



LexisNexis®

What is Retained EU Legislation  
and why is it needed?

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# What is Retained EU Legislation and why is it needed?

Retained EU Legislation is a new category of legislation content added to our products in light of Brexit. This content has been added to reflect the expansion and modification of the UK statute book under the European Union (Withdrawal) Act 2018 (EU (W)A 2018), including the conversion and preservation of EU-derived legislation in UK law.

Prior to Brexit, EU law took effect in the UK via the European Communities Act 1972, which was repealed by EU (W)A 2018, s 1 at the point of the UK's exit from the EU (exit day). This repeal was subject to savings and transitional provisions introduced so that EU law could continue to apply in the UK during the transition period provided for in the Withdrawal Agreement between the UK and the EU.

For continuity, and to avoid a legal vacuum at the end of the transition period, EU (W)A 2018 takes a snapshot of EU law applicable in the UK at the end of transition (ie the point at which EU law ceases to apply in the UK—referred to in EU (W)A 2018 as 'IP completion day'), bringing it into the UK domestic legal regime as a new category of law—retained EU law.

Retained EU law is a legal concept describing a range of EU-derived legislation, rights, decisions and principles preserved in UK law after Brexit. It is a complex and wide-ranging legal term, defined under EU (W)A 2018. However, there are limits and exceptions to what is retained, and the UK government has powers to introduce amendments in domestic law under EU (W)A 2018.

The Retained EU Legislation content is designed to provide users with access to a bespoke source of relevant EU-derived legislation content, including maintained legislation of continued domestic relevance and archived legislation of historic relevance. This source is separate to our existing EU legislation content, which is separately maintained in order to reflect the continued development of EU law.

It is important to note that not all legislation in the Retained EU Legislation sources will necessarily form part of UK domestic law. Whether a particular piece or provision of EU legislation is retained (and to what extent) is a matter of statutory interpretation. Further guidance on retained EU law is available in LexisPSL.

## What has been added to LexisLibrary and LexisPSL?

We have added five new legislation sources to LexisLibrary. Legislation from these sources may also appear in LexisPSL where relevant for a particular practice area:

