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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 3**

Access to benefits and services

**Amendment of the Income Support (General) Regulations 1987**

**53.**—(1) The Income Support (General) Regulations 1987(1) are amended as follows.

(2) In regulation 21AA (special cases- supplemental persons from abroad)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4) (zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”

(c) after paragraph (5) insert—

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”

**Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

**54.**—(1) The Income Support (General) Regulations (Northern Ireland) 1987(2) are amended as follows.

(2) In regulation 21AA (special cases: supplemental–persons from abroad)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

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(1) [S.I. 1987/1967](#). Regulation 21AA was inserted by [S.I. 2006/1026](#). Relevant amending instruments are [S.I. 2012/2587](#), [2018/801](#), [2019/872](#) and [2020/683](#).

(2) [S.R. 1987 No. 459](#). Regulation 21AA was inserted by regulation 2(3) of [S.R. 2006 No. 178](#). Relevant amending instruments are [S.R. 2012 No. 380](#), [S.I. 2018/1085](#), [S.R. 2019 No. 90](#) and [S.R. 2020 No.149](#).

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert —

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

**55.**—(1) The Jobseeker’s Allowance Regulations 1996(3) are amended as follows.

(2) In regulation 85A(special cases: supplemental – persons from abroad)—

(a) in paragraph (3)—

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

(ii) omit sub-paragraphs (b) and (c);

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert —

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

**56.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland)1996(4) are amended as follows.

(2) In regulation 85A (special cases: supplemental – persons from abroad)—

(a) in paragraph (3)—

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

(ii) omit sub-paragraphs (b) and (c);

(b) after paragraph (4)(zd) insert—

(3) [S.I. 1996/207](#). Regulation 85A was inserted by [S.I. 2006/1026](#). Relevant amending instruments are [S.I. 2012/2587](#), [2014/902](#), [2019/872](#) and [2020/683](#).

(4) [S.R. 1996 No. 198](#). Regulation 85A was inserted by regulation 4(3) of [S.R. 2006 No. 178](#). Relevant amending instruments are [S.R. 2006 No. 379](#), [S.R. 2009 No. 68](#), [S.R. 2012 No. 380](#), [S.R. 2013 Nos. 246](#) and [308](#), [S.R. 2014 Nos. 133](#) and [263](#), [S.R. 2019 No. 90](#) and [S.R. 2020 No.149](#).

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert —

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000**

**57.**—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(5) are amended as follows.

(2) In Part II of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999), omit paragraph 1.

### **Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000**

**58.**—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(6) are amended as follows.

(2) In Part II of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999), omit paragraph 1.

### **Amendment of the State Pension Credit Regulations 2002**

**59.**—(1) The State Pension Credit Regulations 2002(7) are amended as follows.

(2) In regulation 2 (persons not in Great Britain)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert —

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(5) S.I. 2000/636, relevant amending instruments are S.I. 2002/2497, 2008/3108, 2013/388 and 2013/1474.

(6) S.R. 2000 No. 71, relevant amending instruments are S.R. 2002 No. 323, S.R. 2013 No. 167 and S.R. 2016 No. 228.

(7) S.I. 2002/1792. Regulation 2 was substituted by S.I. 2006/1026. Relevant amending instruments are S.I. 2012/1809, 2012/2587, 2016/1052, 2019/872 and 2020/683.

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the State Pension Credit Regulations (Northern Ireland) 2003**

**60.**—(1) The State Pension Credit Regulations (Northern Ireland) 2003<sup>(8)</sup> are amended as follows.

(2) In regulation 2 (persons not in Northern Ireland)—

(a) in paragraph (3)

(i) at the end of sub-paragraph (b)(ii) insert “or”;

(ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert —

“(6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Tax Credits (Residence) Regulations 2003**

**61.**—(1) The Tax Credits (Residence) Regulations 2003<sup>(9)</sup> are amended as follows.

(2) In regulation 3 (circumstances in which a person is treated as not being in the United Kingdom) in paragraph (7)—

(a) in sub-paragraph (e), for “or (i)” substitute “, (i) or (o)”;

(b) for sub-paragraph (i) substitute—

“(i) is not a national of an EEA State and would be a worker or self-employed person in the United Kingdom for the purposes of the Immigration (European Economic Area) Regulations 2016 if that person—

(i) were a national of an EEA State; and

(ii) a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020;” and

(c) after sub-paragraph (n), but before the full stop, insert—

<sup>(8)</sup> S.R. 2003 No. 28. Regulation 2 was substituted by regulation 5 of S.R. 2006 No. 178. Relevant amending instruments are S.R. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.R. 2019 No. 90 and S.R. 2020 No.149.

