

SCHEDULES

SCHEDULE 1

REPEAL OF THE MAIN RETAINED EU LAW RELATING TO FREE MOVEMENT ETC.

PART 3

EU-DERIVED RIGHTS ETC.

- 5 (1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—
- (a) continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018, and
 - (b) are derived from Articles 1, 2, 3(1) to (4), 4, 6, 7, 12, 13, 17(b), 20, 23 or 24 of Annex 1 of the Swiss free movement agreement (or, so far as relating to any of those Articles of that Annex, Articles 3 to 6 of the agreement),
- cease to be recognised and available in domestic law.
- (2) In sub-paragraph (1), “the Swiss free movement agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (done at Luxembourg on 21 June 1999).
- 6 (1) Any other EU-derived rights, powers, liabilities, obligations, restrictions, remedies and procedures cease to be recognised and available in domestic law so far as—
- (a) they are inconsistent with, or are otherwise capable of affecting the interpretation, application or operation of, any provision made by or under the Immigration Acts (including, and as amended by, this Act), or
 - (b) they are otherwise capable of affecting the exercise of functions in connection with immigration.
- (2) The reference in sub-paragraph (1) to any other EU-derived rights, powers, liabilities, obligations, restrictions, remedies and procedures is a reference to any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—
- (a) continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 (including as they are modified by domestic law from time to time), and
 - (b) are not those described in paragraph 5 of this Schedule.
- (3) The reference in sub-paragraph (1) to provision made by or under the Immigration Acts includes provision made after that sub-paragraph comes into force.