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4 September 2025

Dear Clare

FOURTH BI-ANNUAL SCOTTISH GOVERNMENT REUL ACT UPDATE

Further to the publication on 17 July 2025 of the fourth UK Government statutory report under section 17 of the Retained EU Law (Revocation and Reform) Act 2023 (the “REUL Act”) I am pleased to attach the fourth Scottish Government update on that Act. This covers the reporting period from 24 December 2024 to 23 June 2025.

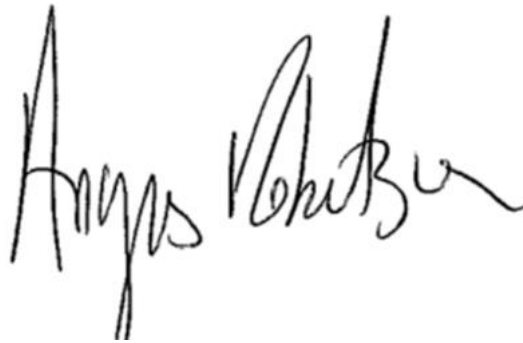
Among other things, the latest update confirms that, for the first time, there are no reportable instruments for the reporting period. This reflects the continuing reluctance of Scottish Ministers to use REUL Act powers ahead of the most significant powers expiring in June 2026. However, the latest UK report does not give wholesale reassurance as to possible UK reform proposals beyond December 2025.

The Committee can be assured that my officials and I are acutely aware of the impact of the pre-election dissolution early next year and the need for any consent processes for final UK Statutory Instruments to be completed ahead of then. We are engaged with the UK Government to impress the need for full respect for devolution, proposed instrument by instrument, in line with commitments made by UK Ministers.

While this update is focused on assimilated law, the Committee has made clear, in its inquiry on the transparency of intergovernmental activity, its interest in wider EU policy matters such as the potential for dynamic alignment with EU law as a result of new UK/EU agreements. I look forward to updating the Committee with the Scottish Government’s position in that regard in the near future.

We will continue to keep the Scottish Parliament apprised on developments on assimilated law through this update series, and other appropriate means.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Angus Robertson'. The signature is fluid and cursive, with the first name 'Angus' and the last name 'Robertson' clearly distinguishable.

ANGUS ROBERTSON

FOURTH BI-ANNUAL SCOTTISH GOVERNMENT REUL ACT UPDATE (SEPTEMBER 2025)

Contents

1. Introduction
 2. Scottish Government policy for future treatment of devolved assimilated law
 3. REUL Act secondary legislation in reporting period
 4. Forward look on Scottish Government assimilated law reform proposals
 5. Next Report
- Annex: Cumulative tables of instruments**

1. Introduction

This is the fourth Scottish Government update in a bi-annual series of updates that follow the bi-annual UK Government reports published each January and July in 2024, 2025 and 2026. The Scottish Government has agreed with the Scottish Parliament's Constitution, External Affairs and Culture Committee that Scottish updates should be sent each February and September of these years⁽¹⁾.

The fourth UK Government report on the REUL Act was published on 17 July 2025⁽²⁾. A fourth Welsh Government update is expected to be published around the time of this Scottish update⁽³⁾. The Scottish and Welsh updates adopt the same reporting periods as the respective UK reports, which for this fourth update is December 2024 to June 2025.

Assimilated law is the new name for the law that was retained from the period of the UK's membership of the European Union ("EU"). Assimilated law gives a 'snapshot' of EU law as it previously applied (with some exceptions, like free movement rights) before the UK ceased to be subject to EU law. Assimilated law is classed as domestic law and can be changed or updated like other devolved laws. In this update, the terminology of "assimilated law" is used consistently in place of "retained EU law" in line with the now prevailing legal position.

It should be noted that there are other forms of law that align Scots law with EU law, for example regulations under section 1(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021. This law is not assimilated law, and is likely to grow in importance in the years ahead.

The REUL Act was enacted under the previous UK Government without the legislative consent of the Scottish Parliament. The REUL Act gives UK Ministers powers to remove or change laws in devolved areas with no requirement to obtain the consent of the Scottish Ministers or the Scottish Parliament. However, in 2024 UK Ministers committed on a non-statutory basis to seeking consent to UK Statutory Instruments containing devolved provision, and more generally committed to common frameworks as the most important tool for finding shared approaches and managing divergence.

⁽¹⁾ The Scottish Government maintains information about the REUL Act on this webpage, including links to the previous bi-annual update papers: <https://www.gov.scot/policies/europe/retained-eu-law/>.

⁽²⁾ UK Government reports are linked to at this page: <https://www.gov.uk/government/publications/retained-eu-law-reul-parliamentary-report>.

