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STATUTORY INSTRUMENTS

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**2020 No. 1309**

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

**PART 2**

IMMIGRATION

*Chapter 2*

*Amendment and savings of secondary legislation*

**Amendment and saving of the Immigration (Control of Entry through Republic of Ireland) Order 1972**

**25.**—(1) The Immigration (Control of Entry through Republic of Ireland) Order 1972 <sup>M1</sup> is amended in accordance with paragraphs (2) to (4).

(2) In article 2 (interpretation)—

- (a) omit the definition of “EEA national”;
- (b) omit the definition of “EEA State”.

(3) In article 3(1)(b) (persons excluded from section 1(3) of the Act)—

- (a) after “other than” insert “ an Irish citizen or ”;
- (b) at the end of paragraph (iii) insert “ or ”;
- (c) omit paragraph (iv);
- (d) omit paragraph (v).

(4) In article 4 (restrictions and conditions on entry through Ireland)—

- (a) in paragraph (1)—
  - (i) for “an EEA national” substitute “ an Irish citizen ”;
  - (ii) omit “or a person who is entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972”;
- (b) omit paragraph (8).

(5) Notwithstanding the revocation of article 3(1)(b)(v) by this regulation, that article continues to apply as if not amended by these Regulations where an order is in force excluding an individual from the United Kingdom and the order—

- (a) was made before commencement day by virtue of the Immigration (European Economic Area) Regulations 2016 and continues in force under paragraph 2 of Schedule 3 to these Regulations, or

**Changes to legislation:** There are currently no known outstanding effects for the The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Cross Heading: Chapter 2. (See end of Document for details)

- (b) is made on or after commencement day by virtue of those 2016 Regulations as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

#### Commencement Information

- I1** Reg. 25 not in force at made date, see [reg. 1](#)  
**I2** Reg. 25 in force at 31.12.2020, see [reg. 1\(2\)](#) and [S.I. 2020/1279, reg. 4\(c\)](#)

#### Marginal Citations

- M1** [S.I. 1972/1610](#), relevant amending instruments are [S.I. 2014/2475](#), 2019/468 and 2019/745. The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

### Amendment and saving of the Channel Tunnel (International Arrangements) Order 1993

**26.**—(1) The Channel Tunnel (International Arrangements) Order 1993 <sup>M2</sup> is amended in accordance with paragraph (2).

(2) In Schedule 4 (enactments modified), omit paragraph 5 (the Immigration (European Economic Area) Regulations 2006).

(3) The amendment made by paragraph (2) does not apply to a person who has a right of admission to the United Kingdom under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

#### Commencement Information

- I3** Reg. 26 not in force at made date, see [reg. 1](#)  
**I4** Reg. 26 in force at 31.12.2020, see [reg. 1\(2\)](#) and [S.I. 2020/1279, reg. 4\(c\)](#)

#### Marginal Citations

- M2** [S.I. 1993/1813](#), relevant amending instruments are [S.I. 2001/3707](#), 2006/1003, 2007/3579, 2012/1547 and 2013/3032.

### Amendment and saving of the Immigration (Leave to Enter and Remain) Order 2000

**27.**—(1) The Immigration (Leave to Enter and Remain) Order 2000 <sup>M3</sup> is amended in accordance with paragraph (2).

(2) In article 13B (partners and children of Crown servants etc.), in paragraph (2)(b)—

- (a) at the end of paragraph (i), insert “ or ”;  
 (b) omit paragraph (iii) (and the “or” before it).

(3) The amendment made by paragraph (2) does not apply in respect of a person who is accompanying a partner or parent who before 1st July 2021 had a right of permanent residence in the United Kingdom by virtue of any provision made under section 2(2) of the European Communities Act 1972.

#### Commencement Information

- I5** Reg. 27 not in force at made date, see [reg. 1](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Cross Heading: Chapter 2. (See end of Document for details)

**I6** Reg. 27 in force at 31.12.2020, see reg. 1(2) and S.I. 2020/1279, **reg. 4(c)**

#### Marginal Citations

**M3** S.I. 2000/1161, relevant amending instruments are S.I. 2016/1132 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

### Amendment and saving of the Immigration (Notices) Regulations 2003

**28.**—(1) The Immigration (Notices) Regulations 2003 <sup>M4</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation), omit the definition of “EEA Decision”.

(3) In regulation 4 (notice of decisions), in paragraph (1), omit “, any EEA decision”.

(4) The amendments made by paragraphs (2) and (3) do not apply to an EEA decision made under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020.

