



European Union (Accessions) Act 2003

CHAPTER 35

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2003 CHAPTER 35

An Act to make provision consequential on the treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003; and to make provision in relation to the entitlement of nationals of certain acceding States to enter or reside in the United Kingdom as workers. [13th November 2003]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Accession treaty

- (1) In section 1(2) of the European Communities Act 1972 (c. 68), in the definition of “the Treaties” and “the Community Treaties”, after paragraph (p), insert “and
 - (q) the treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003;”.
- (2) For the purpose of section 12 of the European Parliamentary Elections Act 2002 (c. 24) (ratification of treaties), the treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003, is approved.

2 Freedom of movement for workers

- (1) The Secretary of State may by regulations provide that a specified enactment relating to—
 - (a) the entitlement of a national of an EEA State to enter or reside in the United Kingdom as a worker, or
 - (b) any matter ancillary to that entitlement,applies in relation to a national of a relevant acceding State as it applies in relation to a national of an EEA State.
- (2) Regulations under this section in respect of a specified enactment may apply that enactment subject to specified exceptions or modifications.
- (3) Regulations under this section—
 - (a) may include incidental, supplementary, consequential or transitional provision;
 - (b) may make different provision for different cases.
- (4) Regulations under this section do not have effect so as to apply an enactment in relation to a national of a relevant acceding State which has not ratified the treaty mentioned in section 1(2).
- (5) The power to make regulations under this section is exercisable by statutory instrument.
- (6) Regulations may not be made under this section unless a draft has been laid before and approved by a resolution of each House of Parliament.
- (7) But, in the case of regulations other than the first set of regulations under this section, subsection (6) does not apply if it appears to the Secretary of State that by reason of urgency they should be made without being approved in draft.
- (8) Where by virtue of subsection (7) regulations are made without being approved in draft, the regulations—
 - (a) must be laid before Parliament, and
 - (b) cease to have effect at the end of the period mentioned in subsection (9) unless they are approved during that period by resolution of each House of Parliament.
- (9) The period referred to in subsection (8)(b) is the period of 40 days—
 - (a) beginning with the day on which the regulations are made, and
 - (b) ignoring any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) The fact that regulations cease to have effect by virtue of subsection (8)—
 - (a) does not affect the lawfulness of anything done before the regulations cease to have effect, and
 - (b) does not prevent the making of new regulations.
- (11) In this section—

“EEA State” means a State (other than the United Kingdom) which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993;

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

“relevant acceding State” means any of the following –

- (a) the Czech Republic,
- (b) the Republic of Estonia,
- (c) the Republic of Latvia,
- (d) the Republic of Lithuania,
- (e) the Republic of Hungary,
- (f) the Republic of Poland,
- (g) the Republic of Slovenia,
- (h) the Slovak Republic;

“specified” means specified in regulations under this section; and

“worker” means the same as it does for the purposes of Article 39 of the Treaty establishing the European Community.

3 Short title

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