⁽³⁾ Welsh Government updates are linked to at the bottom of this page: <https://www.gov.wales/eu-transition-period-brexite>

In the Scottish Government's view, new UK Ministers have to date continued to limit their use of their powers to amend devolved law and have demonstrated respect for the Statutory Instrument Protocol with the Scottish Parliament, as is applicable to REUL Act UK Statutory Instruments ("SIs")⁽⁴⁾.

2. Scottish Government policy for future treatment of devolved assimilated law

The Scottish Government's overarching policy is set out in the Programme for Government 2025/26⁽⁵⁾: to continue to press the case that EU membership is the best for Scotland, while working with the UK Government to maximise opportunities for economic growth in Scotland from a stronger EU-UK relationship, including:

- Significant easements to the trade in food and drink products;
- Closer cooperation on energy and climate, including on emissions trading;
- Reducing unnecessary obstacles to trade in goods and services.

Against this background, Scottish Government policy continues to be that there is no intention to revoke or reform assimilated law simply because it is the law that was retained from the period of the UK's membership of the EU. The Scottish Government's overarching policy in this regard is the alignment policy, which commits Scotland to remaining aligned with EU law where it is possible and meaningful to do so.

The Scottish Government remains of the view that any case for reforming devolved assimilated law is best progressed through the ordinary Scottish Parliament legislative processes. The Government recognises that UK Parliament legislative vehicles may from time to time be acceptable, and compatible with the alignment policy, in particular instances where proposals are consented to by the Scottish Government and the Scottish Parliament has due time for policy consideration and scrutiny.

From a wider regulatory perspective the good progress made through the New Deal for Business programme – which concluded in April 2025⁽⁶⁾ – is being further developed, with two related commitments published in the 2025 Programme for Government:

- Publishing an action and implementation plan based on an assessment of the regulatory controls which exist in key growth sectors, starting with housing, public infrastructure, and green industries, by the end of 2025 – designed to make it easier to do business;
- Subjecting future Scottish government regulation to scrutiny to ensure that its purpose, content and timing have regard to potential opportunities and impacts on business and investment. This will include supporting improved engagement with business, robust Business and Regulatory Impact Assessments, and good regulatory practice.

⁽⁴⁾ <https://www.parliament.scot/-/media/files/committees/statutory-instrument-protocol.pdf>. The protocol was amended in May 2025 to formally add the REUL Act to Annex A.

⁽⁵⁾ <https://www.gov.scot/programme-for-government/>

⁽⁶⁾ <https://www.gov.scot/publications/new-deal-business-group-final-progress-report/>

3. REUL Act secondary legislation in reporting period

There were no relevant instruments for the reporting period ending June 2025. Cumulative tables of instruments are set out in the Annex, with changes to table entries from previous updates marked with bold text.

There are no updates to communicate on REUL Act Scottish Statutory Instruments (“SSIs”) notified in previous reporting periods.

Update on certain REUL Act UK SIs notified in previous reporting periods

The third update paper advised that, in the case of SI (xiii), the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 required to be consequentially updated by SI because powers to make and amend that SSI were lost as a result of the previous UK Government’s approach to Brexit. Clause 24 of the UK Planning and Infrastructure Bill proposes a limited reinstatement of SSI making powers in this respect and Scottish Government policy on this development is set out, amongst other things, in the Legislative Consent Memorandum for that Bill⁽⁷⁾.

SI (xiv) (erroneously marked as SI (ix) in the third report) has now been made but it remains the position that SIs (vi) and (xi) have not yet been finally laid. Further details on these SIs are set out in the Annex.

With regards to the section of the fourth UK report headed “Preservation of Section 4 Rights”, the Scottish Government remains of the view that confusion may be caused since the relevant rights were revoked by section 2 of the REUL Act, as part of a package of changes to the status of EU law that took effect on 1 January 2024 as follows:

- the sunset of certain directly effective rights (section 2 of the REUL Act);
- the abolition (inversion) of the supremacy of EU law (section 3 of the REUL Act); and
- the abolition of the general principles of EU law (section 4 of the REUL Act).

The Scottish Government continues to work with the UK and other Devolved Governments to ensure that the impacts of the package of changes mentioned is kept under review. Whilst “reproduction” powers in section 12 of the REUL Act expire in June 2026, other legislative approaches may be available if issues are identified at a point beyond which it is possible to effectively engage those powers.

