

**IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL**  
**AMENDMENT TO BE MOVED IN COMMITTEE**

In clause 4, page 2, line 34

Leave out “appropriate” and insert “necessary”

**Effect**

This amendment ensures that the Secretary of State can only make regulations under Clause 4 which are considered necessary rather than simply ‘appropriate’.

**Reason**

We recognise that it may be necessary to confer wide ranging powers, including Henry VIII powers to amend Acts on the UK Government by regulations. Those powers include: modifying (a) any provision made by or under primary legislation passed before, or in the same Session as, this Act; and (b) retained direct EU legislation. Clause 4 (3) also provides power (a) to make supplementary, incidental, transitional, transitory or saving provision and (b) to make different provision for different purposes.

The bill currently provides that the Secretary of State can make regulations under Clause 4 which are considered “appropriate”. This is a subjective test rather than an objective one and we believe that it is better to make regulations based on objective reasons.

We take the view that there should be an express provision that the powers should be used to make regulations only so far as they are “necessary” to repeal ‘retained EU law relating to free movement and other EU-derived rights, and repeal other retained EU law, relating to immigration’. Accordingly this amendment is necessary.

In any event regulations made under this provision will require close scrutiny and should be subject to affirmative procedure.