#### Commencement Information

**I7** Reg. 28 not in force at made date, see **reg. 1**

**I8** Reg. 28 in force at 31.12.2020, see reg. 1(2) and S.I. 2020/1279, **reg. 4(c)**

#### Marginal Citations

**M4** S.I. 2003/658, relevant amending instruments are S.I. 2012/1547, 2014/2768 and 2020/61.

### Amendment and saving of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003

**29.**—(1) The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 <sup>M5</sup> is amended in accordance with paragraphs (2) and (3).

(2) In article 11 (enactments having effect in a Control Zone in France), omit paragraph (1)(e).

(3) In Schedule 2 (modification of applied enactments), omit paragraph 5 (the Immigration (European Economic Area) Regulations 2006).

(4) The amendments made by paragraphs (2) and (3) do not apply to a person who has a right of admission to the United Kingdom under the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020).

(5) Where the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 applies to a person by virtue of paragraph (4) it applies subject to the modification that in Schedule 2, paragraph 5(c) “and (5)” is omitted.

#### Commencement Information

**I9** Reg. 29 not in force at made date, see **reg. 1**

**I10** Reg. 29 in force at 31.12.2020, see reg. 1(2) and S.I. 2020/1279, **reg. 4(c)**

**Changes to legislation:** There are currently no known outstanding effects for the *The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020*, Cross Heading: Chapter 2. (See end of Document for details)

#### Marginal Citations

**M5** [S.I. 2003/2818](#), relevant amending instruments are [S.I. 2006/1003](#), 2012/1547 and 2013/3032.

### Amendment of the Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003

**30.**—(1) The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003 <sup>M6</sup> is amended in accordance with paragraphs (2) and (3).

(2) In article 2 (interpretation), omit the definitions of “EEA national” and “family member of an EEA national”.

(3) In article 3(1) (exemption of relevant employers), omit sub-paragraph (c) (and the “or” before it).

#### Commencement Information

**I11** Reg. 30 not in force at made date, see [reg. 1](#)

**I12** Reg. 30 in force at 31.12.2020, see [reg. 1\(2\)](#) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

#### Marginal Citations

**M6** [S.I. 2003/3214](#), relevant amendments are made by [S.I. 2006/1003](#).

### Amendment of the Civil Partnership (Registration Provisions) Regulations 2005

**31.**—(1) The Civil Partnership (Registration Provisions) Regulations 2005 <sup>M7</sup> are amended in accordance with paragraph (2).

(2) In Schedule 3 (evidence), in paragraph 2 (evidence of name, surname, date of birth and nationality), omit sub-paragraph (1)(b).

#### Commencement Information

**I13** Reg. 31 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)

#### Marginal Citations

**M7** [S.I. 2005/3176](#), relevant amendments are made by [S.I. 2015/177](#).

### Amendment and saving of the Immigration (Provision of Physical Data) Regulations 2006

**32.**—(1) The Immigration (Provision of Physical Data) Regulations 2006 <sup>M8</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation), in the definition of “application” omit paragraph (d).

(3) In regulation 8 (use and retention of biometric information)—

(a) at the end of sub-paragraph (2)(c), insert “ and ”;

(b) omit sub-paragraph (2)(e) (and the “and” before it).

(4) In regulation 10 (retention of fingerprints)—

(a) at the end of sub-paragraph (2)(d) insert “ or ”;

(b) omit sub-paragraph (2)(f) (and the “or” before it);

- (c) in paragraph (3)—
  - (i) omit “or (f)”;
  - (ii) omit “or who no longer enjoys the right of permanent residence”;
- (d) omit paragraph (4).

(5) The amendment made by paragraph (2) does not apply in respect of an application made before commencement day where a document was not issued before commencement day.

(6) Notwithstanding the amendment of regulation 8 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the exercise of any function after commencement day concerning the entitlement of a person who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens' rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (b) the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(7) The amendment of regulation 10 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.

#### Commencement Information

**I14** Reg. 32 not in force at made date, see [reg. 1](#)

**I15** Reg. 32 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279, reg. 4\(c\)](#)

#### Marginal Citations

**M8** [S.I. 2006/1743](#), relevant amending instruments are [S.I. 2015/737](#), 2018/928, 2019/686, 2019/745 and 2020/1213. The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

### Amendment and saving of the Tribunal Procedure (Upper Tribunal) Rules 2008

**33.**—(1) The Tribunal Procedure (Upper Tribunal) Rules 2008 <sup>M9</sup> are amended in accordance with paragraphs (2) and (3).

