



**CIOB**

**RIBA**   
Architecture.com



**RTPI**  
Royal Town Planning Institute



**RICS**

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The Rt Hon Kemi Badenoch MP  
Secretary of State for Business and Trade  
Department for Business and Trade  
1 Victoria Street  
London  
SW1H 0ET

03 March 2023

Dear Minister,

On behalf of the Chartered Institute of Building (CIOB), Royal Institute of British Architects (RIBA), Royal Institution of Chartered Surveyors (RICS), and Royal Town Planning Institute (RTPI) we would like to bring to your attention some concerns held by those working in the built environment regarding the potential impacts of the Retained EU Law (Revocation and Reform Bill).

The Bill, currently at Committee stage in the House of Lords, will create a framework in which the UK Government can reform, revoke, retain or amend any EU law that remains post-Brexit.

While we understand that this was always the intention and that it was important to retain certain crucial pieces of legislation relating to energy and industrial strategy, health and social care, workers' rights and other areas, we are concerned about the potential implications that this Bill, if passed, could have on the built environment.

According to the UK Government's Retained EU Law (REUL) dashboard, there are an estimated 3,700 pieces of complex law which would be 'sunsetting' by 31 December 2023 (The Royal Society for the Prevention of Accidents have stated that this number could be closer to 4,000). While we understand that processes will be put in place to ensure that an extension mechanism is available, if necessary, we are concerned about the complexity of the task at hand given this imminent deadline. It is realistic to say that reforming or amending EU law will be a time-consuming and resource heavy process, and with the sheer volume of laws which will need to be inspected in detail we are concerned that some may fall through the cracks, the consequences of which could be dire. Furthermore, given the timeframes available, the Government will not place priority on consultation and scrutiny from affected industries.

To ensure that crucial economies continue to operate during this period of fluctuation, ample notice and consultation must be carried out with affected industries to understand the extent to which any delays or legislative gaps may affect day-to-day operations. It must be noted that, at present, professional bodies like CIOB, RIBA, RICS and RTPI are in the midst of responding to a vast number of government consultations on the secondary legislation surrounding the Building Safety Act 2022. Therefore, resourcing and proper scrutiny must be considered further in any sunsetting exercise by the end of 2023 as this will cause additional pressure on industry bodies who are able to provide expert opinions on the impact of these laws.

The Government's own impact assessment on the Bill states that there are 23 pieces of retained EU law relating to construction, with no other built environment industries listed. At present it is not clear which pieces of legislation will be revoked, repealed, retained, or amended. Construction is an industry that thrives on stability, something which has been lacking as a result of the increasing costs of energy, materials, and labour, the ongoing skills gap, and the recovery from



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the Covid-19 pandemic. To ensure that further instability is not created we encourage the Government to communicate with professional bodies and industry leaders early in the process to establish a line of clear communication so that we can disseminate information about the sunsetted law to our members and the wider industry.

In addition, we wish to draw attention to the potential impacts on health and safety regulations within the built environment. According to a recent article in Construction Management magazine<sup>1</sup> some of the existing legislation that could be dropped includes the Construction (Design and Management) Regulations 2015, the Management of Health and Safety at Work Regulations and the Workplace (Health, Safety and Welfare) Regulations. These are crucial pieces of legislation that have helped drive forward a step change in the way that workplace health and safety in the built environment is managed. Over the past decade, significant steps have been made to ensure that the built environment is a safer place for its constructors and users. There are serious risks that this hard work could be undone if due care is not taken to ensure that equal (or better) legislation is put in place by 31 December 2023.

Finally, we are concerned about the precedent that this Bill creates. We understand the need to put in place a mechanism to transition from any remaining EU law, however, it would be beneficial to offer a guarantee from government that these powers to sunset law without due process are not available for use beyond the scope of this bill.

Built environment professional bodies are communicating collaboratively now more so than ever and we would appreciate the opportunity to meet with Government as a group to discuss these concerns further.

Please let us know if this is something you would be interested in.

Yours sincerely,

Eddie Tuttle  
Director of Policy, External Affairs and Research  
Chartered Institute of Building

Victoria Hills MRTPI FICE FRSA  
Chief Executive  
Royal Town Planning Institute

Simon Allford  
President  
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Richard Collins  
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<sup>1</sup> Construction Management, [Retained EU Law Bill could put construction safety back by decades](#), 25 January 2023