<sup>(9)</sup> S.I. 2003/654, relevant amending instruments are S.I. 2014/1511, 2018/788, 2019/364 and 2020/672.

- “(o) is a national of an EEA State and would satisfy the criteria in sub-paragraph (b) or (c) if they were a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”;
- (d) after paragraph (11) insert—
  - “(12) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005**

**62.**—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(10) are amended as follows.

- (2) In regulation 7 (funeral payments: entitlement)—
  - (a) for paragraph (10) substitute—
    - “(10) This paragraph applies where the responsible person or the responsible person’s partner is—
      - (a) a qualified person within the meaning of regulation 6(1)(b) (worker) or (c) (self-employed person) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
      - (b) a person who retains the status referred to in sub-paragraph (a) pursuant to regulation 6(2) or (4) of the EEA Regulations;
      - (c) a person who is a family member of a person referred to in sub-paragraph (a) or (b) within the meaning of regulation 7(1) of the EEA Regulations; or
      - (d) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
      - (e) a person granted indefinite leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act.”;
  - (b) after paragraph (10) insert—
    - “(11) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005**

**63.**—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(11) are amended as follows.

- (2) In regulation 7 (funeral payments: entitlements)—
  - (a) for paragraph (10) substitute—

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(10) S.I. 2005/3061, relevant amendments are made by S.I. 2006/1026.

(11) S.R. 2005 No. 506, relevant amendments are made by S.R. 2006 No. 178.

“(10) This paragraph applies where the responsible person or the responsible person’s partner is—

- (a) a qualified person within the meaning of regulation 6(1)(b) (worker) or (c) (self-employed person) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
- (b) a person who retains the status referred to in sub-paragraph (a) pursuant to regulation 6(2) or (4) of the EEA Regulations;
- (c) a person who is a family member of a person referred to in sub-paragraph (a) or (b) within the meaning of regulation 7(1) of the EEA Regulations;
- (d) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations; or
- (e) a person granted indefinite leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act.”;

(b) after paragraph (10) insert—

“(11) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Housing Benefit Regulations 2006**

**64.**—(1) The Housing Benefit Regulations 2006(**12**) are amended as follows.

(2) In regulation 10 (persons from abroad)—

(a) in paragraph (3A)—

- (i) at the end of sub-paragraph (b)(ii) insert “or”;
- (ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (3B)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (6) insert—

“(7) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**65.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**13**) are amended as follows.

(12) S.I. 2006/213, relevant amending instruments are S.I. 2006/1026, 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.

(13) S.I. 2006/214, relevant amending instruments are S.I. 2006/1026, 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.

- (2) In regulation 10 (persons from abroad)—
  - (a) in paragraph (4)—
    - (i) at the end of sub-paragraph (b)(ii) insert “or”;
    - (ii) omit sub-paragraphs (c) to (e);
  - (b) after paragraph (4A) (zd) insert—
    - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
    - (zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;
  - (c) after paragraph (6) insert—
    - “(7) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Child Benefit (General) Regulations 2006**

- 66.**—(1) The Child Benefit (General) Regulations 2006(**14**) are amended as follows.
- (2) In regulation 1(citation, commencement and interpretation), after paragraph (3) insert—
    - “(3A) In these Regulations references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.
  - (3) In regulation 23 (circumstances in which person treated as not being in Great Britain) in paragraph (6)—
    - (a) in sub-paragraph (e), for “or (i)” substitute “, (i) or (o)”;
    - (b) for sub-paragraph (i) substitute—
      - “(i) is not a national of an EEA State and would be a worker or self-employed person in the United Kingdom for the purposes of the Immigration (European Economic Area) Regulations 2016 if that person—
        - (i) were a national of an EEA State; and
        - (ii) a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020;”;
    - (c) after sub-paragraph (n), but before the full stop, insert—
      - “(o) is a national of an EEA State and would satisfy the criteria in sub-paragraph (b) or (c) if they were a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020”.
  - (4) In regulation 27 (circumstances in which person treated as not being in Northern Ireland) in paragraph (5)—

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(14) S.I. 2006/223, relevant amending instruments are S.I. 2014/1511, 2018/788, 2019/364 and 2020/672.