(2) In rule 1 (citation, commencement, application and interpretation), in the definition of “immigration case”, omit “, regulation 26 of the Immigration (European Economic Area) Regulations 2006, regulation 36 of the Immigration (European Economic Area) Regulations 2016”.

(3) In rule 17A (appeal treated as abandoned or finally determined in an asylum case or an immigration case)—

- (a) in paragraph (1)(b), after the semi-colon insert “ or ”;
- (b) omit paragraph (1)(d) (and the “or” before it);
- (c) in paragraph (2), omit “or paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006”.

(4) The amendments made by paragraphs (2) and (3) do not apply in relation to—

- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 <sup>M10</sup> and has not been finally determined before commencement day;

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- (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether before or after commencement day), and has yet to be finally determined;
  - (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.
- (5) For the purposes of paragraph (4)—
- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
  - (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

#### Commencement Information

**I16** Reg. 33 not in force at made date, see [reg. 1](#)

**I17** Reg. 33 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

#### Marginal Citations

**M9** [S.I. 2008/2698](#), relevant amending instruments are [S.I. 2010/44](#), 2013/2067, 2020/61 and 2020/651.

**M10** [S.I. 2006/1003](#). Revoked by [S.I. 2016/1052](#) but see [paragraph 3](#) of Schedule 4 in respect of savings for appeals.

### Amendment and saving of the Immigration (Biometric Registration) Regulations 2008

**34.**—(1) The Immigration (Biometric Registration) Regulations 2008 <sup>M11</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3 (requirement to apply for biometric immigration document) after paragraph (5) insert—

“(5A) This regulation does not apply to a person who makes an application for, or has been granted, leave to enter or remain under residence scheme immigration rules.

(5B) “Residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In regulation 9 (use and retention of biometric information)—

- (a) after paragraph (2)(c) insert “ and ”;
- (b) omit paragraph (2)(e) (and the “and” before it).

(4) In regulation 11 (retention of fingerprints)—

- (a) after paragraph (2)(d), insert “ or ”;
- (b) omit paragraph (2)(f) (and the “or” before it);
- (c) in paragraph (3), omit—
  - (i) “or (f)”;
  - (ii) “or who no longer enjoys the rights of permanent residence”;
- (d) omit paragraph (4).

(5) Notwithstanding the amendment of regulation 9 by paragraph (3), biometric information held by the Secretary of State immediately before commencement day may be used in connection with the exercise of any function after commencement day concerning the entitlement of a person who is not a national of an EEA state or Switzerland to enter or remain in the United Kingdom by virtue of—

- (a) the EEA EFTA separation agreement, the EU withdrawal agreement or the Swiss citizens' rights agreement (within the meaning of section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (b) the Immigration (European Economic Area) Regulations 2016 as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(6) The amendment of regulation 11 by paragraph (4) does not apply in relation to fingerprints held by the Secretary of State immediately before commencement day.

#### Commencement Information

**I18** Reg. 34 not in force at made date, see [reg. 1](#)

**I19** Reg. 34 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

#### Marginal Citations

**M11** [S.I. 2008/3048](#), relevant amending instruments are [S.I. 2012/594](#), 2015/433 and 2019/745. The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

### Amendment and saving of the Appeals (Excluded Decisions) Order 2009

**35.**—(1) The Appeals (Excluded Decisions) Order 2009 <sup>M12</sup> is amended in accordance with paragraph (2).

- (2) In article 3 (excluded decisions), in paragraph (m)—
  - (a) for “1981,” substitute “ 1981 or ”;
  - (b) omit “, or regulation 26 of the Immigration (European Economic Area) Regulations 2006”.
- (3) The amendment made by paragraph (2) does not apply in relation to—
  - (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 <sup>M13</sup> and has not been finally determined before commencement day;
  - (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether before or after commencement day), and has yet to be finally determined;
  - (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.
- (4) For the purposes of paragraph (3)—
  - (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;

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- (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

#### Commencement Information

- I20** Reg. 35 not in force at made date, see [reg. 1](#)  
**I21** Reg. 35 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279, reg. 4\(c\)](#)

#### Marginal Citations

- M12** [S.I. 2009/275](#), relevant amending instruments are [S.I. 2010/41](#) and 2015/383.  
**M13** [S.I. 2006/1003](#). Revoked by [S.I. 2016/1052](#) but see [paragraph 3](#) of Schedule 4 in respect of savings for appeals.