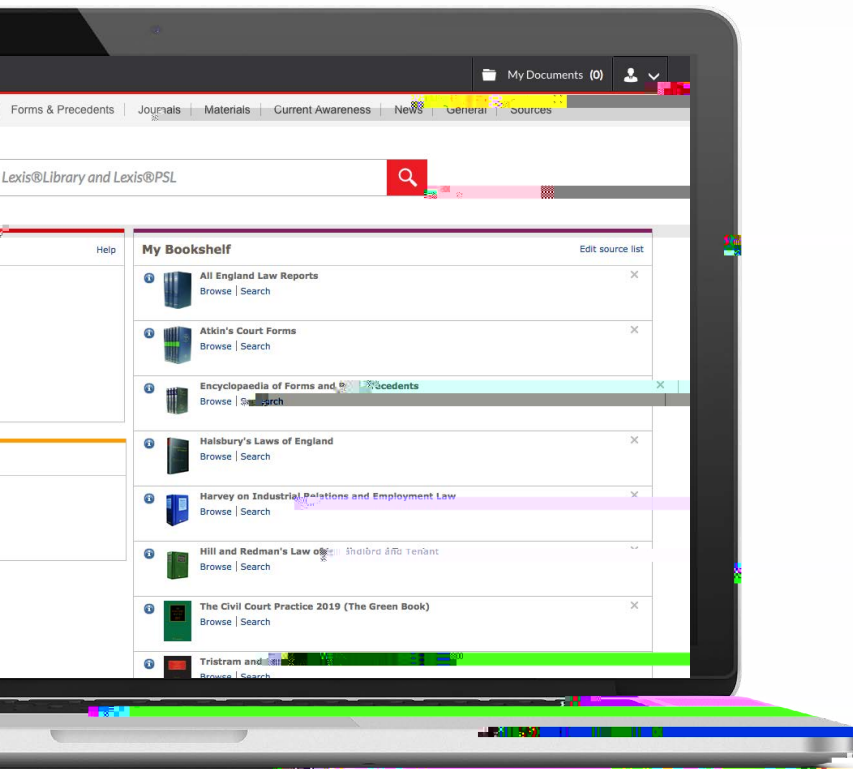
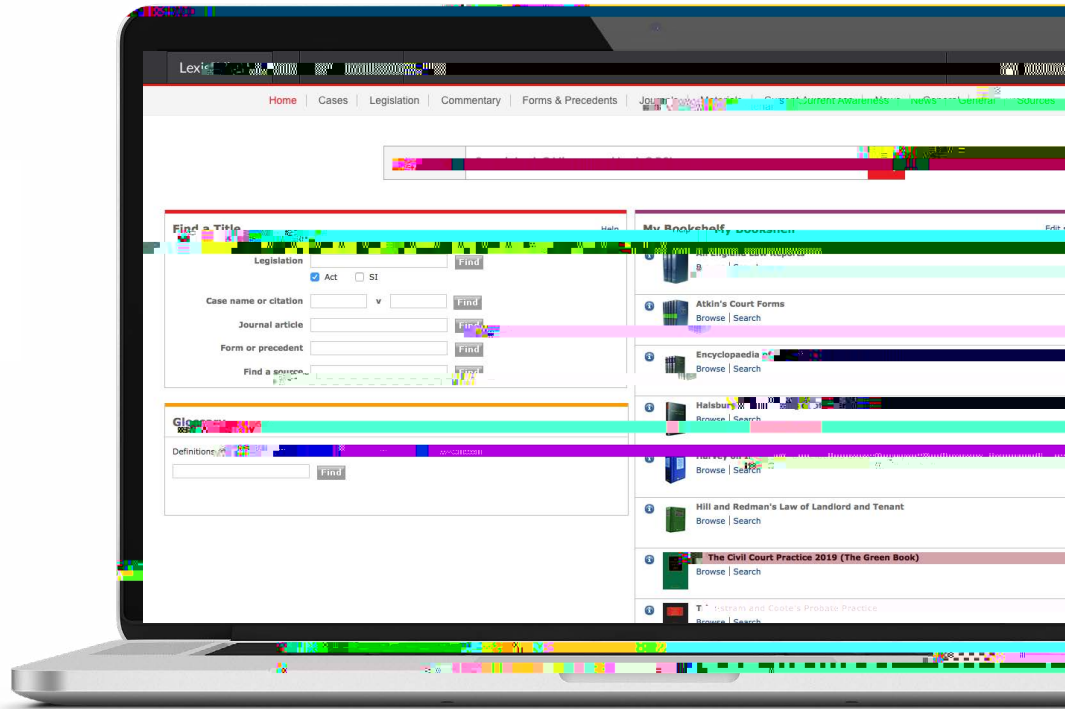
- Retained EU Decisions (Not yet in force)
- 2. Retained EU Regulations (Not yet in force)
- Archived EU Directives (Pre-Exit Archive)
- Archived EU Consolidated Versions (Pre-Exit Archive)
- Archived EU Non-Binding Regulations (Pre-Exit Archive)

**Retained EU Regulations** provide a maintained, consolidated source, including direct EU legislation as defined under EU (W)A 2018, s 3 and reflecting modifications to it (including repeals, revocations and amendments) introduced under domestic legislation (eg by Brexit-related Acts and SIs).

These sources will benefit from our Version Timeline and Amendment Highlights enhancements.

