



T: 0300 244 4000
E: scottish.ministers@gov.scot

Patrick Harvie MSP
Convener, Europe, External Affairs and Culture
Committee
The Scottish Parliament
Edinburgh
EH99 1SP
EEAC.committee@parliament.scot

10 September 2026

Dear Patrick Harvie MSP,

SIXTH AND FINAL BI-ANNUAL SCOTTISH GOVERNMENT REUL ACT UPDATE

I am pleased to attach the sixth and final Scottish Government update on the Retained EU Law (Revocation and Reform) Act 2023 (the “REUL Act”). This covers the reporting period from 24 January 2026 to 23 June 2026.

This update follows the publication on 14 July 2026 of the sixth and final UK Government statutory report under section 17 of the REUL Act. In line with the approach taken in the UK report the final Scottish update does not include a forward look on assimilated law specifically. Instead, the Scottish Government offers reflections on the management of secondary legislation under the REUL Act now that most enabling powers have expired.

I agree with the assessment of the Session 6 Constitution, Europe, External Affairs and Culture Committee (paragraph 31 of its [24 March 2026 Legacy Report](#)) that further reporting on REUL Act powers is not necessary. Nonetheless the Committee can be assured that the Scottish Government will continue to seek to ensure that powers held by UK ministers to modify devolved law are used appropriately, and that new such powers are only enacted where the Scottish Parliament has granted legislative consent. The Scottish Government alignment policy will also continue to apply in this regard.

Yours sincerely

STEPHEN GETHINS

SIXTH AND FINAL BI-ANNUAL SCOTTISH GOVERNMENT REUL ACT UPDATE (SEPTEMBER 2026)

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1. Introduction

This is the sixth and final 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. In Scottish Parliament session 6, the Scottish Government agreed with the Scottish Parliament's then Constitution, External Affairs and Culture Committee that Scottish updates should be sent each February and September of these years⁽¹⁾.

The sixth and final UK Government report on the Retained EU Law (Revocation and Reform) Act 2023 ("REUL Act") was published on 14 July 2026⁽²⁾. A sixth and final Welsh Government update is expected to be published around the time of this Scottish update⁽³⁾. The reporting period for the sixth Scottish update is January 2026 to June 2026.

Assimilated law is the 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.

The REUL Act was enacted under the 2019-2024 UK Government without the legislative consent of the Scottish Parliament. The REUL Act gave 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, the UK Government elected in 2024 committed on a non-statutory basis to seeking consent to SIs containing devolved provision, and more generally committed to common frameworks as the most important tool for finding shared approaches and managing divergence. From 23 June 2026, the most significant powers in the REUL Act have expired:

⁽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 webpage: <https://www.gov.uk/government/publications/retained-eu-law-reul-parliamentary-report>.

⁽³⁾ Welsh Government updates are linked to on this webpage: <https://www.gov.wales/welsh-government-retained-eu-law-reul-act-updates>

Scottish Statutory Instrument (“SSI”) and UK Statutory Instrument (“SI”) making powers active as at February 2026 that expired in June 2026	Permanent SSI and SI making powers
• Section 7(1): compatibility • Section 12(1): restate secondary assimilated law⁴ • Section 12(8): reproduce certain former retained EU law • Section 14(1), (2) and (3): revoke and/or replace secondary assimilated law	• Section 15(1): update secondary assimilated law • Section 19: consequential provision • Section 22: transitional etc. provision

In the Scottish Government’s view, in the period from 29 June 2023 (the day that regulation making powers became active) to 23 June 2026, UK Ministers sufficiently limited their use of their powers to amend devolved law and demonstrated respect for the Session 6 Statutory Instrument Protocol. A new Statutory Instrument Protocol is in place for the current Scottish Parliament session 7⁽⁵⁾. The Scottish Government’s alignment policy, which commits Scotland to remaining aligned with EU law where it is possible and meaningful to do so, remains in effect.

2. REUL Act secondary legislation in reporting period

Final tables of instruments are set out in the Annex, with changes to table entries from previous updates marked with bold text.

There were no relevant SSIs for the reporting period ending June 2026. There are no updates to communicate on REUL Act SSIs notified in previous reporting periods.

Update on certain REUL Act SIs notified in previous reporting periods

Updates on SIs (vi), (xv), (xvi), (xvii), (xviii) and (xix) as first reported on in the first and fifth updates respectively are set out in the Annex.

