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What is the Brexit Freedoms Bill?

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What is the Brexit Freedoms Bill?

The UK Government introduced the [Retained EU Law \(Revocation & Reform\) Bill](#), otherwise known as the Brexit Freedoms Bill, to Parliament in September 2022. The aim of the Bill is to end the special status of all retained EU law by 31st December 2023.

[Retained EU Law](#)

Retained EU law describes EU-derived legislation, rights and principles that used to apply to the UK when it was a member of the EU and was essentially copied into the UK's domestic legal system following the end of the transition period. The body of law was created by the EU (Withdrawal) Act 2018.

There are three types of retained EU law:

- Domestic law which implemented or related to former EU obligations
- EU legislation which was directly applicable in the UK without implementing legislation
- Other rights and principles in EU law that had direct effect in the UK

There are 150,000 pieces of EU legislation which are considered 'retained EU law', though Government estimates only 3,000 pieces will have a practical impact in the UK.

In 2021, the Brexit Opportunities Unit was set up by the Government to review retained EU law. Departments were tasked with [assessing the retained EU law impacting their portfolios](#) and identifying which laws should be repealed, replaced or updated. The Government also plans to revisit the EU (Withdrawal) Act 2018 in order to address constitutional concerns about retained EU law.

What is included in the Retained EU Law (Revocation & Reform) Bill?

The Bill will make it easier to revoke, change or replace retained EU law through secondary legislation. The most notable elements of the Bill include:

- Placing a 'sunset' on retained EU law, resulting in most legislation expiring by the end of 2023
- Enabling the 'sunset' to be postponed for some retained EU law until 23rd June 2026, though the Government has not yet given concrete examples of which laws this might apply to due to the current political and economic situation
- Enabling retained EU law that takes the form of legislative instruments to be exempted from the 'sunset' – as above, no concrete examples of which legislative instruments could be exempted have been provided
- Renaming any remaining retained EU law after 2023 to 'assimilated law'

- Formally abolishing the principle of supremacy and other general principles of EU law after 2023, though enabling these principles to be preserved or recreated in specific cases
- Giving UK courts a new legal framework for reconciling inconsistent sources of law when they include those of EU origin
- Granting new delegated powers to UK ministers and devolved administrations to repeal, restate, replace or update retained or assimilated law
- Removing existing parliamentary scrutiny of statutory instruments where they proposed to change or revoke law of EU origin
- Expanding the permitted use of Legislative Reform Orders so that they can revoke retained direct EU legislation
- Abolishing the Business Impact Target – an assessment of the economic impact on business of every qualifying regulatory provision – in the Small Business, Enterprise and Employment Act 2015

How significant is the Retained EU Law (Revocation & Reform) Bill?

The Government has flagged that the Brexit Freedoms Bill will ‘cut £1 billion of red tape for businesses’ and ease regulatory burdens ‘in favour of a more agile, home-grown regulatory approach that benefits people and business across the UK’. The Government believes that removing any existing ‘red tape’ will give businesses ‘confidence to invest and create jobs’ while transforming the UK’s economy.

Though there still remains many questions about the extent to which this Bill will impact on the UK’s law, it is likely that the powers to preserve, restate, replicate, revoke, replace and update parts of retained EU law will be used extensively before the end of the sunset period.

How can the Chambers of Commerce help?

The Chambers of Commerce are working hard to inform and update local firms on the latest Brexit-related developments. Alongside briefing papers and social media videos, the three Chambers are also hosting a range of Brexit events over the next six months.

Access support and information about our Brexit activity and International services:

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