

Dame Diana Johnson MP
Home Affairs Committee
House of Commons
London
SW1A 0AA

12 April 2023

Dear Diana,

I am writing in response to your letter dated 8 March 2023 which requested further information on work underway in the Home Office in relation to the Retained EU Law (Revocation and Reform) Bill (“the Bill”).

The latest published version of the Government’s Retained EU Law (REUL) dashboard identifies 26 pieces of REUL for which the Home Office is responsible and as requested in your letter, my response provides an update on work underway in relation to those. You will of course be aware that the dashboard and categorisation of REUL is an ongoing process across Whitehall. This work on REUL reform has identified additional pieces of REUL which will be reflected in the next dashboard update in Spring 2023. I anticipate providing an update to this response in relation to additional Home Office REUL once the next iteration of the dashboard is available.

Compared with other government departments the Home Office has fewer pieces of REUL to consider as when the UK was in the EU, we had the ability to decide whether to participate in EU Justice and Home Affairs legislation and so the amount of REUL on the statute book on exit was reduced. Good progress has been made in reviewing Home Office REUL on the dashboard, with delivery plans in place for the majority of entries and work underway to finalise approaches for the remainder. Further due diligence work and legal and policy scrutiny has established 7 pieces of REUL which have either already been repealed or misclassified as REUL and accordingly entries will be updated or removed from future iterations of the dashboard. There is ongoing scrutiny to ensure the correct identification and approach to REUL for which the Home Office is responsible.

Of the 26 pieces of Home Office REUL on the dashboard, 14 are within scope of the REUL Bill’s clause 1 sunset. No Home Office REUL has been identified which is in scope of the clause 4 sunset (in the version of the Bill as amended at committee in the Lords¹). For ease of reference I have included as an annex to this letter a table containing the detail of Home Office REUL included in the public dashboard and highlighting those in scope of the clause 1 sunset.

¹ [Retained EU Law \(Revocation and Reform\) Bill \(parliament.uk\)](http://parliament.uk)

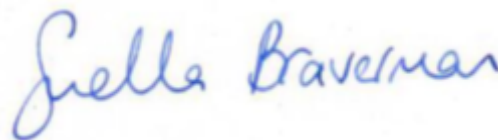
The majority of agreed delivery plans seek to preserve REUL from the clause 1 sunset in order to ensure measures which deliver public safety and national security benefits are maintained. The necessary action to ensure this will be taken before the sunset date of 31 December 2023 set out in the Bill, so no REUL has been identified as requiring the use of a later sunset as provided through clause 3(1) of the Bill.

The published dashboard does not contain detail of REUL required to meet international obligations. The government is committed to maintaining high standards across the UK and ensuring that vital protections continue to be upheld in all areas, including compliance with our international obligations. Home Office delivery plans will take account of this commitment and appropriate mechanisms to safeguard relevant REUL will be identified.

With regard to your questions on asylum related REUL, including how they interact with asylum reform, whether there will be a commitment to maintaining minimum standards and an assessment of any reduction in standards, and the impact on 'Dublin style' arrangements with EU countries, these matters remain under consideration and I can provide further information in due course.

Given that the majority of Home Office REUL regulates law enforcement and public sector activities, the main stakeholders with interest are other government departments and statutory advisory bodies. Policy delivery leads have been proactively engaging to ensure their stakeholders are apprised of delivery plans, to respond to any queries and ensure the best possible outcomes when taking action in relation to REUL. This engagement will continue as delivery planning develops and the Home Office will continue to contribute to centrally led communications planning work to set out the government's overall intentions on REUL reform. The majority of Home Office REUL on the dashboard is reserved to the UK government, with policy leads engaging directly with their counterparts in the Devolved Administrations as delivery plans develop.

My officials, my ministerial team and I will continue to keep Home Office REUL under review, seeking opportunities to reduce burdens which may have been imposed by Retained EU law, whilst ensuring those measures with public safety and security related benefits to our country are preserved into UK law in our best interests.



Rt Hon Suella Braverman MP
Home Secretary

Annex: Home Office REUL contained within the REUL public dashboard (updated January 2023)

Policy Area	REUL Name (as on dashboard)	REUL Description (as on dashboard)	In scope of sunset (Clause 1 or 3)
Drug Precursor Chemicals	Regulation (EC) 273/2004 of the European Parliament and of the Council	Establishes measures for controlling and monitoring within the EU certain chemical substances that are frequently used in the illicit manufacture of narcotic drugs.	Yes (1)
	Council Regulation (EC) 111/2005	Lays down rules for the monitoring of trade between Union and Third countries in Drug Precursors	Yes (1)
	Commission Delegated Regulation (EU) 2015/1011	Lays down conditions for granting licences and registrations, determines cases where a licence and a registration are not required, establishes the criteria to demonstrate the licit purpose of a transaction, determines the information required to monitor trade, fixes the conditions for determining the lists of the countries of destination for exports of scheduled substances of Categories 2 and 3, establishes the criteria for determining simplified procedures for pre-export notifications and for export authorisations and specifies the requirements concerning the information to be provided on the implementation of the monitoring measures as regards trade in drug precursors.	Yes (1)
	Commission Implementing Regulation (EU) 2015/1013	Lays down uniform procedural rules for the implementation of Regulation (EC) No 273/2004 and of Regulation (EC) No 111/2005 as regards the licensing and registration of operators and users and their listing in the European database on drug precursors, the provision by operators of information required to monitor trade and authorisation of exports and imports in the field of drug precursors.	Yes (1)
	The Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations S.I. 2008/295	Involves intra community trade of DPCs	Yes (1)
	The Controlled Drugs (Drug Precursors) (Community External Trade) Regulations S.I. 2008/296	Involves external community trade on DPCs	Yes (1)
Explosives Precursors	Poisons Act 1972 (EU derived primary)	Control of Poisons and Explosives Precursors in GB	No.
	Control of Poisons and Explosives Precursors Regulations S.I. 2015/966 (EU derived secondary)	Strengthens control of Poisons and Explosives Precursors in GB	Yes (1)
Controls on the sale and possession of firearms /	Firearms (Amendment) Act 1988	Implements the requirements of the EU Firearms Directive having regard to deactivated firearms	No.
	Firearms Acts (Amendment) Regulations S.I. 1992/2823	Implement the requirements of the EU Firearms Directive having regard to the Northern Ireland Protocol	Yes (1)

