

The Retained EU Law (Revocation and Reform) Bill risks weakening vital protections for nature, when more than ever we need stronger legislation and urgent action

The Retained EU Law Bill will have its second reading in the House of Commons on Tuesday 25th October.

It puts at risk hundreds of laws that protect our nature and wildlife, as well as regulations to safeguard public health, working conditions, and create a sustainable economy. It represents a push for deregulation at the expense of common sense and is a distraction from what we should be focusing on as a country right now.

We need to focus on taking urgent action to reverse the decline in biodiversity and reduce greenhouse gas emissions. We have 8 years to halt nature's decline so, unless we intend to replace them with stronger protections immediately, we should not waste precious time reassessing effective laws that provide vital protections already – whether they originate from the EU or not.

The UK has set ambitious targets for nature's recovery, from its aim to protect 30% of land and sea for nature by 2030 to its legally binding commitment to halt the decline in species abundance by 2030. Passing the REUL Bill will make reaching these challenging targets much harder.

What can MPs do?

At second reading, we encourage MPs to oppose the principle and content of the REUL Bill. We ask you to:

- **Urge the government to withdraw the REUL Bill** – we have no objection to a sensible, consultative process that examines, updates, and improves European environmental laws, but that is not what this Bill offers.
- **Reassert Parliament's role on the oversight, scrutiny and passing of legislation**, so that amendments to or removal of REUL take place under conventional Parliamentary procedures, ensuring nature protections are safeguarded.
- **Insist the government focus on its environmental commitments in the Environment Act 2021**, including putting in place the ambitious actions, policies, and mechanisms necessary to make Britain a world leader in nature's recovery by 2030.

What is retained EU law?

Whilst a member of the EU, the UK relied on some legislation created by the EU and to minimise disruption after Brexit, the UK converted EU law to domestic law and called it "retained EU law" – or REUL. REUL meant that pre-Brexit laws stayed in place to avoid gaps in the law on important areas and almost three years later, a lot of REUL remains in place.



Brent geese feeding on mudflats in the Solent which is designated as a Special Protection Area due to its habitat's importance for internationally important populations of winter wading birds. Image credit: Steve Trewellha

The REUL Bill is the UK Government's plan for the more than 2,400 pieces of legislation that remain in force. The bill requires all retained EU law to be removed from the statute book. It sets out broad powers and short timescales for the Government to do this. There is no indication of which laws will be lost and which will be assimilated into domestic legislation, with or without changes.

The Government's [REUL Dashboard](#) sets out all the REUL still in place. It identifies 570 pieces of legislation for Defra, though we believe in reality there are around 300 more to be added to this dashboard. Defra has the most REUL of any government department.

Our concerns

1. Timing

The task of assessing and dealing with each piece of REUL is vast, especially for Defra. To date, [only three FTE officials](#) have been working on REUL at Defra. At the same time, departments are being told to ready themselves for significant budget cuts.

Assuming work is not started until the REUL Bill gets assent, it is not feasible to assess and deal with all 570-plus pieces of REUL before the sunset deadline of 31st December 2023. The impossible timescale means that important legislation is likely to be overlooked or lost by default. Whilst some laws will be given a later sunset of 2026, there is no clarity on which legislation will be given this extension or how this decision is made.

The tight timescale means we risk seeing replacement legislation written in haste and poorly executed, leading to lack of clarity that then has to be challenged through the courts. We could also see greater uncertainty as case law rules and principles fall away, resulting in increased legal challenges through Judicial Review, or complaints to the Office for Environmental Protection.

Far from removing red tape, the REUL Bill is set to create extra work, uncertainty and cost for both industry, conservation organisations, and Whitehall.

2. Lack of democratic process

The REUL Bill undermines democratic processes. It proposes wholesale change to the statute book with no parliamentary scrutiny, enabling ministers to repeal, revoke, replace or amend any REUL without explanation. All amendments and replacements to REUL will be dealt with without parliamentary debate, involvement of the House of Lords, or a requirement for consultation with advisory bodies or expert stakeholders.

Both the [Welsh](#) and [Scottish](#) Governments have written to the UK Government to express their concerns in this area.

3. Key nature protections at risk

The loss of environmental REUL would impede the UK's ability to meet legally binding 2030 targets to halt biodiversity decline and increase species abundance. We are particularly worried about the fate of the below pieces of EU-derived legislation:

- The Conservation of Habitats and Species Regulations 2017, known as the Habitats Regulations
- The Conservation of Offshore Marine Habitats and Species Regulations 2017
- Environmental Assessment of Plans and Programmes Regulations 2004
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011

- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 Regulations

The UK Government claims there is no intention to damage the environment with the REUL Bill, but this is not supported by the Growth Plan which stated the Government's aim to reduce 'unnecessary burdens' by 'reforming habitats and species regulations'.

The Habitats Regulations are intricately connected to other fundamental environmental legislation, such as the Wildlife and Countryside Act and the Marine and Coastal Access Act. If the Habitats Regulations are revoked, elements of these other laws will no longer work also.

We fear that the removal of the Habitats Regulations could result in:

- Loss of protections for a list of 50 native species specifically protected under this law – this includes the otter, dormouse, dolphin, fen orchid and shore dock
- Protections lost for other species protected from killing under the Habitats Regulations and not protected by other legislation – this includes seals and cetaceans
- Loss of the requirement for Habitats Regulations Assessment in the planning process, making it extremely difficult to deliver Biodiversity Net Gain as mandated in last year's Environment Act
- No requirement to mitigate the loss of habitat during development, threatening the survival of some species
- Loss of the Special Areas of Conservation (SAC) and Special Protection Area (SPA) designations which cover vital wildlife sites across Hampshire and the Isle of Wight, including the Solent Coast, the River Itchen and the Thames Basin Heaths.



River Itchen running through our Winnall Moors Nature Reserve in Winchester. The Itchen is an internationally important chalk stream designated as a Special Area of Conservation. Image credit: Martin de Retuerto

4. Risk to international reputation

Undoing the Habitats Regulations through the REUL Bill will mean ignoring our duty to protect species that aren't just threatened in the UK, but worldwide. Biodiversity doesn't care about borders, and we must play our part in securing the future of internationally rare species. If we lose the Habitat Regulations without simultaneously replacing them with stronger protections for nature, we could see further declines in biodiversity and affect the UK Government's ability to meet its own and international nature recovery targets. It could also leave gaps in compliance with Bern and Ramsar Convention duties.

The UK's standing as an environmental leader on the world stage could be undermined if the Government continues to pursue this Bill without replacing safeguards for nature protections.

With both climate talks at COP27 and biodiversity negotiations at COP15 taking place before the end of the year, the UK's work pushing for "high-ambition" outcomes will be weakened. This would jeopardise the positive legacy of the UK's COP26 leadership shown last year.