

## SCHEDULE 3

Regulation 43

### EFFECT ON OTHER LEGISLATION

#### **Leave under the 1971 Act**

1. Where a person has leave to enter or remain under the 1971 Act which is subject to conditions and that person also has a right to reside under these Regulations, those conditions do not have effect for as long as the person has that right to reside.

#### **Person not subject to restriction on the period for which they may remain**

2.—(1) For the purposes of the 1971 Act and British Nationality Act 1981, a person who has a right of permanent residence under regulation 15 must be regarded as a person who is in the United Kingdom without being subject under the immigration laws to any restriction on the period for which the person may remain.

(2) But a qualified person, the family member of a qualified person, a person with a derivative right to reside and a family member who has retained the right of residence must not, by virtue of that status, be so regarded for those purposes.

#### **Carriers' liability under the 1999 Act**

3. For the purposes of satisfying a requirement to produce a visa under section 40(1)(b) of the 1999 Act (charges in respect of passenger without proper documents)(1), “a visa of the required kind” includes an EEA family permit, a residence card, a derivative residence card, a qualifying EEA State residence card, or a permanent residence card required for admission under regulation 11(2), or permission to be temporarily admitted under regulation 41.

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(1) Section 40(1)(b) was amended by the 2002 Act, Schedule 8, paragraphs 1 and 13.