



# Department for Environment Food & Rural Affairs

The Rt Hon Lord Benyon  
Minister for Biosecurity, Marine and Rural Affairs

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Dame Glenys Stacey  
Chair  
Office for Environmental  
Protection  
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Wildwood Drive  
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13 October 2023

Dear Dame Glenys,

Thank you for your letter of 6 July to the Secretary of State regarding the Retained EU Law (REUL) Act, in which you raised implications for assimilated environmental law.

Defra has already brought forward ambitious reform in the Fisheries Act and the Agriculture Act, with the Environment Act also using our newfound sovereignty to strengthen our environmental protections while respecting our international obligations.

The powers contained in the REUL Act provide the Department with an important additional tool in developing a legislative landscape that is supportive for business, growth and the prospects of the British people. The Department's REUL programme will allow us to tailor the laws we inherited from the EU to the UK, while at the same time ensuring that we maintain our high standards.

Defra has been clear in its commitments to uphold and not weaken environmental, food safety and quality, animal health and welfare and other key protections, and that any REUL reform must be consistent with international obligations.

From 1 November there will also be a legal duty on Ministers to have due regard to the environmental principles policy statement when making policies using the Act's powers. This Government uses expert advice, including that of many independent experts, when making provisions that relate to the environment.

That is why our approach has always been to keep REUL, unless there is a good reason to either remove it from the statute book or reform it.

It is right that now we have left the EU, we should challenge the special status REUL has in our domestic legal system, including the principle of supremacy. Defra has been carefully considering the impact of the removal of supremacy and general principles of EU law on the interpretation of its legislation after 31 December 2023.

Defra's view is that the impacts on the department's portfolio of policies are likely to be limited and we will continue to apply a precautionary approach where we have done so previously.

Defra does not currently have immediate plans to restate EU interpretive effects via secondary legislation in 2023. However, we will continue ongoing assessment of the legal implications on case law and will monitor the implementation of UK legislation so that action can be taken should it be needed.

Future decisions on Defra's Retained EU Law will continue to be taken on the basis of the evidence of how best to ensure our laws are tailored to the UK. We will continue in our approach not to weaken our high standards.

Yours sincerely,



**THE RT HON LORD BENYON**