

SOAS ICOP Policy Briefings

To Inform Government and Parliamentary Debates

The Retained EU Law (Revocation and Reform) Bill – Rushed, Risky and Undemocratic by *Eleonor Duhs, Barrister, Partner at Bates Wells* (25th October 2022).

At the end of the Brexit transition period, EU law which applied to the UK was [turned into domestic law](#). The aim was to provide “maximum certainty” as the UK left the EU: in general, the same rules would continue to apply across the economy including in areas such as farming, food standards, environmental law, employment law, financial services, privacy and many more. This gave certainty to individuals, businesses, investors and government. This vast body of law preserved after Brexit is known as retained EU law. In terms of repealing and replacing retained EU law, the policy was that it would be for “democratically elected representatives in the UK” to decide on changes after “[full scrutiny and proper debate](#)”.

This Bill seeks to:

- Sunset most retained EU law by the end of 2023 (see clause 1(1))
- Change the way in which any retained EU law which Ministers decide to keep is interpreted (see clauses 4 and 5)
- Provide Ministers with wide-ranging powers to restate, revoke or replace retained EU law (see clauses 12 – 15).

If Ministers do nothing, the default position is that retained EU law simply disappears from the statute book by the end of 2023.

MPs are urged to use the debate at second reading to point out that:

- This Bill means that if Ministers want retained EU law to fall away, they need take no action. The decision to take no action is not subject to Parliamentary scrutiny. Examples of rights and protections which could be lost in this way include:
 - the right to equal pay as between men and women;
 - workers’ right to 5.6 weeks of paid holiday per year;
 - the 48 hour maximum working week for road hauliers; and
 - food safety standards.
- This Bill represents a [huge transfer of power from Parliament to the Executive](#). It gives Ministers powers to legislate on areas which affect our everyday lives without [meaningful democratic input](#).
- Far from creating new “[high standards regulatory frameworks](#)” the replacement legislation cannot increase standards – it can only keep them the same or make them lower (see clause 15(5)).
- Reducing standards or allowing key pieces of legislation to simply lapse [could risk the UK’s trading relationship with the EU](#) at a time when we can ill afford it.
- The proposed speed and scale of the changes (the government’s retained EU law dashboard includes [over 2,400 pieces of legislation in over 300 policy areas across 21 sectors of the UK economy](#)) are unrealistic and likely to result [in mistakes and omissions](#).

For further information contact the author at E.Duhs@bateswells.co.uk. Contact Prof Alison Scott-Baumann for access to other experts at as150@soas.ac.uk, and visit [our website](#) for more information. *The views expressed in SOAS ICOP Briefings are those of the authors and do not necessarily represent those of SOAS.*