

EXPLANATORY MEMORANDUM TO
THE RETAINED EU LAW (REVOCATION AND REFORM) ACT 2023
(CONSEQUENTIAL AMENDMENTS) REGULATIONS 2025

2025 No. 82

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Minister Madders, the Minister for Employment Rights, Competition and Markets at the Department for Business and Trade can confirm that this Explanatory Memorandum meets the required standard.

2.2 James Harrison, Deputy Director, Smarter Regulation Directorate at the Department for Business and Trade, can confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Christie Alderson and Solomon Ofofu at the Department for Business and Trade: Telephone: 07531814971 or email: christie.alderson3@businessandtrade.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Instrument makes consequential amendments to secondary legislation necessitated by provisions of the Retained EU Law (Revocation and Reform) Act 2023 ("REUL Act").

4.2 This instrument amends secondary legislation to remove references to "retained EU law" ("REUL") and replace them with "assimilated law". This instrument also removes references to general principles of EU law and section 4 rights. These amendments reflect the changes made by Section 4 of the REUL Act which amended the European Union (Withdrawal) Act 2018 ("EUWA") so that general principles of EU law as an aid to interpretation were removed from UK law at the end of 2023 and reflect the repeal of section 4 of EUWA under section 2. Section 5 of the REUL Act provided that after the end of 2023, "REUL" (and related terms such as "retained EU case law") remaining in force is to be known as "assimilated law" (and related similar terms, such as "assimilated EU case law"). This renaming was done to represent the removal of EU interpretive effects at the end of 2023, the abolition of supremacy (in so far as it still remained for interpretation and conflicts purposes) and general principles of EU law (under, respectively, sections 3 and 4 of the REUL Act).

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is as follows:

- The amendment or revocation of an enactment or provision of an enactment has the same extent as the enactment or provision of an enactment amended or revoked unless otherwise specified by this instrument.
- The remainder of this instrument extends UK-wide.

4.4 The territorial application of the provisions in this instrument (that is, where the instrument produces a practical effect) is the same as its territorial extent.

5. Policy Context

What is being done and why?

5.1 This instrument primarily serves to enhance the clarity and accessibility of the statute book for businesses and consumers alike, by making consequential changes to various pieces of secondary legislation to reflect changes already brought about by the REUL Act.

5.2 The instrument makes textual amendments to references to “REUL” and related terms (such as “retained direct EU legislation”) contained in secondary legislation to reflect that REUL is now known as “assimilated law”. These changes are similar to the changes made to primary legislation by the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424) and the changes made to secondary legislation by the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Provision) Regulations 2024 (S.I. 2024/80).

5.3 The instrument also removes references in secondary legislation to general principles of EU law now that they have been removed by section 4 of the REUL Act.

5.4 This instrument includes consequential amendments to Scottish Statutory Instruments and Statutory Rules made by Northern Ireland Departments as requested by the relevant devolved governments.

What was the previous policy, how is this different?

5.5 This instrument does not make any policy changes, as referenced above it serves to clarify the statute book.

6. Legislative and Legal Context

How has the law changed?

6.1 EUWA provided for legal continuity following the UK’s departure from the European Union, by retaining the majority of EU law as it applied in the UK legal system on 31 December 2020 (at the end of the transition period). This body of law was incorporated onto the UK statute book as a new category of law called “REUL”, which since 1 January 2024 has been known as “assimilated law”.

6.2 The REUL Act made changes to the way in which REUL that remains on our statute book is interpreted, by abolishing EU interpretive effects at the end of 2023, i.e. rights under section 4 of EUWA, the supremacy of EU law and general principles of EU law. Following the abolition of these EU interpretive effects, REUL that remains in force was renamed “assimilated law”.

6.3 This instrument makes consequential amendments to secondary legislation to reflect these changes, by amending references to “REUL” (and related terms such as “retained EU case law”) to “assimilated law” (and related terms such as “assimilated EU case law”) and removing references to general principles of EU law.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 This instrument contains consequential amendments that fall within devolved subject matters areas and includes amendments to Statutory Rules made by Northern Ireland Departments and a small number of S.S.I.s that have been included at the Scottish Government's request. We worked closely with the Northern Ireland Civil Service to produce the Schedule of amendments to Northern Irish secondary legislation with NICS identifying the list of legislation that should be included. The Scottish Government, Welsh Government and Northern Ireland Executive have all been given the opportunity to consider and provide comments on relevant amendments.

8. Applicable Guidance

8.1 No guidance is necessary in relation to this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the instrument only makes consequential amendments.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the instrument only makes consequential amendments.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the instrument only makes consequential amendments.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the pieces of legislation being amended by this SI will be reviewed in line with the approach already in place for these instruments.

10.2 As this instrument is made under the Retained EU Law (Revocation and Reform) Act 2023, a statutory review clause is not required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

- 13.1 This instrument is made under section 19(1) of the Retained EU Law (Revocation and Reform) Act 2023 and therefore relates to the reform of assimilated law.