### Amendment of the Immigration (Procedure for Marriage) Regulations 2011

**36.**—(1) The Immigration (Procedure for Marriage) Regulations 2011 <sup>M14</sup> are amended as follows.

- (2) For regulation 2 (specified registration districts in England and Wales), substitute—

#### “Specified registration districts in England and Wales

**2.** Every registration district in England and Wales is specified for the purposes of section 19(2)(a) of the 2004 Act.”

- (3) Omit the Schedule (specified registration districts in England and Wales).

#### Commencement Information

- I22** Reg. 36 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)

#### Marginal Citations

- M14** [S.I. 2011/2678](#), there are amending instruments, but none are relevant.

### Amendment of the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011

**37.**—(1) The Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011 <sup>M15</sup> are amended as follows.

- (2) In regulation 2 (specified registration authorities in England and Wales)—

- (a) for paragraph (1), substitute—

“(1) Every registration authority in England and Wales is specified for the purposes of paragraph 4(1)(a) of Schedule 23 to the 2004 Act.”; and

- (b) in paragraph (2), for the words after “she” to the end, substitute “ is authorised by that authority to attest notices of proposed civil partnership. ”.

- (3) Omit the Schedule (specified registration authorities in England and Wales).

#### Commencement Information

- I23** Reg. 37 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)



#### Marginal Citations

**M15** [S.I. 2011/2679](#), there are amending instruments, but none are relevant.

### Amendment and saving of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011

**38.**—(1) The First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011 <sup>M16</sup> is amended in accordance with paragraph (2).

(2) In article 5 (exemption from fees), omit paragraph (1)(a)(ii).

(3) The amendment made by paragraph (2) does not apply in relation to—

- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 and has not been finally determined before commencement day;
- (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), and has yet to be finally determined;
- (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.

(4) For the purposes of paragraph (3)—

- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
- (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

#### Commencement Information

**I24** Reg. 38 not in force at made date, see [reg. 1](#)

**I25** Reg. 38 in force at 31.12.2020, see [reg. 1\(2\)](#) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

#### Marginal Citations

**M16** [S.I. 2011/2841](#). Relevant amendments are made by [S.I. 2016/928](#).

### Amendment and saving of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014

**39.**—(1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 <sup>M17</sup> are amended in accordance with paragraphs (2) to (4).

(2) In rule 1 (citation, commencement, application and interpretation), omit the definition of “the 2006 Regulations”.

(3) In rule 16 (appeal treated as abandoned)—

- (a) after paragraph (1)(b) insert “ or ”;
- (b) omit paragraph (1)(d) (and the “or” before it);
- (c) in paragraph (2) omit “or paragraph 4(2) of Schedule 2 to the 2006 Regulations”;

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- (d) in paragraph (3) omit “or was sent the document listed in paragraph 4(2) of Schedule 2 to the 2006 Regulations, as the case may be”.
- (4) In rule 23 (response: entry clearance cases)—
- (a) in paragraph (1), omit “or a refusal of an EEA family permit (which has the meaning given in regulation 2(1) of the 2006 Regulations)”;
- (b) in paragraph (2), omit “or a refusal of an EEA family permit”.
- (5) The amendments made by paragraphs (2) to (4) do not apply in relation to—
- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 and has not been finally determined before commencement day;
- (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), and has yet to be finally determined;
- (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.
- (6) For the purposes of paragraph (5)—
- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
- (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

#### Commencement Information

**I26** Reg. 39 not in force at made date, see [reg. 1](#)

**I27** Reg. 39 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

#### Marginal Citations

**M17** [S.I. 2014/2604](#), relevant amending instruments are [S.I. 2020/61](#) and 651.

### Amendment of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014

**40.**—(1) The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014<sup>M18</sup> are amended as follows.

- (2) In Schedule 1 omit paragraph 1(a)(iii).

#### Commencement Information

**I28** Reg. 40 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)

#### Marginal Citations

**M18** [S.I. 2014/3181](#).

## Amendment of the Referral of Proposed Marriages and Civil Partnerships Regulations 2015

**41.**—(1) The Referral of Proposed Marriages and Civil Partnerships Regulations 2015 <sup>M19</sup> are amended as follows.

(2) In Schedule 1 (evidence of immigration status) omit paragraph 1 (permanent residence).

### Commencement Information

**I29** Reg. 41 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)

### Marginal Citations

**M19** [S.I. 2015/123](#). Relevant amendments are made by [S.I. 2019/745](#). The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 49 of these Regulations before they come into force.

