

SCHEDULES

SCHEDULE 1

Regulation 24

Provision consequential on or connected with Part 2 Chapter 1

Provision consequential or connected with regulation 5 (amendment and saving of the Immigration Act 1971)

1.—(1) In the Immigration Act 1971—

(a) in the following provisions, for “, 25A or 25B” substitute “or 25A”—

- (i) section 25C;
- (ii) section 25C(5)(b);
- (iii) section 25D(1);
- (iv) section 28(2A);
- (v) section 28A(3)(a);
- (vi) section 28C(1);
- (vii) section 28M(2)(a);
- (viii) section 28N(2)(a);
- (ix) section 28O(2)(a);
- (x) paragraphs 2(1)(a), 13(1)(a), 14(1)(a), 14(1)(a), 15(1)(a), 24(1)(a), 25(1)(a) and 26(1) of Schedule 4A;

(b) in section 28C(11) omit subsection (5);

(c) in section 28D(4) omit “25B,”;

(d) in section 28F(1) omit “,25B”.

(2) In the Police Act 1997(1), in Schedule 8B, in paragraph 69 (immigration etc), omit paragraph (e).

(3) In the following provisions of the Proceeds of Crime Act 2002(2), for “,25A or 25B” substitute “or 25A”—

- (a) Schedule 2, paragraph 4(1);
- (b) Schedule 4, paragraph 4(1);
- (c) Schedule 5, paragraph 4(1).

(4) In the Serious Crime Act 2007(3)—

- (a) in Schedule 1, in each of paragraphs 2(1), 16B(1) and 18(1), for “, 25A or 25B” substitute “or 25A”;
- (b) in Schedule 3 omit paragraph 12.

(1) 1997 c. 50. Schedule 8B was inserted in relation to Scotland by [S.S.I. 2015/423](#).

(2) 2002 c. 29.

(3) 2007 c. 27.

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(5) The amendments and repeals made by sub-paragraphs (1) to (4) do not apply where section 25B of the Immigration Act 1971 continues to apply by virtue of regulation 5(6) of these Regulations.

Provision consequential or connected with regulation 6 (amendment of the Rent Act 1977) and regulation 8 (amendment of the Housing Act 1988)

2. In the Immigration Act 2016, in section 42 (extension to Wales, Scotland and Northern Ireland of certain provisions to do with residential tenancies), the reference in the definition of “the residential tenancies provisions” in subsection (5) to the amendments made by section 41 of the Immigration Act 2016 is to be read as a reference to those amendments as further amended by regulations 6 and 8 of these Regulations.

Provision consequential or connected with regulation 13 (amendment of the Nationality, Immigration and Asylum Act 2002)

3. In Immigration Act 2016, in Schedule 12 (availability of local authority support: amendments to Schedule 3 to the Nationality, Immigration and Asylum Act 2002)—

- (a) paragraph 2(2), in inserted paragraph 1(1)(ga), omit “, 5”;
- (b) in paragraph 2(4), in inserted paragraph 1(2A), omit “, 5”;
- (c) in paragraph 10, in inserted paragraph 10A(1) and (9)(a), omit “or 7C(1)”;
- (d) in paragraph 13, in the amendments to paragraph 14, for “, 7B or 7C” substitute “or 7B”.

SCHEDULE 2

Regulation 81

Saving provision in connection with the EC Association Agreement with Turkey

1. Notwithstanding Schedule 1, paragraph 6(1) of the 2020 Act, the Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12th September 1963 (“EC Association Agreement”) and its Additional Protocol signed at Brussels on 23rd November 1970, continues to apply for the purposes —

- (a) of a valid application for entry clearance or leave to enter or remain in the United Kingdom made by virtue of that agreement before commencement day until that application is finally determined; and
- (b) the restriction of rights to enter or remain in the United Kingdom of a relevant person (“P”), where that restriction is imposed by virtue of P’s conduct that took place before commencement day.

2. In this paragraph “relevant person” means a person —

- (a) who had entry clearance, leave to enter or remain in the United Kingdom by virtue of the EC Association Agreement immediately before commencement day; or
- (b) who has made an application mentioned in paragraph 1(a).

SCHEDULE 3

Regulation 82

Saving provision in connection with the Immigration (European Economic Area) Regulations 2016

1. In this Schedule “EEA Regulations 2016” means the Immigration (European Economic Area) Regulations 2016(4) and, unless provided otherwise, refers to those Regulations as they had effect immediately before they were revoked.