4. Forward look on Scottish Government assimilated law reform proposals

The Scottish Government will continue to carefully consider UK Government assimilated law reform proposals on a case-by-case basis under the overarching alignment policy. Scottish Government Directorates and Agencies continue to work with UK Government Departments to better understand proposals listed in the fourth UK report and establish which proposals engage devolved competence and, in such cases, to what extent they are acceptable in policy terms to the Scottish Government. The pace and intensity of this work has been stepped up to reflect the need for any consent processes to be completed in good time

⁽⁷⁾ <https://www.parliament.scot/bills-and-laws/legislative-consent-memorandums/planning-and-infrastructure-bill>.

ahead of the 2026 pre-election dissolution. It is possible that the fifth update that follows this fourth update will confirm notifications sent for some of the proposals in the fourth UK report.

In terms of proposals for SSIs, the Scottish Government continues to apply a strong policy presumption against using REUL Act powers to alter policy by SSI. Whilst the Act was designed by previous UK Ministers to remove or reduce regulatory standards, the Scottish Ministers do not plan to use powers conferred on them for that purpose.

At the expected point of publication of this fourth update, there are no live consultation processes with a particular focus on assimilated law reform⁽⁸⁾. The Scottish Government welcomes stakeholder views given on consultation exercises previously conducted, and on consultation exercises to be initiated in future

With regards to primary legislation, on 19 February 2025 the Scottish Government's Natural Environment (Scotland) Bill⁽⁹⁾ was introduced. Amongst other things, this Bill proposes that the Scottish Ministers have power to make and change legislation relating to the Environmental Impact Assessments regime and the Habitats Regulations. These proposals are under Stage 1 Bill process scrutiny and the next update paper will report on progress, should the Scottish Parliament agree to the general principles of the Bill at Stage 1.

The fourth UK report highlights relevant Westminster primary legislation including the Product Regulation and Metrology Act 2025. This particular Act includes similar features to the REUL Act, in that powers are conferred on UK Ministers to modify assimilated law. These powers can be used to make regulations in relation to the marketing or use of products albeit with the exclusion of certain devolved areas. The addition of statutory consent mechanisms to this Act as passed represents a significant improvement on the REUL Act, however the Scottish Government regrets that this was not included in the Bill as introduced. As set out in the final Supplementary Legislative Consent Memorandum for that Bill⁽¹⁰⁾ it was unfortunately not possible to secure all of the changes to the Bill the Scottish Government considered appropriate to fully respect devolution.

5. Next Report

The Scottish Government proposes to send the fifth REUL Act update in February 2026 in respect of instruments to December 2025.

⁽⁸⁾ A call for input on the future of the Fruit and Vegetables Aid Scheme in Scotland <https://consult.gov.scot/agriculture-and-rural-economy/future-of-fruit-vegetables-aid-scheme-scotland/> closes around the expected time of publication of this update paper.

⁽⁹⁾ <https://www.parliament.scot/bills-and-laws/bills/s6/natural-environment-scotland-bill>.

⁽¹⁰⁾ <https://www.parliament.scot/bills-and-laws/legislative-consent-memorandums/product-regulation-and-metrology-bill>

Annex: Cumulative tables of instruments

Cumulative list of REUL Act SSIs made

SSI in order made	Detail
<i>First reported on in first February 2024 update</i>	
(i) The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (SSI 2023/374) (made 7 December 2023, having been laid in draft 18 October 2023)	Replaced references to retained EU law terminology with assimilated law terminology in the devolved statute book, and updated one "EU obligation" reference accordingly.
(ii) The Importation of Animals and Related Products (Miscellaneous Amendment and Revocation) (Scotland) Order 2023 (SSI 2023/391) (made 21 December 2023) This SSI was not made under the REUL Act but was made with the primary purpose of directly handling REUL Act changes that took effect on 1 January 2024.	Amended certain orders made or having effect under the Animal Health Act 1981 which prohibit the importation of animals and animal-related products except under the authority of a licence, in order to clarify and restate the pre-2024 application of these orders as they were affected by the abolition (inversion) of supremacy and other REUL Act changes; and made associated revocations.
<i>No REUL Act SSIs were made in the second reporting period. The following SSIs were first reported on in the third February 2025 update</i>	
(iii) The Public Procurement (Miscellaneous Amendment) (Scotland) Regulations 2024 (SSI 2024/338) (made 12 November 2024)	Amongst other things, removed redundant references in devolved public procurement regulations to "Retained Treaties" and "retained EU law" in consequence of section 2 of the REUL Act. These provisions were made under REUL Act powers. Other, unrelated provisions of the instrument were made under other enabling powers.
(iv) The Free-Range Egg Marketing Standards (Amendment) (Scotland) Regulations 2024 (SSI 2024/349) (made 19 November 2024, having been laid in draft 2 October 2024) This SSI was not made under the REUL Act but relevant provisions were made with the purpose of handling REUL Act changes that took effect on 1 January 2024. Any further such instruments will be reported on in future updates as if REUL Act SSIs.	Amongst other things, updated former retained EU terminology to the correct assimilated law terminology. The instrument clarified that a derogation period concerning egg marketing applies to restrictions adopted under assimilated law, replacing a reference to "retained direct EU legislation". The consultation for this SSI was referenced in section 5 of the first REUL Act update.