- (a) in sub-paragraph (e), for “or (i)” substitute “, (i) or (o)”;
- (b) for sub-paragraph (i) substitute—
  - “(i) is not a national of an EEA State and would be a worker or self-employed person in the United Kingdom for the purposes of the Immigration (European Economic Area) Regulations 2016 if that person—
    - (i) were a national of an EEA State; and
    - (ii) a “member of the post-transition period group” within the meaning of fell within paragraph 1 of Schedule 4 to the Immigration and Social Security Co-Ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020;”;
- (c) after sub-paragraph (n), but before the full stop, insert—
  - “(o) is a national of an EEA State and would satisfy the criteria in sub-paragraphs (b) or (c) if they were a “member of the post-transition period group” within the meaning of paragraph 1 of Schedule 4 to the Immigration and Social Security Co-Ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions (EU Exit) Regulations 2020”.

#### **Amendment of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006**

**67.**—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006<sup>(15)</sup>, are amended as follows.

(2) In regulation 5 (persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act), in paragraph (2)—

- (a) for sub-paragraph (a) substitute—
  - “(a) “a migrant worker” is—
    - (i) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules and who has taken up activity in the United Kingdom as an employed person;
    - (ii) a person who has a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not a British citizen, for entry into the United Kingdom for the purpose of taking employment;
    - (iii) a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”;
- (b) after sub-paragraph (a) insert—
  - “(ab) residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”
- (c) omit sub-paragraphs (b) and (c).

#### **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

**68.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006<sup>(16)</sup> are amended as follows.

(2) In regulation 10 (persons from abroad)—

- (a) in paragraph (4)—

<sup>(15)</sup> S.I. 2006/373.

<sup>(16)</sup> S.R. 2006 No. 405, relevant amending instruments are S.R. 2012 No. 380, S.R. 2019 No. 90 and S.R. 2020 No. 149.



- (i) at the end of sub-paragraph (b)(ii) insert “or”;
- (ii) omit sub-paragraphs (c) to (e);
- (b) after paragraph (5)(zd) insert—
  - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
  - (zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;
- (c) after paragraph (7) insert—
  - “(8) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

**69.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(17) are amended as follows.

- (2) In regulation 10 (persons from abroad)—
  - (a) in paragraph (4)—
    - (i) at the end of sub-paragraph (b)(ii) insert “or”;
    - (ii) omit sub-paragraphs (c) to (e);
  - (b) after paragraph (5)(zd) insert—
    - “(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”
    - “(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”
  - (c) after paragraph (7) insert—
    - “(8) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

#### **Amendment of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006**

**70.**—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006(18) are amended as follows.

- (2) In regulation 5 (persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act)—

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(17) S.R. 2006 No. 406, relevant amending instruments are S.R. 2012 No. 380, S.R. 2019 No. 90 and S.R. 2020 No.149.

(18) S.I. 2006/1715 (W. 177).

