

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 in order to address deficiencies in retained EU law arising from the withdrawal of the United Kingdom from the European Union (“the EU”). The deficiencies fall within section 8(2)(a), (c) and (e) and 8(3)(a) of that Act.

These Regulations provide that certain provisions on freedom of establishment (regulation 2) and the free movement of services (regulation 3), which continue as directly effective rights in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018, should cease. Those provisions derive from the Treaty on the Functioning of the EU, the Agreement on the European Economic Area, the Agreement between the European Community and its Member States and the Swiss Confederation on the free movement of persons and the Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara and subsequent Protocols (“the Ankara Agreement”). The cessation of the provisions on freedom of establishment and free movement of services in the Swiss Agreement and the Ankara Agreement do not apply in relation to matters which fall within the application or operation of the Immigration Acts.

Regulation 4 provides that the prohibitions on the grounds of nationality in the agreements listed at regulations 2 and 3 also cease to be recognised so far as those prohibitions relate to the cessation of the provisions on freedom of establishment and free movement of services.

An impact assessment has not been published for this instrument as it has no or no significant impact on the private, public and voluntary sectors.