



Department for Business & Trade

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Sir William Cash MP
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European Scrutiny Committee

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9 March 2023

Dear Sir William,

Thank you for your letter which included an invitation to give evidence to the European Scrutiny Committee on the Regulating after Brexit inquiry. As I have only recently taken responsibility for the Retained EU Law Bill and programme, I believe it would be more beneficial for me, or one of my ministers, to attend an evidence session at a later time. I have asked my office to put forward some suitable dates.

In your letter you requested further information on several areas. Please see my response below.

Update on the Government's Brexit opportunities plan, including the Retained EU Law (Revocation and Reform) Bill

I can assure you that the Government is committed to taking full advantage of our regulatory freedoms post-Brexit, including through the Retained EU Law (Revocation and Reform) Bill and the accompanying Retained EU Law (REUL) Reform and Repeal Programme. The Government will utilise the powers in the Bill to remove inefficient and bureaucratic EU law from the UK statute book or reform it to best suit the interests of the UK. Where REUL is essential to the effective running of business and industry, and already deemed to be optimised for the UK, the Government will look to preserve this REUL as 'assimilated law'. Importantly, REUL that is preserved as 'assimilated law' will be stripped of the influence of EU concepts and case-law.

Cross-Whitehall coordination and methodology used to identify instances of REUL and the number instances currently identified.

The Brexit Opportunities Unit (BOU) in my department is leading a cross-Whitehall REUL Repeal and Reform programme to address all REUL ahead of the sunset date. BOU are working closely with departments, the Parliamentary Business and Legislation team, (PBL), the Cabinet Office, and the Union & Constitution Group in the Department for Levelling Up, Housing and Communities to oversee and drive departmental REUL repeal and reform delivery plans and deliver the associated SI programme upon Royal Assent of the Bill.

Government departments are responsible for REUL in their own policy areas and have been examining key legislative databases to identify their REUL portfolio. Departments are reviewing the effectiveness of each piece of REUL and considering whether it is optimised for the UK economy and consequently whether it should be allowed to sunset, be reformed, or be preserved. BOU will

also work with departments, PBL and the Whips to support the delivery of the necessary SI programme before the sunset date.

As you will be aware, the Government has published a Retained EU Law Dashboard, which showcases which departments, policy areas and sectors of the economy have the most REUL. The dashboard identifies over 3,700 pieces of REUL in over 400 unique policy areas and will be updated on a regular basis moving forward.

Number of civil servants working on REUL

There are currently 52 civil servants working on both the REUL Repeal and Reform Programme and the REUL Bill within the BOU. As you would expect, there are a number of civil servants working to deliver the programme in government departments. Some of those resources will also be working on existing departmental priorities, running in tandem to the REUL Repeal and Reform programme.

In addition to existing civil service resource, and in order to support the ambition for the REUL repeal and reform programme overall, the Government is seeking to secure additional external legal resources to build on existing legal capacity and capability in the Government Legal Department.

REUL 'Tsar'

I would be interested to hear more from the Committee regarding the merits of appointing a REUL 'Tsar' and the possible remit of the role.

I hope you find this response helpful.

Best wishes,

A handwritten signature in black ink, reading "Kemi Badenoch". The signature is fluid and cursive, with the first name "Kemi" and last name "Badenoch" clearly distinguishable.

THE RT HON KEMI BADENOCH MP

Secretary of State for Business & Trade and President of the Board of Trade and
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