- (a) in the English language text, in paragraph (2)—
- (i) for sub-paragraph (a) substitute—
- “(a) “a migrant worker” (“*gweithiwr mudol*”) is—
- (i) a person who has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules and who has taken up activity in the United Kingdom as an employed person;
- (ii) a person who has a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not a British citizen, for entry into the United Kingdom for the purpose of taking employment;
- (iii) a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”;
- (ii) after sub-paragraph (a) insert—
- “(ab) “residence scheme immigration rules” (“*rheolau mewnfudo’r cynllun preswyllo*”) has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020;”;
- (iii) omit sub-paragraphs (b) and (c);
- (b) in the Welsh language text, in paragraph (2)—
- (i) for sub-paragraph (a) substitute—
- “(a) “*gweithiwr mudol*” (“*a migrant worker*”) yw—
- (i) person sydd â chaniatâd i ddod i mewn i’r Deyrnas Unedig neu i aros ynddi a roddwyd yn rhinwedd rheolau mewnfudo’r cynllun preswyllo ac sydd wedi ymgymryd â gweithgarwch yn y Deyrnas Unedig fel person cyflogedig;
- (ii) person sydd â phermit sy’n dangos, yn unol â’r rheolau mewnfudo, fod person a enwir ynddo yn gymwys, er nad yw’n ddinesydd Prydeinig, i gael mynediad i’r Deyrnas Unedig at ddibenion cymryd cyflogaeth;
- (iii) person sy’n weithiwr trawsffiniol o fewn ystyr “frontier worker” yn rheoliad 3 o Reoliadau Hawliau Dinasyddion (Gweithwyr Trawsffiniol) (Ymadael â’r UE) 2020;”;
- (ii) after sub-paragraph (a) insert—
- “(ab) mae i “*rheolau mewnfudo’r cynllun preswyllo*” yr ystyr a roddir i “residence scheme immigration rules” gan adran 17 o Ddeddf yr Undeb Ewropeaidd (Cytundeb Ymadael) 2020;”;
- (iii) omit sub-paragraphs (b) and (c).

### **Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006**

71.—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006(19) are amended as follows.

- (2) In regulation 2 (interpretation)—

(19) S.I. 2006/1294, relevant amending instruments are S.I. 2012/2588, 2014/435, 2019/861 and 2020/667.

- (a) in paragraph (1), in the definition of “the EEA Regulations” for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”;
  - (b) after paragraph (2)(a) insert—
    - “(ab) frontier worker” means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;”
  - (c) in paragraph (2)(b)—
    - (i) for “or worker” substitute “, worker or frontier worker”;
    - (ii) for “those Regulations” substitute “the EEA Regulations”;
  - (d) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “and (k)”.
- (3) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation)—
- (a) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1)”;
  - (b) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;
  - (c) omit paragraph (1)(b)(iv);
  - (d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;
  - (e) after paragraph (2)(g), insert—
    - “(j) a frontier worker; and”
    - “(k) a person who—
      - (i) is a family member of a person specified in sub-paragraph (j); and
      - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”.
- (4) In regulation 6 (other persons from abroad who are ineligible for housing assistance)—
- (a) in paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1)”;
  - (b) in paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;
  - (c) omit paragraph (1)(b)(iv);
  - (d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;
  - (e) after paragraph (2)(g), insert—
    - “(j) a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020; and
    - (k) a person who—
      - (i) is a family member of a person specified in sub-paragraph (j); and
      - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”.

## **Amendment of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006**

72.—(1) The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006(20) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), in the definition of “the EEA Regulations”, for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”.

(b) after paragraph (2)(a) insert—

“(ab) “frontier worker” means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations;”;

(c) in paragraph (2)(b)—

(i) for “or worker” substitute “, worker or frontier worker”;

(ii) for “those Regulations” substitute “the EEA Regulations”;

(d) in paragraph (3), after “3(2)(d)” and after “4(2)(d)” insert “and (j)”.

(3) In regulation 3 (persons from abroad who are ineligible for an allocation of housing accommodation)—

(a) in paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1)”;

(b) in paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;

(c) omit paragraph (1)(b)(iv);

(d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;

(e) after paragraph (2)(h), insert—

“(i) a frontier worker; and

(j) a person who—

(i) is a family member of a person specified in sub-paragraph (i); and

(ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”.