Cumulative list of REUL Act UK SIs notified⁽¹¹⁾

Changes to table entries from previous updates are marked with bold text.

SI in order notified	Detail
<i>First reported on in first February 2024 update</i>	
<p>(i) Notification on the Fluorinated Greenhouse Gases (Amendment) Regulations 2023 Scottish Parliament Website (sent 31 August 2023)</p> <p>The Fluorinated Greenhouse Gases (Amendment) Regulations 2023 (SI 2023/1161) (made 30 October 2023, having been laid in draft on 4 September 2023)</p>	Corrected a technical error in dates in Regulation 517/2014 which required to be corrected by 31 October 2023.
<p>(ii) Notification on the Plant Protection Products (Miscellaneous Amendments) Regulations 2023 (revised version sent 26 September 2023, original notification date having been 4 September 2023)</p> <p>The Plant Protection Products (Miscellaneous Amendments) Regulations 2023 (SSI 2023/1321) (made 6 December 2023, having been laid in draft 25 October 2023)</p>	Revoked and replaced Article 52 of Regulation 1107/2009 in relation to parallel trade permits and modified domestic regulations to extend the maximum period during which treated seeds not authorised for use in GB, but authorised in another EU or EEA state immediately before IP completion day, may be placed on the market from 1 January 2023 to 1 July 2027.
<p>(iii) Notification on the Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (sent 5 September 2023)</p> <p>The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (SI 2023/1143) (made 25 October 2023, having been laid in draft 4 September 2023)</p>	Only the preservation (“sunset disapplication”) element engaged devolved competence. Preserved devolved biocidal products instruments but did not preserve devolved air pollution instruments as formally requested by the Scottish Government. The latter instruments were therefore revoked (“sunset”) at the end of 2023 by virtue of schedule 1 of the REUL Act.
<p>(iv) Notification on the Retained EU Law (Revocation and Reform) Act (Consequential Amendment) Regulations 2023 (sent 7 September 2023)</p> <p>The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (SI 2023/1424) (made 19 December 2023)</p>	Replaced references to retained EU law terminology with assimilated law terminology in Acts of the UK Parliament. Also made consequential amendments to UK Acts to reflect the repeal by the REUL Act of section 4 of the European Union (Withdrawal) Act 2018 and the abolition the general principles of EU law.

⁽¹¹⁾ The following webpage formerly listed all REUL Act SIs but now lists only those SIs initiated under the “proposed negative” (“sift”) procedure at Westminster: <https://www.gov.uk/government/collections/reul-revocation-and-reform-act-2023-statutory-instruments>. SIs (x) and (xi) are listed accordingly.

<p>(v) Notification on the Public Service Obligations in Transport Regulations 2023 (sent 8 September 2023)</p> <p>The Public Service Obligations in Transport Regulations 2023 (SI 2023/1369) (made 11 December 2023, having been laid in draft 16 October 2023)</p>	<p>Revoked and replaced Regulation 1370/2007 on public passenger transport services by rail and by road, reinstating powers to make direct awards of UK rail PSO contracts which were due to expire on 25 December 2023 under a sunset provision in the Regulation.</p>
<p>(vi) Notification on the Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Revocation and Consequential Amendments) Regulations 2023 (sent 18 October 2023)</p> <p>SI has not yet been laid in draft.</p>	<p>Would revoke certain regulations and make minor amendments in consequence. The Regulations would have no immediate practical impact given that there are no devolved tolls or charges currently in place in Scotland. Following EU exit, the UK is no longer part of the trans-European road network.</p>
<p>(vii) Notification on the Civil Jurisdiction and Judgments Saving Provision Regulations 2023 (sent 9 November 2023)</p> <p>The Civil Jurisdiction and Judgments (Saving Provision) Regulations 2023 (SI 2023/1395) (made 14 December 2023)</p>	<p>Re-saved saving provision made at EU Exit to ensure that the 2007 Lugano Convention on jurisdiction and enforcement of judgments in civil and commercial matters, a private international law agreement, can continue to apply to certain legacy cases.</p>
<p>(viii) Notification on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) (No. 2) Regulations 2023 (sent 12 December 2023)</p> <p>The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Provision) Regulations 2024 (SI 2024/80) (made 23 January 2024, laid 24 January 2024)</p>	<p>Amended or revoked UK SIs to reflect the repeal by the REUL Act of section 4 of the European Union (Withdrawal) Act 2018, and replaced references to retained EU law terminology with assimilated law terminology in some of the SIs being amended.</p>
<p><i>First reported on in second September 2024 update</i></p>	
<p>(ix) Notification on the Official Controls (Fees and Charges) (Amendment) Regulations 2024 (sent 19 January 2024)</p> <p>The Official Controls (Fees and Charges) (Amendment) Regulations 2024 (SI 2024/547) (made 22 April 2024, having been laid in draft 26 February 2024)</p>	<p>Amended the Official Controls Regulation (Regulation (EU) 2017/625) to enable fees and charges for official controls to reflect changes to the sanitary and phytosanitary (“SPS”) border official controls regime as set out in the Border Target Operating Model (“BTOM”) as published by the UK Government in August 2023.</p>
<p>(x) Notification to RAI Committee on the Retained EU Law (Revocation and Reform) Act 2023 (Revocation) Regulations 2024;</p> <p>Notification to NZET Committee on the Retained EU Law (Revocation and Reform)</p>	<p>Revoked 73 obsolete instruments in the policy areas of marine, agriculture and the environment.</p> <p>The Scottish Government considers an instrument to be obsolete if it can be</p>

