



Retained EU Law (Revocation and Reform) Act 2023

2023 CHAPTER 28

Assimilation of retained EU law

3 Abolition of supremacy of EU law

- (1) In section 5 of the European Union (Withdrawal) Act 2018 (exceptions to savings and incorporation), before subsection (1) insert—

“(A1) The principle of the supremacy of EU law is not part of domestic law.

This applies after the end of 2023, in relation to any enactment or rule of law (whenever passed or made).

(A2) Any provision of retained direct EU legislation—

- (a) must, so far as possible, be read and given effect in a way which is compatible with all domestic enactments, and
- (b) is subject to all domestic enactments, so far as it is incompatible with them.

(A3) [Subsection \(A2\)](#) is subject to—

- (a) section 186 of the Data Protection Act 2018 (data subject’s rights and other prohibitions and restrictions);
- (b) regulations under section [7\(1\)](#) of the Retained EU Law (Revocation and Reform) Act 2023.”

- (2) In that section, at the end insert—

“(8) In this section “domestic enactment” means an enactment other than one consisting of retained direct EU legislation.”

- (3) In consequence of [subsection \(1\)](#), the European Union (Withdrawal) Act 2018 is amended as follows—

- (a) in section 5—

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- (i) omit subsections (1) to (3);
- (ii) in subsection (7), for “(1)” substitute “(A1)”;
- (b) in section 7(5)(a), for “(1) to (3)” substitute “(A1) to (A3)”;
- (c) in Schedule 1 omit paragraph 5(2).

Commencement Information

- I1** S. 3 not in force at Royal Assent, see [s. 22\(3\)](#)
- I2** S. 3 in force at 1.1.2024 by [S.I. 2023/1363](#), [reg. 3\(a\)](#)

4 Abolition of general principles of EU law

- (1) The European Union (Withdrawal) Act 2018 is amended as follows.
- (2) In section 5 (exceptions to savings and incorporation)—
 - (a) after subsection (A3) (inserted by [section 3\(1\)](#)) insert—

“(A4) No general principle of EU law is part of domestic law after the end of 2023.”;
 - (b) omit subsection (5).
- (3) In section 6 (interpretation)—
 - (a) in subsection (3)(a) omit “and any retained general principles of EU law”;
 - (b) in subsection (7) omit the definition of “retained general principles of EU law”.
- (4) In section 7(5)(b) (status of retained EU law) omit “and retained general principles of EU law”.
- (5) In section 21(1) (index of defined expressions), in the table, omit the entry for “Retained general principles of EU law”.
- (6) In Schedule 1 (further provision about exceptions to savings and incorporation) omit paragraphs 2 and 3 (general principles of EU law) and the italic heading before them.
- (7) In paragraph 39 of Schedule 8 (transitional provision relating to certain exceptions to savings and incorporation)—
 - (a) in sub-paragraph (1) for “1 to 4” substitute “1 and 4”;
 - (b) in sub-paragraph (2) for “1 to 4” substitute “1 and 4”;
 - (c) in sub-paragraph (3) for “paragraphs 3 and” substitute “paragraph”;
 - (d) in sub-paragraph (4) for “1 to 4” substitute “1 and 4”;
 - (e) omit sub-paragraphs (5) and (6).

Commencement Information

- I3** S. 4 not in force at Royal Assent, see [s. 22\(3\)](#)
- I4** S. 4 in force at 1.1.2024 by [S.I. 2023/1363](#), [reg. 3\(b\)](#)

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5 “Assimilated law”

- (1) As regards all times after the end of 2023, the things listed in the left-hand column are to be known by the names in the right-hand column.

<i>At or before the end of 2023</i>	<i>After the end of 2023</i>
Retained EU law	Assimilated law
Retained case law	Assimilated case law
Retained direct EU legislation	Assimilated direct legislation
Retained direct minor EU legislation	Assimilated direct minor legislation
Retained direct principal EU legislation	Assimilated direct principal legislation
Retained domestic case law	Assimilated domestic case law
Retained EU case law	Assimilated EU case law
Retained EU obligation	Assimilated obligation
Retained EU law governing the CAP direct payment schemes	Assimilated law governing the CAP direct payment schemes
Retained direct EU CAP legislation	Assimilated direct CAP legislation

- (2) Accordingly, as regards all times at or before the end of 2023, the things listed in the right-hand column continue to be known by the names in the left-hand column.

- (3) [Schedule 2](#) contains amendments consequential on subsection (1).

- (4) A reference in an enactment to a thing in the left-hand column of the table in subsection (1) is to be read, as regards all times after the end of 2023, as a reference to the thing by its name in the right-hand column.

- (5) [Subsection \(4\)](#) does not apply to any title of an enactment (including any provision about how an enactment may be cited) or any reference to a title of an enactment.

- (6) The provision that may be made by regulations under [section 19](#) (power to make consequential provision) in consequence of subsection (1) of this section includes, in particular—

- provision adding entries to the table in subsection (1) for things which relate to the things for which there are entries in the table (and adding definitions for those things to subsection (7));
- provision amending an enactment in consequence of the name of a thing being changed by subsection (1) (including by virtue of regulations under [section 19](#)).

- (7) In this section—

“retained case law”, “retained domestic case law” and “retained EU case law” have the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018 (as it has effect on the day on which this Act is passed);

“retained EU law”, “retained direct EU legislation”, “retained direct minor EU legislation”, “retained direct principal EU legislation” and “retained EU obligation” have the meaning given by Schedule 1 to the Interpretation Act 1978 (as it has effect on the day on which this Act is passed);

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“retained EU law governing the CAP direct payment schemes” and “retained direct EU CAP legislation” have the meaning given by section 2 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (as it has effect on the day on which this Act is passed).

Commencement Information

- I5** S. 5(1)(2)(4)-(7) in force at Royal Assent, see **s. 22(1)(b)**
I6 S. 5(3) in force at 1.1.2024 by **S.I. 2023/1363, reg. 3(c)**

Changes to legislation:

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