(4) In regulation 4 (persons from abroad who are ineligible for housing assistance)—

(a) in paragraph (1)(b)(iii) for “regulation 15A(1)” substitute “regulation 16(1)”;

(b) in paragraph (1)(b)(iii) for “regulation 15A(4A)” substitute “regulation 16(5)”;

(c) omit paragraph (1)(b)(iv);

(d) for paragraph (1)(c) substitute “his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”;

(e) after paragraph (2)(h), insert—

“(i) a frontier worker; and

(j) a person who—

- (i) is a family member of a person specified in sub-paragraph (i); and
- (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”

### **Amendment of the Employment and Support Allowance Regulations 2008**

**73.**—(1) The Employment and Support Allowance Regulations 2008<sup>(21)</sup> are amended as follows.

(2) In regulation 70 (special cases: supplemental – persons from abroad)—

(a) in paragraph (3)—

- (i) at the end of sub-paragraph (b)(ii) insert “or”;
- (ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (5) insert—

“(6) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

**74.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(22)</sup> are amended as follows.

(2) In regulation 70 (special cases: supplemental – persons from abroad)—

(a) in paragraph (3)—

- (i) at the end of sub-paragraph (b)(ii) insert “or”;
- (ii) omit sub-paragraphs (c) to (e);

(b) after paragraph (4)(zd) insert—

“(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”;

(c) after paragraph (6) insert—

“(7) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social

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<sup>(21)</sup> S.I. 2008/794, relevant amending instruments are S.I. 2012/1809, 2012/2587, 2014/902, 2019/872 and 2020/683.

<sup>(22)</sup> S.R. 2008 No. 280, relevant amending instruments are S.R. 2012 No. 380, S.R. 2019 No. 90 and S.R. 2020 No. 149.

Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

### **Amendment of the Universal Credit Regulations 2013**

**75.**—(1) The Universal Credit Regulations 2013(**23**) are amended as follows.

(2) In regulation 2(interpretation) at the end of the definition of “EEA Regulations” insert “and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.”.

(3) In regulation 9(persons treated as not being in Great Britain)—

(a) in paragraph (3)—

- (i) in sub-paragraph (a) omit “or Article 6 of Council Directive No. [2004/38/EC](#)”;
- (ii) in sub-paragraph (b) omit “or article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European citizen)”;

(b) after paragraph (4) (ca) insert—

- “(cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;”.

### **Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014**

**76.**—(1) The Allocation of Housing and Homelessness (Eligibility)(Wales) Regulations 2014(**24**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the English language text —

- (i) in paragraph (1), in the definition of “the EEA Regulations” for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”;

(ii) after paragraph (2)(a) insert—

- “(ab) “frontier worker” (“gweithiwr trawsffiniol”) means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations;”;

(iii) in paragraph (2)(b)—

- (aa) for “or worker” substitute “, worker or frontier worker”;

(23) S.I. 2013/376, relevant amending instruments are S.I. 2015/546, 2019/872 and 2020/683.

(24) S.I. 2014/2603 (W. 257), relevant amending instruments are S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183) and S.I. 2019/1149 (W. 199).

- (bb) for “those Regulations” substitute “the EEA Regulations”;
- (iv) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “and (h)”;
- (b) in the Welsh language text—
  - (i) in paragraph (1), in the definition of “Rheoliadau yr AEE” for “Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2006” substitute “Rheoliadau Mewnfudo (Ardal Economaidd Ewropeaidd) 2016 ac mae cyfeiriadau at Reoliadau yr AEE i’w darllen gydag Atodlen 4 i Reoliadau Deddf Mewnfudo a Chydlynu Nawdd Cymdeithasol (Ymadael â’r UE) 2020 (Darpariaethau Canlyniadol, Darpariaethau Arbed, Darpariaethau Trosiannol a Darpariaethau Darfodol) 2020”;
  - (ii) after paragraph (2)(a) insert—
    - “(ab) ystyr “gweithiwr trawsffiniol” yw person sy’n weithiwr trawsffiniol o fewn ystyr “frontier worker” yn rheoliad 3 o Reoliadau Hawliau Dinasyddion (Gweithwyr Trawsffiniol) (Ymadael â’r UE) 2020;”;
  - (iii) in paragraph (2)(b)—
    - (aa) for “neu weithiwr” substitute “, gweithiwr neu weithiwr trawsffiniol”;
    - (bb) for “o’r Rheoliadau hynny” substitute “o Reoliadau yr AEE”;
  - (iv) in paragraph (3), after “4(2)(d)” and after “6(2)(d)” insert “ac (h)”.
- (3) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) –
  - (a) in the English language text —
    - (i) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1)”;
    - (ii) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;
    - (iii) omit paragraph (1)(b)(iv);
    - (iv) for paragraph (1)(c) substitute “the person’s only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii)”;
    - (v) after paragraph (2)(f) insert—
      - “(g) a frontier worker; and
      - (h) a person who—
        - (i) is a family member of a person specified in sub-paragraph (g); and
        - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”;
  - (b) in the Welsh language text—
    - (i) in paragraph (1)(b)(iii), for “reoliad 15A(1)” substitute “reoliad 16(1)”;
    - (ii) in paragraph (1)(b)(iii), for “reoliad 15A(4A)” substitute “reoliad 16(5)”;
    - (iii) omit paragraph (1)(b)(iv);
    - (iv) for paragraph (1)(c) substitute “os yw unig hawl y person i breswyllo yn Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon yn hawl sy’n gyfwerth ag un o’r rhai hynny a grybwyllir yn is-baragraff (b)(i),(ii) neu (iii)”;
    - (v) after paragraph (2)(f), insert—
      - “(g) gweithiwr trawsffiniol; ac