Deportation and exclusion orders

2.—(1) Any deportation order made or treated as having been made by virtue of the EEA Regulations 2016(5) continues to apply for the period specified in the order or until revoked.

(2) Any deportation order made by virtue of the EEA Regulations 2016 as they are continued in effect by the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(6) continues to apply for the period specified in the order or until revoked.

(3) Any exclusion order made or treated as having been made by virtue of the EEA Regulations 2016(7) continues to apply for the period specified in the order or until revoked.

(4) Any exclusion order made by virtue of the EEA Regulations 2016 as they are continued in effect by the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 continues to apply for the period specified in the order or until revoked.

(5) Regulation 34(3) to (6) of the EEA Regulations 2016 (revocation of deportation and exclusion orders) continue to apply—

(a) in respect of any deportation order or exclusion order within sub-paragraph (1) or (3) with the modification that in paragraph (3), after “deportation or exclusion order” there were inserted “made on the grounds of public policy, public security or public health in accordance with regulation 27”;

(b) in respect of any deportation order or exclusion order within sub-paragraph (2) or (4) with the modifications that—

(i) in paragraph (3), after “deportation or exclusion order” there were inserted “made on the grounds of public policy, public security or public health in accordance with regulation 27”;

(ii) after paragraph (6) there were inserted—

“(7) An application for revocation of a deportation order made on conducive grounds in accordance with regulation 27A is to be considered in accordance with the immigration rules that apply in relation to an application for revocation of a deportation order made by virtue of section 3 of the Immigration Act 1971.”.

(6) This paragraph does not apply to the extent that the provisions specified in paragraph (5) continue to apply to a deportation or exclusion order by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(4) S.I. 2016/1052 amended by S.I.s 2017/1, 2017/1242, 2018/201, 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. S.I. 2016/1052 is revoked by section 1 of, and paragraph 2(2) of Schedule 1 to, the Act.

(5) Deportation orders made under the Immigration (European Economic Area) Regulations 2006 S.I. 2006/1003 are treated as being made under the EEA Regulations by virtue of paragraph 5(2) of Schedule 6 to the EEA Regulations.

(6) S.I. 2020/1209.

(7) Exclusion orders made under the Immigration (European Economic Area) Regulations 2006 S.I. 2006/1003 are treated as being made under the EEA Regulations by virtue of paragraph 5(4) of Schedule 6 to the EEA Regulations.

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Pending applications for documentation under the EEA Regulations 2016

3.—(1) Regulation 12 of the EEA Regulations 2016 (issue of EEA family permit)⁽⁸⁾, continues to apply for the purposes of considering and, where appropriate, granting an application for a family permit which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(2) Regulation 12 of the EEA Regulations 2016 also continues to apply for the purposes of considering and, where appropriate, granting an application for a family permit which was validly made after commencement day in accordance with the EEA Regulations 2016 as they are continued in effect by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(3) Regulation 17 of the EEA Regulations 2016 (issue of registration certificate)⁽⁹⁾, continues to apply for the purposes of considering and, where appropriate, granting an application for a registration certificate which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(4) Regulation 18 of the EEA Regulations 2016 (issue of residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a residence card which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(5) Regulation 19 of the EEA Regulations 2016 (issue of a document certifying permanent residence and a permanent residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a document certifying permanent residence or a permanent residence card, which was validly made in accordance with the EEA Regulations 2016 before commencement day.

(6) Regulation 20 of the EEA Regulations 2016 (issue of a derivative residence card), continues to apply for the purposes of considering and, where appropriate, granting an application for a derivative residence card which was validly made in accordance with the EEA Regulations 2016 before commencement day.

Application of EEA Regulations 2016 to pending applications

4.—(1) Subject to sub-paragraph (2) the provisions of the EEA Regulations 2016 specified in paragraph 6 continue to apply (despite the revocation of those Regulations) with the modifications specified for the purposes of determining whether an application referred to in paragraph 3 should be granted.

(2) The provisions specified in paragraph 6 do not apply to the extent that the provisions of the EEA Regulations 2016 specified in that paragraph continue to apply to an application within paragraph 3(2) by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

Existing appeal rights and appeals

5.—(1) Subject to sub-paragraph (4), the provisions of the EEA Regulations 2016 specified in paragraph 6 continue to apply—

- (a) to any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 and has not been finally determined before commencement day,
- (b) to any appeal which has been brought under the EEA Regulations 2016 and has not been finally determined before commencement day,

⁽⁸⁾ Relevant amendments are made by [S.I. 2018/801](#).