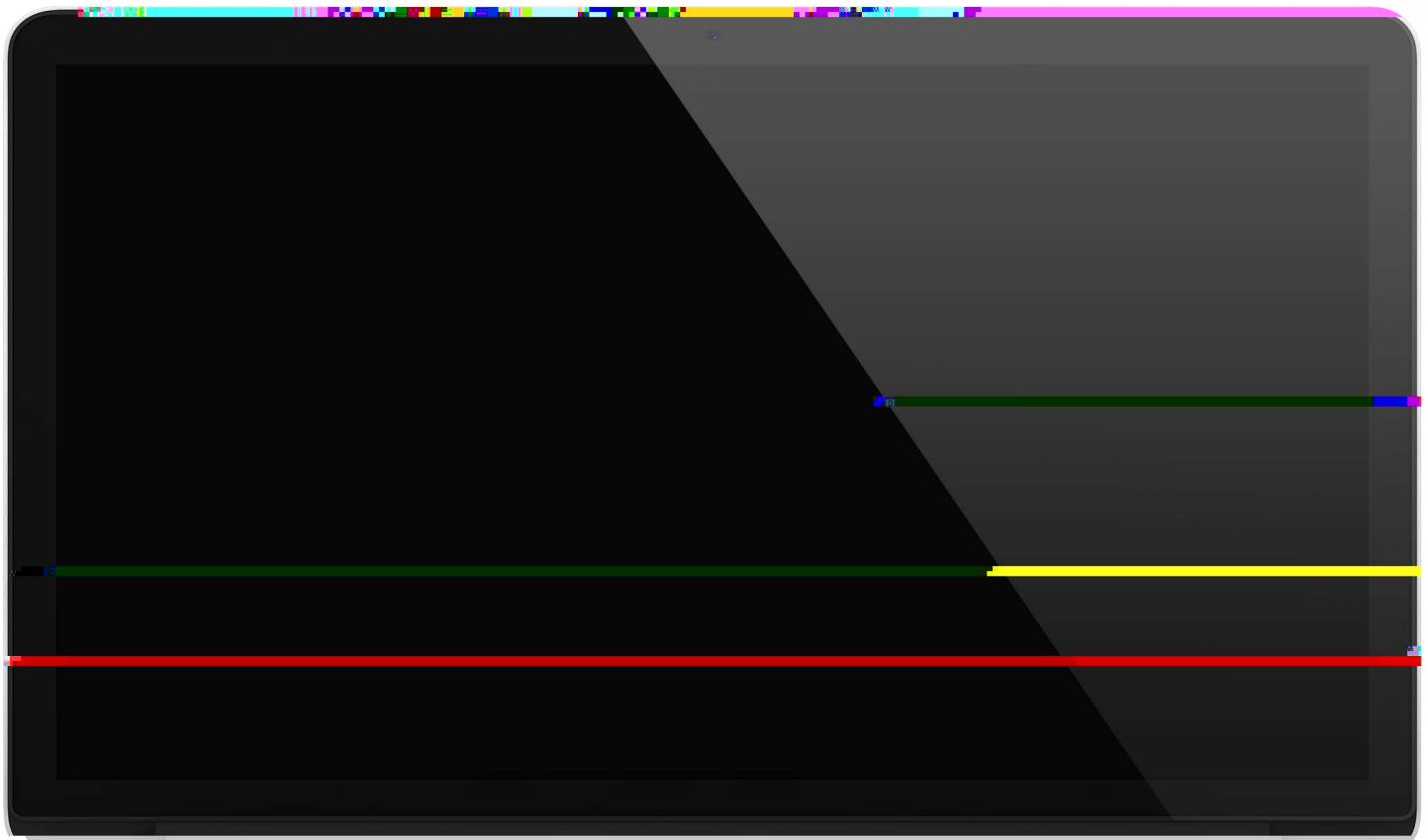
**Archived EU Directives, Archived EU Non-Binding Regulations** provide a snapshot of EU instruments and publications captured at the point that EU law ceases to apply in the UK. The archives provide a static collection of EU-derived legislation content for reference purposes.

From the Home Page, you can search the Retained EU Legislation on



Individual pieces of legislation are added to LexisPSL practice areas, as and when they are relevant for that module.  
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# Interpreting the Retained EU Legislation content

Determining the exact status of a particular piece or provision of EU-derived legislation in domestic law post-Brexit is a matter of statutory interpretation.

EU(W)A 2018 makes provision for the publication of all relevant EU instruments which may or may not be retained in domestic law after the transition period ends. The Retained EU Legislation sources are consistent with this approach and should not be treated as an authorised or exhaustive source of retained direct EU legislation.

Not all legislation in the Retained EU Legislation sources will form part of UK domestic law transition. EU(W)A 2018, and associated Brexit-related legislation, contain provisions which determine and modify the domestic scope and application of retained EU law.

Our Retained EU Legislation sources should be read in this context, alongside EU(W)A 2018 and associated legislation. To assist, direct EU legislation content contained in our Retained EU Legislation sources will be consolidated with UK amendments where applicable, with version timeline and amendment highlights enhancements.

EU(W)A 2018 as originally enacted provided for the full repeal of the European Communities Act 1972 and the introduction of retained EU law to take effect on exit day. These provisions were amended by the European Union (Withdrawal Agreement) Act 2020, to take account of the transitional arrangements under the Withdrawal Agreement—deferring their effect until the end of transition (IP completion day).

Users will still be able to access the Retained EU Legislation sources in advance, while continuing to refer to the EU Legislation sources as normal. Both sets of sources will continue to be maintained to reflect any additions and changes introduced by the EU during the transition period.

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