



Department for Business & Trade

The Rt Hon Kemi Badenoch MP
Secretary of State for Business & Trade
President of the Board of Trade
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Admiralty Place
Whitehall
London
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Rt Hon Caroline Nokes MP
Chair, Women and Equalities Committee
House of Commons
London
SW1A 0AA

6 April 2023

Dear Caroline,

Retained EU Law (Revocation and Reform) Bill

Thank you for your letter of 25 January 2023 to the Rt Hon Grant Shapps MP, then Secretary of State for Business, Energy and Industrial Strategy, about the Retained EU Law (Revocation and Reform) Bill.

Firstly, may I express my thanks to you and the Committee for your patience and flexibility in receiving our response whilst the machinery of government changes to support growth were implemented across Whitehall.

The Bill commenced its passage in the House of Lords on 19 January 2023. It allows the United Kingdom to take the next step in reasserting the sovereignty of Parliament and will end the special status of retained EU law in the UK statute book, enabling the Government to amend, revoke and replace retained EU law more easily. All remaining retained EU law will either be reformed, restated, or assimilated into UK domestic law. Departments will analyse their retained EU law carefully to determine what should be preserved as part of domestic law, as well as retained EU law that should be repealed, or amended.

Before responding to the Committee's specific queries, I thought it would be helpful to clarify the Government's position on REUL as a whole, including equality, employment rights and parental leave. The Government will not abolish any law for the sake of it. This Bill will enable the UK to be the best regulated economy in the world by creating a regulatory environment that encourages growth, innovation and entrepreneurship. These reforms will reduce excessive and unnecessary EU red tape that burdens businesses and reduces efficiency, consequently pushing up the cost of living.

Equality

The Government is committed to retaining necessary protections and no amendments to the Equality Act 2010 are expected as a result of the Bill. The provisions within the Bill are not intended to undermine our human rights or equality legislation. Most equality protections in Great Britain will be unaffected because they are contained in primary legislation, in particular the Equality Act 2010 and any relevant secondary legislation and other instruments will be considered.

Where further provision is necessary, the Bill contains powers to enable the UK Government and the devolved governments to safeguard the rights and protections of the citizens of the United Kingdom. This includes a restatement power so that departments can codify rights into domestic legislation. This will secure rights and protections, by setting them out clearly and accessibly on the UK statute book.

Employment rights

The Government does not intend to change workers' legal rights with the Bill. Our high standards were never dependent on our membership of the EU, and indeed, the UK provides for stronger protections for workers than are required by EU law, with statutory rights like annual leave recognised as important protections for workers.

The Government remains committed to ensuring workers are properly protected in the workplace. We have one of the highest minimum wages in Europe and UK workers are entitled to 5.6 weeks of annual leave, compared with the EU requirement of 4 weeks.

Parental leave

The repeal of maternity rights is not, and has never been Government policy. Our high standards in this area have never been dependent on us mirroring the same rules as the EU. Rather, the UK has gone further and moved faster. For instance, we provide a year of maternity leave with the option to convert to shared parental leave to enable parents to share care, whilst the EU minimum maternity leave is just 14 weeks.

Retained EU Law Dashboard

The public dashboard provides multiple options to explore and filter over 4,000 pieces of legislation, concentrated over 400 policy areas. It was updated on 30th January 2023, to catalogue an additional 1,000 pieces of Retained EU Law (REUL) and to add some additional functionality and data categories which provide further information on each piece of legislation, including territorial extent. It also provides the public with the ability to consider the list of REUL either by searching the dashboard online or by downloading the data.

Whilst equalities law has not specifically been marked as such, it is possible for it to be located using keywords. For example, using the term equality identifies five instances of REUL, one of which is The Equality Act (Age Exemptions for Pension Schemes) Order 2010 belonging to the Department of Work and Pensions, with an identified territorial extent of GB only (England, Wales & Scotland).

The dashboard will be iterated throughout 2023 and my officials will continue to review how additional functionality might be added. I will ask them to note your request for the potential identification of equality rights and protections REUL for future consideration.

International Obligations

As you have noted in your letter, ministers have confirmed the Government's position to maintain our commitments to international obligations including the Withdrawal Agreement, and now the Windsor Framework, at the despatch box. The Government is also committed to devolution settlements and to working collaboratively and constructively with the devolved governments. This will ensure beneficial outcomes for citizens across the UK.

Departments are responsible for identifying and addressing their own REUL and managing the delivery of their REUL reform. Departments are aware of the need to ensure their international obligations form part of that consideration process and are proactively working with the Brexit Opportunities Unit (BOU) repeal and reform programme to manage the process constructively.

Stakeholder Consultation

The Bill has been designed as an enabling conduit to empower departments to make the changes needed to deliver their priorities in their own policy areas. It is expected they will comply with all relevant obligations applicable to their policy areas, including undertaking consultation where appropriate.

As part of developing their policy approach to specific pieces of REUL, departments will be engaging relevant experts - such as businesses, academics, parliamentarians, and members of the public - in their particular policy areas. In some areas, departments may choose to consult formally.

Thank you once again for taking the time to write.

Best wishes,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

THE RT HON KEMI BADENOCH MP
Secretary of State for Business & Trade and President of the Board of Trade
Minister for Women and Equalities