



Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020

2020 CHAPTER 20

PART 1

MEASURES RELATING TO ENDING FREE MOVEMENT

5 Consequential etc. provision

- (1) The Secretary of State may by regulations made by statutory instrument make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, any provision of this Part.
- (2) The power to make regulations under subsection (1) may (among other things) be exercised by modifying—
 - (a) any provision made by or under primary legislation passed before, or in the same Session as, this Act;
 - (b) [^{F1}assimilated direct] legislation.
- (3) The power to make regulations under subsection (1) includes power—
 - (a) to make supplementary, incidental, transitional, transitory or saving provision;
 - (b) to make different provision for different purposes.
- (4) Regulations under subsection (1) may (among other things) make provision applying to persons who, immediately before the coming into force of the repeal of section 7(1) of the Immigration Act 1988 by paragraph 1 of Schedule 1, were not entitled by virtue of section 7(1) of that Act to enter or remain in the United Kingdom without leave.
- (5) Regulations under subsection (1) may (among other things) modify provision relating to the imposition of fees or charges which is made by or under primary legislation passed before, or in the same Session as, this Act.
- (6) The first statutory instrument containing regulations under subsection (1)—
 - (a) must be laid before Parliament after being made, and

Changes to legislation: There are currently no known outstanding effects for the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, Section 5. (See end of Document for details)

- (b) ceases to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (7) Any other statutory instrument containing regulations under subsection (1) that amend or repeal any provision of primary legislation (whether alone or with other provision) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (8) A statutory instrument containing regulations under subsection (1), other than a statutory instrument to which subsection (6) or (7) applies, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In calculating the period of 40 days for the purposes of subsection (6), no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than 4 days.
- (10) If regulations cease to have effect as a result of subsection (6), that—
 - (a) does not affect the validity of anything previously done under the regulations, and
 - (b) does not prevent the making of new regulations.

Textual Amendments

- F1** Words in s. 5(2)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 92(3)**

Modifications etc. (not altering text)

- C1** Pt. 1 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(EU Withdrawal\) \(Jersey\) Order 2020 \(S.I. 2020/1566\)](#), arts. 1(1), 2, **Sch.**
- C2** Pt. 1 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Guernsey\) Order 2020 \(S.I. 2020/1560\)](#), arts. 1(1), 6, **Sch. 5, Sch. 5A**
- C3** S. 5 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Guernsey\) Order 2020 \(S.I. 2020/1560\)](#), arts. 1(1), 6, **Sch. 5, Sch. 5A**
- C4** S. 5 extended (Isle of Man) (with modifications) (coming into force in accordance with art. 1(2) of the amending S.I.) by [S.I. 2008/680](#), art. 23(1)(2)(d), **Sch. 10** (as inserted by [The Immigration \(Isle of Man\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/1576\)](#), art. 7, **Sch.**)

Commencement Information

- I1** S. 5 in force at 14.11.2020 by [S.I. 2020/1279](#), **reg. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, Section 5.