



Department
for Exiting the
European Union

The Repeal Bill

Factsheet 1: General

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The Repeal Bill

On 13 July, the Government took the next step in returning power from Brussels to the UK by introducing the Repeal Bill (formally known as the “*European Union (Withdrawal) Bill*”) to the House of Commons. The Bill will ensure that the UK exits the EU with **certainty, continuity and control**.

The Bill ensures that, so far as possible, the same rules and laws will apply on the day after exit as on the day before. This will provide the maximum possible **certainty and continuity** to businesses, workers and consumers across the UK – so that they can have confidence that they will not be subject to unexpected changes on the day we leave the EU.

The Bill delivers on our promise to end the supremacy of EU law in the UK. It is the only way for the UK to leave the EU while taking back **control** – so that our future laws will be made in London, Edinburgh, Belfast and Cardiff.

Explanation of the Bill

- The Repeal Bill is integral to ensuring that the statute book is able to function on the day we leave the EU. It is intended to promote continuity and certainty as far as possible. Therefore, the Bill is technical in nature rather than a vehicle for major policy changes.

Why are we repealing the European Communities Act 1972 (ECA)?

- The Bill repeals the ECA. It is important to repeal the ECA to ensure there is maximum clarity as to the law that applies in the UK, and to reflect the fact that following the UK’s exit from the EU it will be UK law, not EU law, that is supreme.

Isn’t repealing the ECA enough?

- If the Repeal Bill did not convert existing EU law into domestic law at the same time as repealing the ECA, the UK’s statute book would contain significant gaps once we left the EU. There are a large number of EU regulations and many other EU-derived laws which form part of our law which, if we were to repeal the ECA without doing anything else, would no longer apply, creating large holes in our statute book.

- Therefore, the Bill will convert existing direct EU law (including EU regulations and decisions) into UK law as it applies in the UK at the date of exit. It will also preserve the laws we have made in the UK to implement our EU obligations (such as laws made to implement EU directives).
- This approach of converting EU law into domestic law maximises certainty and stability while ensuring Parliament is sovereign.

Is this enough to ensure a functioning statute book?

- Simply doing the above will not be enough to ensure the law operates properly on the day we leave the EU. Despite the Bill's conversion of EU-derived legislation, many areas of law will not function effectively once we have left the EU, because, for example, they refer to EU institutions that will no longer play a role in the UK.
- The Bill will therefore give ministers **temporary powers** to correct retained EU law which does not function effectively. The corrections will be made by statutory instruments made under the power(s) in the Bill, and these will need to have passed through the appropriate parliamentary procedures before we exit the EU.

In addition:

- The Bill will also replicate the common UK frameworks created by EU law in UK law, and maintain the scope of devolved decision making powers immediately after exit. This will be a transitional arrangement to provide certainty after exit and allow intensive discussion and consultation with devolved administrations on where lasting common frameworks are needed.

Other preparation:

- To ensure we are prepared for the process of withdrawal from the EU, the Government will also introduce a number of Bills (as announced in the Queen's Speech) over the course of the next two years including a Customs Bill and an Immigration Bill.

Key facts

- According to the EU's legal database, there are currently over 12,000 EU regulations in force (this includes amending regulations as well as delegated and implementing regulations).
- In terms of domestic legislation which implements EU law such as directives, research from the House of Commons Library indicates that there have been around 7,900 statutory instruments that have implemented EU legislation.
- We estimated around 800 - 1,000 EU-exit related Statutory Instruments will be required in the White Paper "Legislating for the United Kingdom's withdrawal from the European Union". It is not possible to give a definitive figure for the number of Statutory Instruments needed. This is because the volume of legislation will depend on the outcome of negotiations, on policy decisions to be taken and on further work in how we bring forward the secondary legislation.

Key quotes

- Mike Cherry, Federation of Small Businesses, "This gives small businesses stability and certainty that Brexit will not mean sudden big changes in regulation over the next two years. While transferring EU regulations into domestic UK law should eventually allow an overhaul of some of the more burdensome processes, which inhibit productivity, it is in no-one's interest for there to be a cliff-edge moment".
- Josh Hardie, Confederation of British Industry, "We welcome the Government's aim to give businesses certainty as the UK leaves the EU, as clarity and continuity on rules will be vital for business planning and investment. This is vital for companies to continue creating jobs and prosperity across all UK regions and nations."