REUL Act SI notified in the relevant (sixth and final) reporting period

SI in order notified	Detail
(xx) “Shadow notification” on the Control of Trade in Endangered Species (Revocation and Amendment) Regulations 2026 (sent 23 February 2026)	Consolidated and updated assimilated law relating to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
The Control of Trade in Endangered Species (Amendment and Revocation) Regulations 2026 (SI 2026/627) (made 10 June 2026, having been laid in draft 19	The UK and Scottish Governments have a difference of opinion on whether some elements of the implementation of CITES are a reserved or devolved matter. Whilst

⁽⁴⁾ Elements of primary legislation inserted by secondary legislation counted as “secondary” legislation for the purposes of REUL Act powers.

⁽⁵⁾ <https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/statutory-instrument-protocol>

March 2026)	the UK Government consulted but did not seek consent in respect of the making of this SI (which would have triggered the ordinary notification process under the Session 6 Statutory Instrument Protocol), in the Scottish Government's view section 7 of that Protocol applied (the "shadow notification" process).
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This SI is referenced in the fifth and sixth UK reports and no Common Frameworks were applicable to it.

With regards to the section of the sixth 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 can confirm that SI (xx) was not concerned with these changes to the status of EU law. The Scottish Government will continue 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 expired in June 2026, other legislative approaches may be available if issues are identified in future.

3. Reflections on use of REUL Act powers

For the purposes of the following statistics, SSIs (ii) and (iv) in the Annex are disregarded because they were not made under the REUL Act, and SI (xi) is disregarded because it ultimately did not become law. This leads to a total of four countable SSIs and 19 countable SIs respectively.

Most instruments (82.6%) were SIs.

Most REUL Act SSIs (three; 75%) were made under section 19 (power to make consequential provision). SSI (vi) was made under section 12 (power to restate secondary assimilated law) and was also consequential in nature. REUL Act powers were never used to alter policy by SSI.

On the other hand, most REUL Act SIs (14; 73.7%) were made under section 14(1) (power to revoke and/or replace secondary assimilated law). Other SIs were made under section 1 ("sunset" disapplication), section 12, section 15 (power to update secondary assimilated law), section 19 and section 22 (transitional etc. provision).

A number of instruments were of a "deficiency fixing" nature, that is to say they addressed deficiencies in the statute book arising from EU Exit that had not been legislated for under

“fixing” powers in the European Union (Withdrawal) Act 2018⁽⁶⁾, or that had been inadvertently introduced by 2018 Act instruments. “Fixing” provision does not alter policy but ensures that the law operates properly, references prevailing legal terminology and correctly interfaces with other legislation. Three SSIs ((i), (iv) and (vi)) and two SIs ((i) and (xv)) comprised or included such provision.

Should further EU Exit deficiencies emerge the Scottish Government will consider taking appropriate legislative steps.

⁽⁶⁾ Powers in the European Union (Withdrawal) Act 2018 generally expired at the end of 2022.

Annex: Final tables of instruments

Final list of REUL Act SSIs made

SSI in order made	Detail
<i>SSIs 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 purpose of 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.	Amongst other things, updated 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".

<i>No REUL Act SSIs were made in the fourth reporting period. The following SSIs were first reported on in the fifth February 2026 update</i>	
(v): The Retained EU Law (Revocation and Reform) Act 2023 (Agricultural Products) (Consequential Amendment) (Scotland) Regulations 2025 (SSI 2025/407) (made 18 December, laid 22 December 2025)	Updated retained EU law terminology to assimilated law terminology in certain agricultural products legislation.
(vi) The Food Safety Act 1990 Amendment (Scotland) Regulations 2026 (SSI 2026/3) (made 7 January 2026, having been laid in draft 4 November 2025)	Amended section 17 of the Food Safety Act 1990 to update references to EU law terminology.
<i>No REUL Act SSIs were made in the sixth and final reporting period.</i>	

