



European Union (Accessions) Act 2006

2006 CHAPTER 2

An Act to make provision consequential on the treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed at Luxembourg on 25th April 2005; and to make provision in relation to the entitlement of nationals of those states to enter or reside in the United Kingdom as workers. [16th February 2006]

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 (q) insert—

“and

(r) the treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed at Luxembourg on 25th April 2005;”.

(2) For the purposes of section 12 of the European Parliamentary Elections Act 2002 (c. 24) (ratification of treaties), the treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed at Luxembourg on 25th April 2005, is approved.

2 Freedom of movement for workers

(1) The Secretary of State may by regulations make provision concerning—

- (a) the entitlement of a national of an acceding State to enter or reside in the United Kingdom as a worker;
- (b) any matter ancillary to that entitlement.

- (2) The provision that may be made by regulations under this section includes provision which applies (with or without modification) 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,
- to a national of an acceding State as it applies in relation to a national of an EEA State.
- (3) Regulations under this section may (in particular) include provision the effect of which is—
- (a) to make it a requirement that a national of an acceding State working in the United Kingdom be registered in accordance with the regulations;
 - (b) to make it a requirement that a fee is payable in respect of applications or registration under the regulations;
 - (c) to make it an offence for an employer to employ a national of an acceding State unless his employment of that person is authorised by the regulations.
- (4) An offence by virtue of regulations under this section—
- (a) may be a summary offence or an offence triable either way; and
 - (b) is not to be punishable by imprisonment or, on summary conviction, by a fine exceeding the statutory maximum.
- (5) Regulations under this section—
- (a) may include incidental, supplementary, consequential or transitional provision; and
 - (b) may make different provision for different cases.
- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) No regulations may be made containing (with or without other provision) any provision the power to make which is conferred by this section unless—
- (a) a draft of the regulations has been laid before Parliament and approved by a resolution of each House; or
 - (b) the regulations contain a declaration by the Secretary of State that the urgency of the matter makes it necessary for the regulations to be made without that approval.
- (8) Regulations under this section that contain such a declaration—
- (a) must be laid before Parliament after being made; and
 - (b) if not approved by a resolution of each House before the end of 40 days beginning with the day on which they were made, shall cease to have effect at the end of that period;
- but, where regulations cease to have effect in accordance with this subsection, that does not affect anything previously done under them, or prevent the making of new regulations to the same or similar effect.
- (9) In subsection (8) “40 days” means 40 days computed as provided for in section 7(1) of the Statutory Instruments Act 1946 (c. 36).
- (10) In this section—
- “acceding State” means the Republic of Bulgaria or Romania;
- “EEA State” means—

(a) a member State, other than the United Kingdom and the acceding States;
or

(b) Norway, Iceland or Liechtenstein;

“enactment” includes a provision of any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

“modification” includes omissions, additions and alterations;

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

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

3 Short title

This Act may be cited as the European Union (Accessions) Act 2006.