
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Immigration, Nationality and
Asylum (EU Exit) Regulations 2019**

PART 2

Immigration and Nationality

Chapter 1

Amendment of primary legislation

Amendment of the Immigration Act 2014

- 21.**—(1) The Immigration Act 2014(1) is amended as follows.
- (2) In section 21 (persons disqualified by immigration status or with limited right to rent)—
- (a) in subsection (4)(b)(ii)—
 - (i) for “an enforceable EU right” substitute “a retained enforceable EU right”;
 - (ii) after “1972” insert “as that provision is modified from time to time”;
 - (b) after subsection (4), insert—
 - “(4A) “Retained enforceable EU right” means a right that—
 - (a) was created or arose by or under the EU Treaties before the coming into force of this subsection, and
 - (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,as that right is modified from time to time.”;
 - (c) in subsection (5)(b), omit “other than the United Kingdom”.
- (3) In section 27 (eligibility period), in subsection (6)(a)—
- (a) for the words from “an enforceable EU right” to “1972”, substitute—
 - “—
 - (i) a retained enforceable EU right, or
 - (ii) any provision made under section 2(2) of the European Communities Act 1972 as that provision is modified from time to time”;
 - (b) after subsection (6), insert—
 - “(7) “Retained enforceable EU right” means a right that—
 - (a) was created or arose by or under the EU Treaties before the coming into force of this subsection, and

- (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,
as that right is modified from time to time.”.
- (4) In section 42 (“bank” and “building society”)—
 - (a) omit subsection (2)(b);
 - (b) in subsection (3), in each place where it appears, omit “or firm”.
- (5) In section 49 (exempt persons)—
 - (a) in subsection (2)(a), for the words from “an enforceable EU right” to the end, substitute—
 - “—
 - (i) a retained enforceable EU right, or
 - (ii) any provision made under section 2(2) of the European Communities Act 1972 as that provision is modified from time to time;”;
 - (b) after subsection (2), insert—
 - “(2A) “Retained enforceable EU right” means a right that—
 - (a) was created or arose by or under the EU Treaties before the coming into force of this subsection, and
 - (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,
as that right is modified from time to time.”.
- (6) In section 62 (interpretation of Part 4), in subsection (1), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.
- (7) In section 70A (immigration skills charge)(2)—
 - (a) in subsection (6)(b), omit “other than the United Kingdom”;
 - (b) in subsection (6)(d), for the words from “an enforceable EU right” to the end, substitute—
 - “—
 - (i) a retained enforceable EU right, or
 - (ii) any provision made under section 2(2) of the European Communities Act 1972 as that provision is modified from time to time.”;
 - (c) after subsection (6), insert—
 - “(6A) “Retained enforceable EU right” means a right that—
 - (a) was created or arose by or under the EU Treaties before the coming into force of this subsection, and
 - (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,
as that right is modified from time to time.”.

(2) Section 70A was inserted by section 85(1) and (2) of the Immigration Act 2016 (c. 19).