Final list of REUL Act SIs notified

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

SI in order notified	Detail
<i>SIs first reported on in first February 2024 update</i>	
(i) Notification on the Fluorinated Greenhouse Gases (Amendment) Regulations 2023 (sent 31 August 2023) The Fluorinated Greenhouse Gases (Amendment) Regulations 2023 (SI 2023/1161) (made 30 October 2023, having been laid in draft on 4 September 2023)	Corrected a technical error in dates in Regulation 517/2014 which required to be corrected by 31 October 2023.
(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) The Plant Protection Products (Miscellaneous Amendments) Regulations 2023 (SI 2023/1321) (made 6 December 2023, having been laid in draft 25 October 2023)	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.
(iii) Notification on the Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (sent 5 September 2023)	Only the preservation (“sunset disapplication”) element engaged devolved competence. Preserved devolved biocidal products instruments but did not preserve

<u>The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (SI 2023/1143)</u> (made 25 October 2023, having been laid in draft 4 September 2023)	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.
(iv) <u>Notification on the Retained EU Law (Revocation and Reform) Act (Consequential Amendment) Regulations 2023</u> (sent 7 September 2023) <u>The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (SI 2023/1424)</u> (made 19 December 2023)	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.
(v) <u>Notification on the Public Service Obligations in Transport Regulations 2023</u> (sent 8 September 2023) <u>The Public Service Obligations in Transport Regulations 2023 (SI 2023/1369)</u> (made 11 December 2023, having been laid in draft 16 October 2023)	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.
(vi) <u>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</u> (sent 18 October 2023) <u>The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Revocation and Consequential Amendments) Regulations 2026 (SI 2026/270)</u> (made 9 March 2026 having initially been laid under Westminster proposed negative (sift) procedure 13 January 2026)	Revoked certain regulations and made minor amendments in consequence. The Regulations have no 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.
(vii) <u>Notification on the Civil Jurisdiction and Judgments Saving Provision Regulations 2023</u> (sent 9 November 2023) <u>The Civil Jurisdiction and Judgments (Saving Provision) Regulations 2023 (SI 2023/1395)</u> (made 14 December 2023)	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.

(viii) Notification on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) (No. 2) Regulations 2023 (sent 12 December 2023) The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Provision) Regulations 2024 (SI 2024/80) (made 23 January 2024, laid 24 January 2024)	Amended or revoked 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.
<i>SIs first reported on in second September 2024 update</i>	
(ix) Notification on the Official Controls (Fees and Charges) (Amendment) Regulations 2024 (sent 19 January 2024) The Official Controls (Fees and Charges) (Amendment) Regulations 2024 (SI 2024/547) (made 22 April 2024, having been laid in draft 26 February 2024)	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.
(x) Notification to then Rural Affairs and Islands Committee on the Retained EU Law (Revocation and Reform) Act 2023 (Revocation) Regulations 2024; Notification to then Net Zero, Energy and T Committee on the Retained EU Law (Revocation and Reform) Act 2023 (Revocation) Regulations 2024 (both sent 30 January 2024) 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 procedure 13 March 2024)	Revoked 73 obsolete instruments in the policy areas of marine, agriculture and the environment. The Scottish Government considers an instrument to be obsolete if it can be determined with confidence that it is redundant in Scotland and, additionally, that there will be no adverse effect if it is revoked.
(xi) Notification on the Health Claims (Revocation) Regulations 2024 (sent 19 March 2024) <i>Proposed SI was initially laid under Westminster proposed negative procedure 19 March 2024 but was not further progressed and the proposed enabling power has now expired. Food Standards Scotland and the Scottish Government are content that this SI does not require to be made.</i>	<i>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.</i> <i>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.</i>

(xii) Notification on the Official Controls (Amendment) Regulations 2024 (sent 20 May 2024) The Official Controls (Amendment) Regulations 2025 (SI 2025/102) (made 30 January 2025, having been laid in draft 19 November 2024)	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. 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 (SSI 2012/177).
<i>SIs first reported on in the third February 2025 update</i>	
(xiii) Notification on the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) Regulations 2024 (sent 5 December 2024) The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) Regulations 2025 (SI 2025/82) (made 22 January 2025)	Replaced references to retained EU law terminology with assimilated law terminology in 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.
(xiv) Notification on the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 (sent 10 December 2024) The Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 (SI 2025/361) (made 17 March 2025, having been laid in draft 29 January 2025)	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.
<i>No REUL Act SIs were made in the fourth reporting period. The following SIs were first reported on in the fifth February 2026 update</i>	
(xv) Notification on the Plant Varieties Act (Amendment) Regulations 2026 (sent 11 December 2025) The Plant Varieties Act (Amendment)	Amended section 9(10)(b) of the Plant Varieties Act 1997 to clarify the meaning of "small farmer", addressing an ambiguity introduced by the Plant Breeders' Rights (Amendment etc.) (EU Exit) Regulations (SI