## Amendment of the Registration of Marriages Regulations 2015

**42.**—(1) The Registration of Marriages Regulations 2015 <sup>M20</sup> are amended as follows.

(2) In Schedule 3 (evidence)—

(a) in paragraph 2 (evidence of relevant nationality)—

- (i) in the title for “evidence of relevant nationality” substitute “evidence of being a relevant national - British or Irish citizen”;
- (ii) in sub-paragraph (a) for “, EEA or Swiss national” substitute “or Irish national”; and
- (iii) omit sub-paragraph 2(b);

(b) after paragraph 2 insert—

### “Evidence of being a relevant national -European Union Settlement Scheme

**2A.**—(1) For the purposes of (as applicable) section 8(1)(b), or section 16(1C) of the Act, the following must be provided by each of the parties (P) to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that P is a relevant national.

(2) Where P—

- (a) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules within the meaning of section 17 of the European Union (Withdrawal Agreement) Act 2020, an electronic certificate which confirms that such leave has been granted; or
- (b) is an applicant for the purposes of regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 <sup>M21</sup> (applications which have not been finally determined by the deadline)—
  - (i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
  - (ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired must be provided by each of the parties to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that P is a relevant national.”;

**Changes to legislation:** There are currently no known outstanding effects for the The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Cross Heading: Chapter 2. (See end of Document for details)

- (c) in paragraph 3 (evidence of name, surname, date of birth and nationality) omit sub-paragraph (b).

**Commencement Information**

**I30** Reg. 42 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)

**Marginal Citations**

**M20** [S.I. 2015/207](#).

**M21** [S.I. 2020/1209](#).

**Amendment of the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015**

**43.**—(1) The Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015 <sup>M22</sup> are amended as follows.

(2) In regulation 18 (prescribed information about the investigation)—

- (a) in paragraph (1)(e) for “, indefinite leave or a European residence document” substitute “ or indefinite leave ”;
- (b) in paragraph (1)(f) for “, indefinite leave or a European residence document” substitute “ or indefinite leave ”;
- (c) omit sub-paragraph (2)(b)(ii) (and the “and” before it).

**Commencement Information**

**I31** Reg. 43 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)

**Marginal Citations**

**M22** [S.I. 2015/397](#). Relevant amendments are made by [S.I. 2019/745](#).

**Amendment of the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015**

**44.**—(1) The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015 <sup>M23</sup> are amended as follows.

(2) In Schedule 1 (evidence of particular immigration status), omit paragraph 1 (permanent residence).

**Commencement Information**

**I32** Reg. 44 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)

**Marginal Citations**

**M23** [S.I. 2015/404](#). Relevant amendments are made by [S.I. 2019/745](#).

**Amendment of the Immigration and Nationality (Fees) Order 2016**

**45.**—(1) The Immigration and Nationality (Fees) Order 2016 <sup>M24</sup> is amended as follows.

(2) In article 2 (interpretation), omit the definition of “European residence document”.

(3) In article 6 (documents and administration), in Table 3, omit the entry at row 3.1.8 (European residence document).

#### Commencement Information

**I33** Reg. 45 not in force at made date, see [reg. 1](#)

**I34** Reg. 45 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

#### Marginal Citations

**M24** [S.I. 2016/177](#), relevant amending instruments are [S.I. 2018/329](#) and 2019/745. The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

### Amendment of the Immigration and Nationality (Fees) Regulations 2018

**46.**—(1) The Immigration and Nationality (Fees) Regulations 2018<sup>M25</sup> are amended as follows.

(2) In Schedule 3 (documents and administration)—

- (a) in paragraph 1, omit the definition of “the 2016 Regulations”;
- (b) in Table 10 (fees for miscellaneous documents and services), omit rows 10.5 and 10.5.1;
- (c) in Table 12 (fees for biometric immigration documents and the process used to take a record of biometric information), omit row 12.2.3.

#### Commencement Information

**I35** Reg. 46 not in force at made date, see [reg. 1](#)

**I36** Reg. 46 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

#### Marginal Citations

**M25** [S.I. 2018/330](#), relevant amending instruments are [S.I. 2018/999](#) and 2019/475. The amendments made by [S.I. 2019/745](#) are not yet in force and are revoked by regulation 48 of these Regulations before they come into force.

### Amendment of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019

**47.**—(1) The Immigration (European Economic Area Nationals) (EU Exit) Order 2019<sup>M26</sup> is amended as follows.

(2) In Part 2 (leave to enter or remain), omit Chapter 1 (grant of leave to EEA and Swiss nationals).

