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STATUTORY INSTRUMENTS

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**2004 No. 1219**

**The Accession (Immigration and  
Worker Registration) Regulations 2004**

**PART 1**

**General**

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Accession (Immigration and Worker Registration) Regulations 2004 and shall come into force on 1st May 2004.

**(2)** In these Regulations —

- (a)** “the 1971 Act” means the Immigration Act 1971<sup>(1)</sup>;
- (b)** “the 2000 Regulations” means the Immigration (European Economic Area) Regulations 2000<sup>(2)</sup>;
- (c)** “accession period” means the period beginning on 1st May 2004 and ending on 30th April 2009;
- (d)** “accession State worker requiring registration” shall be interpreted in accordance with regulation 2;
- (e)** “authorised employer” shall be interpreted in accordance with regulation 7;
- (f)** “EEA State” means a Member State, other than the United Kingdom, or Norway, Iceland or Liechtenstein, and “EEA national” means a national of an EEA State;
- (g)** “employer” means, in relation to a worker, the person who directly pays the wage or salary of that worker;
- (h)** “registration certificate” means a certificate issued under regulation 8 authorising an accession State worker requiring registration to work for an employer;
- (i)** “relevant accession State” means the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic;
- (j)** “self-sufficient person” has the same meaning as in regulation 3 of the 2000 Regulations;
- (k)** “worker” means a worker within the meaning of Article 39 of the Treaty establishing the European Community<sup>(3)</sup>, and “work” and “working” shall be construed accordingly.

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<sup>(1)</sup> 1971 c. 77.

<sup>(2)</sup> S.I.2000/2326.

<sup>(3)</sup> OJNo. C325, 24.12.02, p.51.

**“Accession State worker requiring registration”**

2.—(1) Subject to the following paragraphs of this regulation, “accession State worker requiring registration” means a national of a relevant accession State working in the United Kingdom during the accession period.

(2) A national of a relevant accession State is not an accession State worker requiring registration if on 30th April 2004 he had leave to enter or remain in the United Kingdom under the 1971 Act and that leave was not subject to any condition restricting his employment.

(3) A national of a relevant accession State is not an accession State worker requiring registration if he was legally working in the United Kingdom on 30th April 2004 and had been legally working in the United Kingdom without interruption throughout the period of 12 months ending on that date.

(4) A national of a relevant accession State who legally works in the United Kingdom without interruption for a period of 12 months falling partly or wholly after 30th April 2004 shall cease to be an accession State worker requiring registration at the end of that period of 12 months.

(5) A national of a relevant accession State is not an accession State worker requiring registration during any period in which he is also a national of —

- (a) the United Kingdom;
- (b) another EEA State, other than a relevant accession State; or
- (c) Switzerland.

(6) A national of a relevant accession State is not an accession State worker requiring registration during any period in which he is —

- (a) a posted worker; or
- (b) a family member of a Swiss or EEA national who is in the United Kingdom as —
  - (i) a worker, other than as an accession State worker requiring registration;
  - (ii) a self-sufficient person;
  - (iii) a retired person; or
  - (iv) a student.

(7) For the purpose of this regulation —

- (a) a person working in the United Kingdom during a period falling before 1st May 2004 was legally working in the United Kingdom during that period if —
  - (i) he had leave to enter or remain in the United Kingdom under the 1971 Act for that period, that leave allowed him to work in the United Kingdom, and he was working in accordance with any condition on that leave restricting his employment; or
  - (ii) he was entitled to reside in the United Kingdom for that period under the 2000 Regulations without the requirement for such leave;
- (b) a person working in the United Kingdom on or after 1st May 2004 is legally working during any period in which he is working in the United Kingdom for an authorised employer;
- (c) a person shall also be treated as legally working in the United Kingdom on or after 1st May 2004 during any period in which he falls within paragraph (5) or (6).

(8) For the purpose of paragraphs (3) and (4), a person shall be treated as having worked in the United Kingdom without interruption for a period of 12 months if he was legally working in the United Kingdom at the beginning and end of that period and any intervening periods in which he was not legally working in the United Kingdom do not, in total, exceed 30 days.

(9) In this regulation —

- (a) “retired person” and “student” have the same meaning as in regulation 3 of the 2000 Regulations;
- (b) “posted worker” means a person whose employer is not established in the United Kingdom and who works for that employer in the United Kingdom for the purpose of providing services on his employer’s behalf;
- (c) “family member” means —
  - (i) in relation to a worker, his spouse and his children who are under 21 or dependent on him;
  - (ii) in relation to any other person, his spouse and his children who are dependent on him.