⁽⁹⁾ Relevant amendments are made by [S.I. 2017/1](#).

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- (c) in respect of an EEA decision, within the meaning of the EEA Regulations 2016, taken before commencement day, or
 - (d) in respect of an EEA decision, within the meaning of the EEA Regulations 2016 as they continue in effect by virtue of these Regulations or the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020, which is taken on or after commencement day.
- (2) For the purposes of paragraph (1)—
- (a) 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; and
 - (b) an appeal is not to be treated as abandoned solely because the appellant leaves the United Kingdom.
- (3) The revocation of the EEA Regulations 2016 does not affect the application of the Immigration (European Economic Area) Regulations 2006 to an appeal that falls within paragraph 3(1) of Schedule 4 to the EEA Regulations 2016.
- (4) The provisions specified in paragraph 6 do not apply to the extent that the provisions of the EEA Regulations 2016 specified in paragraph 6 continue to apply to an appeal or EEA decision by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

Specified provisions of the EEA Regulations 2016

- 6.—(1) The specified provisions of the EEA Regulations 2016 are—
- (a) regulation 2 (general interpretation) with the following modifications—
 - (i) as if all instances of the words “or any other right conferred by the EU Treaties”—
 - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to a right conferred by the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
 - (bb) in so far as they relate to things done on or after commencement day, were omitted;
 - (ii) as if all instances of the words “or the EU Treaties”—
 - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
 - (bb) in so far as they relate to things done on or after commencement day, were omitted;
 - (iii) as if, at the end of the definition of “deportation order”, there were inserted “or under section 5(1) of the Immigration Act 1971”;
 - (iv) as if, in the definition of “EEA State”, the words “, other than the United Kingdom” were omitted; and
 - (v) as if, at the end of the definition of “exclusion order”, there were inserted “or directions issued by the Secretary of State for a person not to be given entry to the United Kingdom on the grounds that the person’s exclusion is conducive to the public good”;

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- (b) regulation 3 (continuity of residence) with the modification that, at the end of paragraph (3) (c), there were inserted “or the Immigration Acts”;
- (c) regulation 4 (“worker”, “self-employed person”, “self-sufficient person” and “student”) with the modification that, in paragraph (1)(b), for “in accordance with” there were substituted “within the meaning of”;
- (d) regulation 5 (“worker or self-employed person who has ceased activity”);
- (e) regulation 6 (“qualified person”) with the following modifications—
 - (i) in paragraph (4C), “and having a genuine chance of being engaged” were omitted;
 - (ii) in paragraph (6), after “employment and” there were inserted “, when determining whether the person is a jobseeker,”;
 - (iii) in paragraph (7), after “continuing to seek employment and” there were inserted “, where that person is a jobseeker”;
- (f) regulation 7 (“family member”);
- (g) regulation 8 (“extended family member”);
- (h) regulation 9 (family members and extended family members of British citizens) with the following modifications—
 - (i) in paragraph (1), at the end there were inserted “and BC is to be treated as satisfying any requirement to be a qualified person”;
 - (ii) sub-paragraph (a) of paragraph (3) were omitted;
 - (iii) paragraph (7) were omitted;
- (i) regulation 9A (dual national: national of an EEA State who acquires British citizenship);
- (j) regulation 10 (“family member who has retained the right of residence”) with the following modifications—
 - (i) in paragraph (2)(b), in so far as it applies to residence in the United Kingdom after commencement day, for “in accordance with these Regulations” there were substituted “lawfully”;
 - (ii) in paragraph (5)(a), “the initiation of proceedings for” were omitted;
- (k) regulation 11 (right of admission to the United Kingdom);
- (l) regulation 21 (procedure for applications for documentation under this Part and regulation 12);
- (m) regulation 22 (verification of a right of residence);
- (n) 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(10)”;
- (o) regulation 24(1), (3),(4), (6) and (7) (refusal to issue or renew and revocation of residence documentation), with the modification that references to revocation are omitted;
- (p) regulation 27 (decisions taken on grounds of public policy, public security and public health) with the modification that after regulation 27 there were inserted—

“Decisions taken on conducive grounds

27A.—(1) An EEA decision may be taken on the ground that the decision is conducive to the public good.

(10) 2007 c. 30.