#### Commencement Information

**I37** Reg. 47 not in force at made date, see [reg. 1](#)

**I38** Reg. 47 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

#### Marginal Citations

**M26** [S.I. 2019/686](#).

## Amendment of the Immigration, Nationality and Asylum (EU Exit) Regulations 2019

**48.**—(1) The Immigration, Nationality and Asylum (EU Exit) Regulations 2019<sup>M27</sup> are amended as follows.

(2) The following provisions are omitted—

- (a) regulation 3 (amendment of the Aliens' Employment Act 1955);
- (b) regulation 4(3)(b) (amendment of the Immigration Act 1971);
- (c) regulation 6 (amendment of the Rent Act 1977);
- (d) regulation 8 (amendment of the Immigration Act 1988);
- (e) regulation 9 (amendment of the Housing Act 1988);
- (f) regulation 11(2) and (5) (amendment of the Immigration and Asylum Act 1999);
- (g) regulation 12(2), (3), 5(a), (c) and (d) (amendment of the Nationality, Immigration and Asylum Act 2002);
- (h) regulation 14 (amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004);
- (i) regulation 17(3) and (4) (amendment of the UK Borders Act 2007);
- (j) regulation 18 (amendment of the Criminal Justice and Immigration Act 2008);
- (k) regulation 21(2), (3) and (7) (amendment of the Immigration Act 2014);
- (l) regulation 24 (amendment of the Immigration (Control of Entry through Republic of Ireland) Order 1972);
- (m) regulation 25 (amendment of the Immigration (Leave to Enter and Remain) Order 2000);
- (n) regulation 30(2),(4),(5) and (6)(a) and (c) (amendment of the British Nationality (General) Regulations 2003);
- (o) regulation 33 (amendment of the Immigration (Provision of Physical Data) Regulations 2006);
- (p) regulation 34(amendment of the Immigration (Biometric Registration) Regulations 2008);
- (q) regulation 42 (amendment of the Immigration and Nationality (Fees)Order 2016);
- (r) regulation 43 (amendment of the Immigration (European Economic Area) Regulations 2016);
- (s) regulation 49 (disapplication of rights etc);
- (t) paragraphs 4 and 5 of Schedule 2 and regulation 56 (saving and transitional provisions) in so far as it relates to those provisions.

### Commencement Information

**I39** Reg. 48 not in force at made date, see [reg. 1](#)

**I40** Reg. 48 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279, reg. 4\(c\)](#)

### Marginal Citations

**M27** [S.I. 2019/745](#).

## **Amendment of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020**

**49.**—(1) The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 <sup>M28</sup> are amended as follows.

(2) In regulation 7 (provisions relating to powers of refusal of admission and removal etc.), for paragraph (1)(a) substitute—

“(a) regulation 23 (exclusion and removal from the United Kingdom) with the modification that in each of paragraphs (1), (5), (6)(b) and (7)(b), after “regulation 27”, there were inserted “ or on conducive grounds in accordance with regulation 27A or if the person is subject to a deportation order by virtue of section 32 of the UK Borders Act 2007; ”.”

(3) In regulation 11 (entitlement to benefits and public services), after paragraph (g) insert—

“(ga) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005;

(gb) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005;”.

(4) In regulation 12 (modification of other enactments), in paragraph (1)(p) for “IP completion day” substitute “ 1st December 2020 ”.

### **Commencement Information**

**I41** Reg. 49 not in force at made date, see [reg. 1](#)

**I42** Reg. 49 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279, reg. 4\(c\)](#)

### **Marginal Citations**

**M28** [S.I. 2020/1209](#).

## **Amendment of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020**

**50.**—(1) The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 <sup>M29</sup> are amended as follows.

(2) After regulation 20 (misuse of frontier workers' rights), insert—

### **“Exemption for Irish citizens**

**21A.** Regulations 7 and 13 to 20 do not apply to a frontier worker who is an Irish citizen unless any of paragraphs (2) to (4) of section 3ZA of the 1971 Act <sup>M30</sup> also apply to that Irish citizen.”.

### **Commencement Information**

**I43** Reg. 50 not in force at made date, see [reg. 1](#)

**I44** Reg. 50 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279, reg. 4\(c\)](#)

### **Marginal Citations**

**M29** [S.I. 2020/1213](#).

**M30** [Section 3ZA](#) was inserted by section 2 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Cross Heading: Chapter 2.