

**IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL  
AMENDMENTS TO BE MOVED AT COMMITTEE STAGE**

Clause 4, page 2, line 34 leave out “appropriate” and insert “necessary”

Effect

This amendment ensures that the Secretary of State may only make regulations which are necessary rather than simply those which the Minister considers appropriate.

Reason

Clause 4 contains a wide Henry VIII clause empowering the Minister to make regulations, which can amend primary legislation and retained EU law, which are considered by the Minister to be “appropriate in consequence of, or in connection with, any provision of this Part” (clause 4(1)). The power is extended further by clause 4(4) which allows such regulations to make provisions for persons who were not reliant on EU free movement law prior to its repeal (i.e. anyone subject to immigration control). These powers should only be exercised when it is necessary to do so ie when there is a compelling objective reason to make such regulations. Making such regulations when the Minister thinks it is “appropriate” is too subjective a basis for exercising such significant law making powers.

**IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL  
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Clause 4, page 3, line 11 leave out subsection (6)

Effect

This amendment deletes section 4(6).

Reason

Clause 4(6) provides that the first statutory instrument passed under clause 4(1) is to be passed through the 'Made Affirmative' procedure. Such procedure is usually used where an urgent change to the law is required. There is no reason for using this procedure in the explanatory notes and the Government should be asked why it believes this procedure to be needed. It is unclear why the 'Draft Affirmative' procedure, which prevents the regulations from coming in to force until they have received parliamentary procedure, has not been used.

**IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL  
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Clause 4, page 3, line 17 leave out "other"

Consequential amendment

**IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL  
AMENDMENTS TO BE MOVED AT COMMITTEE STAGE**

Clause 4, page 3, line 21 leave out section 4(8)

Effect

This amendment deletes section 4(8).

Reason

Clause 4(7) provides that subsequent statutory instruments passed under clause 4(1) which amend or repeal primary legislation are to be passed through the 'Draft Affirmative' procedure. Clause 4(8) provides that all other statutory instruments passed under clause 4(1) are to be passed through the 'Made Negative' procedure. The Government should be asked to explain why the 'Draft Negative' procedure has not been used which would prevent the regulations from coming in to force during the period within which parliament may object to the regulations.