EXPLANATORY MEMORANDUM TO

THE ENERGY (EURATOM DECISIONS AND MISCELLANEOUS PROVISIONS) (AMENDMENT AND REVOCATION) REGULATIONS 2025

2025 No. 514

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Energy Security and Net Zero and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Rt Hon Edward Miliband MP, Secretary of State for Energy Security and Net Zero at the Department for Energy Security and Net Zero, confirms that this Explanatory Memorandum meets the required standard.

2.2 Rose Pennells, Deputy Director of Strategy Operations, at the Department for Energy Security and Net Zero, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Heather Oakeshott at the Department for Energy Security and Net Zero, email: reul@energysecurity.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 Through powers conferred by section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023 ("REUL Act"), these regulations will revoke:

(i) in their entirety, the 37 instruments of secondary assimilated law listed in the schedule to the regulations; and

(ii) further legacy transitional provisions that had saved the partial application of three further instruments of secondary assimilated law.

4.2 The instruments being revoked in their entirety are obsolete and no longer operable in the UK. The transitional provisions being revoked are no longer required and have therefore become redundant. These amendments will regularise the statute book.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is as follows:

(i) the amendment or repeal of an enactment or provision of an enactment has the same extent as the enactment or provision of an enactment amended or repealed, unless otherwise specified; and

(ii) the remainder of this instrument extends throughout the United Kingdom.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the same as its extent.

5. Policy Context

What is being done and why?

5.1 Utilising the power conferred by section 14(1) of the REUL Act to revoke secondary assimilated law, the revocation provisions in this instrument will revoke 40 instruments of secondary assimilated law which are no longer operable or have otherwise become redundant in the United Kingdom, largely following its exit from the European Union and from Euratom.

5.2 This builds on the 587 instruments revoked in Schedule 1 of the REUL Act, and the 98 further instruments revoked by the Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143) made by the Department for Business and Trade at the end of 2023.

5.3 This instrument does not relate to the withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018 ("EUWA"). This instrument does, however, relate to the reform of secondary assimilated law under the power to "revoke any secondary retained EU law without replacing it" in section 14(1) of the REUL Act.

5.4 This instrument was referenced in the planned future reforms section of the Assimilated Law Parliamentary Report June 2024 – December 2024 (page 22), published by the Department for Business and Trade and laid before Parliament on 23 January 2025.[1]

What was the previous policy, how is this different?

5.5 The 40 instruments of secondary assimilated law revoked by this instrument became either inoperable or redundant following the exit of the United Kingdom from the European Union and Euratom.

6. Legislative and Legal Context

How has the law changed?

6.1 To maintain legal certainty at the end of the Transition Period, the EUWA provided for the retention of most European Union law as it applied in the United Kingdom on 31 December 2020. The EUWA incorporated European Union law that applied to the United Kingdom onto the statute book as "retained EU law" ("REUL").

6.2 The REUL Act facilitated the amendment, restatement or revocation and replacement of REUL as of 31 December 2023 and removed the special European Union law features attached to that REUL, such as supremacy, interpretive effects and so-called section 4 rights. As such, all REUL that remained on the United Kingdom statute book after the end of 2023 was assimilated into domestic law as "assimilated law".

6.3 The REUL Act powers to revoke, reform and restate assimilated law are available until 23 June 2026. This instrument utilises those powers to revoke further

[1] https://assets.publishing.service.gov.uk/media/67921318c0ba6c6a80abb5a9/assimilated-law-parliamentary-report-june-2024-to-december-2024.pdf.

instruments of assimilated law which are no longer necessary to the functioning of the statute book.

Why was this approach taken to change the law?

6.4 This approach was taken to clear the statute book of inoperable or redundant law.

7. Consultation

Summary of consultation outcome and methodology

7.1 Consultations with external stakeholders were not considered necessary for this instrument as revocations are being carried out only in areas where legislation is obsolete, redundant or inoperable and thus there is no policy change.

8. Applicable Guidance

8.1 No guidance is necessary as there is no policy change.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full impact assessment has not been prepared for this instrument because there will be little to no impact of the revocations and amendments. Impacts are therefore expected to be de minimis as understood by the Better Regulation Framework.

9.2 It is not expected that anyone will be directly affected by these changes in the law, as the legislation to be revoked no longer has any practical effect and is therefore considered obsolete, redundant or inoperable.

Impact on businesses, charities and voluntary bodies

9.3 There is no impact on business, charities or voluntary bodies because this instrument merely revokes laws that are already inoperable.

9.4 The legislation does not impact small or micro businesses.

9.5 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 As this instrument is made under the REUL Act, no review clause is required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument was laid for consideration by the Sifting Committees on 25 March 2025 pursuant to paragraph 6 of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023. The Sifting Committees each confirmed on 2 April 2025 their agreement that the appropriate procedure for this instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure).

11.2 The powers being exercised in this instrument are those conferred to revoke or replace secondary assimilated law in section 14(1) of the REUL Act.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is made under section 14(1) of the REUL Act and therefore relates to the reform of assimilated law. The Minister has made any relevant statements, below, under the 2023 Act.