deactivated firearms	Firearms (Amendment) Act 1988 (Amendment) Regulations S.I. 2011/2175	Implement the requirements of the EU Firearms Directive having regard to the Northern Ireland Protocol	Yes (1)
Animals in Science	Animals (Scientific Procedures) Act 1986	Involves the protection of animals used for scientific purposes. Amended to transpose Directive 2010/63/EU	No.
Law Enforcement and Criminal Justice	Accreditation of Forensic Service Providers Regulations S.I. 2018/1276	Transposes Council Framework Decision 2009/905/JH	Yes (1)
	Passenger Name Record Data and Miscellaneous Amendments Regulations S.I. 2018/598	Transposes Directive (EU) 2016/681	Yes (1)
Online Child Sexual Abuse	Police and Criminal Evidence Act 1984	Procedural provisions/ powers to investigate IIOC/ online CSA. Implements Council Decision 2000/375/JHA to combat child pornography on the internet (which outlines how Member States should combat online child sexual abuse. UK already met the requirements of the legislation when it was adopted).	No. <i>Note: Further scrutiny has established that these 3 Acts should not be classified as REUL and will be removed from future iterations of the dashboard.</i>
	Regulation of Investigatory Powers Act 2000	Procedural provisions/ powers to investigate IIOC/ online CSA. Implements Council Decision 2000/375/JHA to combat child pornography on the internet (which outlines how Member States should combat online child sexual abuse. UK already met the requirements of the legislation when it was adopted).	
	Sexual Offences Act 2003	Raises age at which it is an offence to produce sexual images of a child from 16 to 18. Made illegal to meet a child following grooming. Implements Council Decision 2000/375/JHA to combat child pornography on the internet (which outlines how Member States should combat online child sexual abuse. UK already met the requirements of the legislation when it was adopted).	
Cyber Crime	Computer Misuse Act 1990	Implements Directive 2013/40 of the European Council and of the Parliament on attacks against information systems, repealing Council Framework Decision 2005/222/JHA. The Directive implemented a range of cyber-dependent offences across the EU Member States. The UK was already broadly compliant with the Directive but a number of changes were made to the Computer Misuse Act as a result. The changes required to meet Directive 2013/40 were implemented through the Serious Crime Act.	No.
Asylum	The Displaced Persons (Temporary Protection) Regulations S.I. 2005/1379	Implements rules on temporary protection	No. <i>Note: Further scrutiny has established this REUL has already been repealed by Reg 52 of Immigration, Nationality & Asylum (EU Exit) Regulations 2019 and will be removed from future iterations of the dashboard.</i>
	Asylum Support (Amendment) Regulations 2005 S.I. 2005/11	Implements Directive 2003/9/EC laying basic standards for the reception of asylum seekers	Yes (1)
	Section 94(5D) of the Nationality, Immigration and Asylum Act 2002	List of safe countries	No

	The Asylum Seekers (Reception Conditions) Regulations S.I. 2005/7	Implements basic standards on reception of asylum seekers	Yes (1)
	The Refugee or Person in Need of International Protection (Qualification) Regulations S.I. 2006/2525	Implements basic standards on qualification for refugee status	No. <i>Note: Already repealed by s.30 of Nationality & Borders Act 2022 so will be removed from future iterations of the dashboard</i>
	The Asylum (Procedures) Regulations S.I. 2007/3187	Implements basic standards for asylum system procedures	Yes (1)
Modern Slavery	Elements of the Modern Slavery Act 2015 in addition to a number of regulations such as the Trafficking People for Exploitation Regulations 2013	Implements Human Trafficking Directive 2011/36/EU Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims (the "EU Trafficking Directive") is intended, in part, to give effect to Council of Europe Convention on Action against Trafficking in Human Beings (ECAT). Its objective is to prevent and combat trafficking by imposing obligations on Member States to investigate and prosecute trafficking as a serious organised crime and a gross violation of fundamental rights. The provisions of the Trafficking Directive are similar but not identical to ECAT. ECAT is not EU law but a European Council Convention of which remain signatories to and obligated to honour.	No. <i>Note: Further scrutiny of HO REUL has confirmed the name of this REUL should be more properly recorded as Directive 2011/36 the "EU Trafficking Directive", this entry will be amended in future iterations of the dashboard.</i>
Border Security	s. 31(3), Immigration, Asylum and Nationality Act 2006	Consequential amendments to the Immigration Act 1971	No. <i>Note: Further scrutiny confirmed this was misclassified as REUL, and will be removed from future iterations of the dashboard.</i>