/80>

ISBN 978-0-34-825681-9



9 780348 256819