- (h) person—
- (i) sy'n aelod o deulu person a bennir yn is-baragraff (g); a
  - (ii) sydd â hawl i breswyllo oherwydd bod caniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi wedi ei roi iddo o dan Ddeddf Mewnfudo 1971 yn rhinwedd Atodlen EU i'r rheolau mewnfudo a wnaed o dan adran 3 o'r Ddeddf honno.”.
- (4) In regulation 6 (other persons from abroad who are ineligible for housing assistance)—
- (a) in the English language text—
- (i) in paragraph (1)(b)(iii), for “regulation 15A(1)” substitute “regulation 16(1)”;
  - (ii) in paragraph (1)(b)(iii), for “regulation 15A(4A)” substitute “regulation 16(5)”;
  - (iii) omit paragraph (1)(b)(iv);
  - (iv) for paragraph (1)(c) substitute “the person’s only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)”;
  - (v) after paragraph (2)(f), insert—
    - “(g) a frontier worker; and
    - (h) a person who—
      - (i) is a family member of a person specified in sub-paragraph (g); and
      - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act.”;
- (b) in the Welsh language text—
- (i) in paragraph (1)(b)(iii), for “reoliad 15A(1)” substitute “reoliad 16(1)”;
  - (ii) in paragraph (1)(b)(iii), for “rheoliad 15A(4A)” substitute “rheoliad 16(5)”;
  - (iii) omit paragraph (1)(b)(iv);
  - (iv) for paragraph (1)(c) substitute “os yw unig hawl y person i breswyllo yn Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon yn hawl sy'n gyfwerth ag un o'r rhai hynny a grybwyllir yn is-baragraff (b)(i),(ii) neu (iii)”;
  - (v) after paragraph (2)(f), insert—
    - “(g) gweithiwr trawsffiniol; ac
    - (h) person—
      - (i) sy'n aelod o deulu person a bennir yn is-baragraff (g); a
      - (ii) sydd â hawl i breswyllo oherwydd bod caniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi wedi ei roi iddo o dan Ddeddf Mewnfudo 1971 yn rhinwedd Atodlen EU i'r rheolau mewnfudo a wnaed o dan adran 3 o'r Ddeddf honno.”.

### **Amendment of the Universal Credit Regulations (Northern Ireland) 2016**

77.—(1) The Universal Credit Regulations (Northern Ireland) 2016(25) are amended as follows.

(2) In regulation 2 (interpretation) at the end of the definition of “the EEA Regulations” insert “and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and

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(25) S.R. 2016 No. 216, relevant amending instruments are S.R. 2019 No. 89 and S.R. 2020 No.130.



Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020”.

- (3) In regulation 9 (persons treated as not being in Northern Ireland) —
  - (a) in paragraph (3)
    - (i) in sub-paragraph (a) omit “or Article 6 of Council Directive No. [2004/38/EC](#)”;
    - (ii) in sub-paragraph (c) omit “or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European citizen)”;
  - (b) after paragraph (4)(ca) insert—
    - “(cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020,
    - (cc) a family member, of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971,”.