<u>Regulations 2026</u> (SI 2026/160) (made 24 February, having been initially laid under Westminster proposed negative procedure 20 January 2026)	2019/204).
(xvi) <u>Notification on the Provision of Services (Amendment and Transitional Provision) Regulations 2026</u> (sent 12 December 2025) <u>The Provision of Services (Amendment and Transitional Provision) Regulations 2026</u> (SI 2026/435) (made 15 April 2026, laid 21 April 2026)	Amends the Provision of Services Regulations 2009 (SI 2009/2999) in relation to the administration and supervision of authorisation schemes provided by competent authorities in relation to certain services sectors. In so doing the SI addresses minor gaps in compliance with the UK's Free Trade Agreement obligations.
(xvii) <u>Notification on the North Atlantic Salmon Conservation Organisation and North-East Atlantic Fisheries Commission Privileges and Immunities Revocation Regulations 2026</u> (sent 22 December 2025) <u>The European Communities (Immunities and Privileges of the North Atlantic Salmon Conservation Organization and North-East Atlantic Fisheries Commission) (Revocation) Regulations 2026</u> (SI 2026/518) (made 13 May 2026, laid 14 May 2026)	Revokes existing Orders providing for the privileges and immunities of two international organisations, made under the European Communities Act 1972, to pave the way for replacing them with new Orders under the International Organisations Act 1968, with amendments in the case of the North Atlantic Salmon Conservation Organisation.
(xviii) <u>Notification on the Sea Fisheries (Amendment) Regulations 2026</u> (sent 9 January 2026) <u>The Sea Fisheries (Amendment) Regulations 2026</u> (SI 2026/105) (made 5 February 2026, laid 6 February 2026)	Removed the prohibition under Regulation (EU) 2020/123 on fishing vessels to fish for, retain on board, to tranship or to land spurdog (picked dogfish) greater than 100cm in length, and increased the bag limit for recreational seabass fishing, implementing the approach agreed in the UK-EU bilateral fisheries negotiations for 2026 This SI was made under the Fisheries Act 2020 but section 15 of the REUL Act is relevant to the increase in bag limits for recreational seabass fishing which is a result of a development in scientific understanding.
(xix) <u>Notification on the Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026</u> (sent 19 January 2026) <u>The Chemicals (Health and Safety) (Amendment, Consequential and</u>	Amended three pieces of assimilated direct legislation concerning chemicals safety. Changes were made to Regulation (EC) No 1272/2008 "GB CLP" which concerns the classification, labelling and packaging of substances and mixtures, communicating of hazards of chemicals in the supply chain so

Transitional Provision) Regulations 2026 (SI 2026/484) (made 30 April 2026, having been laid in draft 24 February 2026)	that they can be transported, used and disposed of appropriately; Regulation (EU) No 528/2012 “GB BPR” concerning the placing on the market and safe use of biocidal chemicals; and Regulation (EU) No 649/2012 “GB PIC” concerning the control of import and export of specific highly hazardous chemicals. The changes introduce more flexibility to some aspects of the operation of these regimes, reduce some burdens for business, and postpone a suite of expiry dates in the case of biocides that would otherwise mean a large number of biocidal products would need to be phased off the GB market.
<i>SI first reported on in this sixth and final September 2026 update</i>	
(xx) "Shadow notification" on the Control of Trade in Endangered Species (Revocation and Amendment) Regulations 2026 (sent 23 February 2026) The Control of Trade in Endangered Species (Amendment and Revocation) Regulations 2026 (SI 2026/627) (made 10 June 2026, having been laid in draft 19 March 2026)	Consolidated and updated assimilated law relating to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The UK and Scottish Governments have a difference of opinion on whether some elements of the implementation of CITES are a reserved or devolved matter. Whilst the UK Government consulted but did not seek consent in respect of the making of this SI (which would have triggered the ordinary notification process under the Session 6 Statutory Instrument Protocol), in the Scottish Government’s view section 7 of that Protocol applied (the “shadow notification” process).