

Retained EU Law (Revocation and Reform) Act 2023

The Retained EU Law (Revocation and Reform) Act 2023 (REUL Act) has now become law. The REUL Act provides a new legal architecture for retained EU law (REUL) in the UK, and will significantly change how REUL is interpreted and applied.

REUL is a category of law that was created by the European Union (Withdrawal) Act 2018 (EUWA) at the end of the post-Brexit transition period on 31 December 2020, based on the EU and EU-derived law that applied in the UK at that time. The REUL Act will remove the special status and EU-derived features of REUL in the UK at the end of 2023, and provides the UK Government with wide-ranging powers to restate, revoke, replace or update REUL until 23 June 2026, as set out further below. In particular, the REUL Act will:

- Remove what the Government refers to as the “interpretive effects” of EU law that remain on the UK statute book. These include directly effective rights and obligations derived from EU treaties and EU directives, the doctrine of the supremacy of EU law, and general principles of EU law (such as the precautionary principle). In fact, the concept of supremacy is reversed such that where there is a conflict between domestic law and retained direct EU legislation, it is the EU-derived legislation that must be read in a way that is compatible with domestic legislation.

- Revoke several hundred pieces of REUL forming part of domestic law at the end of 2023. This aspect of the Act was significantly altered during the parliamentary process: whereas previously, the Act would have automatically sunsetted all REUL, it will now do so only where such legislation has been specified by the Government in the Schedule to the Act or where the Government has specifically exercised the revocation powers provided to it by the Act.

The Government has itself identified that the REUL Act may have significant impacts in areas where regulation relies heavily on EU law (such as Employment, Tax, Competition, Intellectual Property, and Data law), and could give rise to future litigation where parties test whether established regulatory regimes will continue to operate in the same way.

Given the potential impact of the REUL Act across a wide range of industries it is key that clients consider the particular risks and opportunities presented by the Act. Because the revocation and reform of REUL is underway at pace, assessing the impact of the REUL Act on your business should not be delayed. We are uniquely well-placed to advise clients in this area and can deliver bespoke training across a range of sectors.

What type of law are you dealing with?

[This website](#) is a helpful dashboard that can be used to find out what type of legislation you're dealing with. Select the “REUL Explorer” tab, then search the name of the relevant legislation and the dashboard will show you which type of retained EU law the legislation is.

The website only lists retained EU legislation, and does not list other forms of EU law affected by the REUL Act, such as directly effective rights, EU case law, and general principles of EU Law.