<p>Act 2023 (Revocation) Regulations 2024 (both sent 30 January 2024)</p> <p>The Retained EU Law (Revocation and Reform) Act 2023 (Environment, Food and Rural Affairs) (Revocation) Regulations 2024 (SI 2024/513) (made 15 April 2024, having been initially laid under Westminster proposed negative (sift) procedure 13 March 2024)</p>	<p>determined with confidence that it is redundant in Scotland and, additionally, that there will be no adverse effect if it is revoked.</p>
<p>(xi) Notification on the Health Claims (Revocation) Regulations 2024 Scottish Parliament Website (sent 19 March 2024)</p> <p>SI was initially laid under Westminster proposed negative (sift) procedure 19 March 2024 but has not yet been finally laid</p>	<p>Would revoke 60 obsolete instruments of assimilated direct legislation concerning the authorisation of the use of, or refusal to authorise the use of, health claims in respect of food.</p> <p>The instruments proposed to be revoked have no ongoing legal purpose, as the health claims which have been authorised have already taken effect in law and the health claims rejected have no effect in law.</p>
<p>(xii) Notification on the Official Controls (Amendment) Regulations 2024 (sent 20 May 2024)</p> <p>The Official Controls (Amendment) Regulations 2025 (SI 2025/102) (made 30 January 2025, having been laid in draft 19 November 2024)</p>	<p>This SI's principal aim is to protect biosecurity and support trade between Great Britain and third countries by ensuring that SPS controls can be applied to goods entering GB, in response to changing levels of risk to plant, animal and public health through further SSIs or SIs.</p> <p>Forming part of the UK Government's BTOM implementation, the SI made amendments to official controls on animals and goods entering GB in Chapter 5 of Title 2 of the Official Controls Regulation and other direct assimilated law governing the import conditions for animals and animal products entering GB. Includes consequential amendment of the Trade in Animals and Related Products (Scotland) Regulations 2012 (S.S.I. 2012/177)(¹²).</p>

⁽¹²⁾ The third update paper confirmed that, generally, the Scottish Ministers will not support SIs modifying Acts of the Scottish Parliament, SSIs or other wholly devolved, Scotland only UK legislation. In the case of SI (xii), the Scottish Government was satisfied that a sufficient case had been made for the consequential amendment of a single SSI in that particular instance.

<i>First reported on in the third February 2025 update</i>	
<p>(xiii) Notification on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) Regulations 2024 (sent 5 December 2024)</p> <p><u>The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) Regulations 2025 (SI 2025/82)</u> (made 22 January 2025)</p>	<p>Replaced references to retained EU law terminology with assimilated law terminology in UK SIs, assimilated direct legislation and in a single SSI; the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (SSI 2017/451). Also made consequential amendments to reflect the abolition by the REUL Act of the general principles of EU law.</p>
<p>(xiv) <u>Notification on the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025</u> (sent 10 December 2024)</p> <p><u>The Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025</u> (S.I. 2025/361, made 17 March 2025, having been laid in draft 29 January 2025)</p>	<p>Removed the legislative requirement for 10 year renewals of authorisations of certain regulated products, and more widely replaces the legislative authorisation process for all regulated products with an administrative authorisation process. Made consequential amendments to or revocations of certain SSIs.</p>