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- (2) But a decision may only be taken under this regulation in relation to a person as a result of conduct of that person that took place after IP completion day.”;
- (q) regulation 28 (application of Part 4 to a person with a derivative right to reside) in so far as it applies to a person within regulation 28(1)(c),
 - (r) regulation 32 (person subject to removal) with the modification that in paragraph (5), after “public health”, there were inserted “in accordance with regulation 27 or on conducive grounds in accordance with regulation 27A”;
 - (s) regulation 33 (human rights considerations and interim orders to suspend removal);
 - (t) regulation 35 (interpretation of Part 6) in respect of the interpretation of the provisions which continue to apply by virtue of paragraph 4 or 5;
 - (u) regulation 36 (appeal rights);
 - (v) regulation 37 (out of country appeals);
 - (w) regulation 38 (appeals to the Commission);
 - (x) regulation 39 (national security: EEA decisions);
 - (y) regulation 40 (effect of appeals to the First-tier Tribunal or Upper Tribunal);
 - (z) regulation 41 (temporary admission to submit case in person);
 - (aa) regulation 42 (alternative evidence of identity and nationality);
 - (bb) Schedule 1 (considerations of public policy, public security and the fundamental interests of society etc.) with the modification that for paragraph 1 there were substituted—
 - “1. The United Kingdom enjoys considerable discretion, acting within the parameters set by the law, to define its own standards of public policy and public security, for purposes tailored to its individual context from time to time.”.
 - (cc) Schedule 2 (appeals to the First-tier Tribunal) with the modification that—
 - (aa) in relation to an appeal within paragraph 5(1)(a) to (c), in each of paragraphs 1 and 2(4), the words “under the EU Treaties”, in so far as they relate to things done on or after exit day but before commencement day, were a reference to the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
 - (bb) in relation to an appeal within paragraph 5(1)(d), in each of paragraphs 1 and 2(4), the words “under the EU Treaties”, were a reference to “under the Immigration (European Economic Area) Regulations 2016 as they are continued in effect by these Regulations or the Citizens’ Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020, or by virtue of the EU withdrawal agreement, the EEA EFTA separation agreement (which has the same meaning as in the European Union (Withdrawal Agreement) Act 2020) or the Swiss citizens’ rights agreement (which has the same meaning as in that Act)”.

Nationality, Immigration and Asylum Act 2016- saving in relation to appeals

7. The repeal of section 109 of the Nationality, Immigration and Asylum Act 2002 (power to make regulations about appeals against immigration decisions in respect of persons having, or claiming to have, EU rights), by paragraph 2(1) of Schedule 1 to the 2020 Act, does not affect—

- (a) the power to make regulations under that section which provide for, or make provision about, an appeal in relation to which provisions of the EEA Regulations 2016 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; or

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- (b) the operation of any regulations made under that section insofar as they continue to have effect on or after commencement day by virtue of these Regulations or by virtue of any of the other Regulations of 2020 referred to in sub-paragraph (a).

SCHEDULE 4

Regulation 83

Saving provision in relation to access to benefits and services

1. In this Schedule—

- (a) “EEA Regulations 2016” means the Immigration (European Economic Area) Regulations 2016(11) as they had effect immediately before they were revoked;
- (b) “member of the post-transition period group” means a person who has limited leave to enter, or remain in, the United Kingdom granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.

2. For the purposes of the provisions specified in paragraph 3 the provisions of the EEA Regulations 2016 specified in paragraph 4 continue to have effect in relation to a person who is a member of the post-transition period group, with the specified modifications, despite the revocation of those Regulations by the 2020 Act.

3. The provisions specified in this paragraph are—

- (a) regulation 21AA (special cases: supplemental—persons from abroad) of the Income Support (General) Regulations 1987(12);
- (b) regulation 21AA (special cases: supplemental—persons from abroad) of the Income Support (General) Regulations (Northern Ireland) 1987(13);
- (c) regulation 85A (special cases: supplemental—persons from abroad) of the Jobseeker’s Allowance Regulations 1996(14);
- (d) regulation 85A (special cases: supplemental—persons from abroad) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(15);
- (e) article 3 (housing authority accommodation—England, Scotland and Northern Ireland), of the Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000(16);
- (f) regulation 2 (persons not in Great Britain) of the State Pension Credit Regulations 2002(17);

(11) S.I. 2016/1052, relevant amending instruments are S.I. 2017/1, 2017/1242, 2018/201, 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. S.I. 2016/1052 is revoked by section 1 of, and paragraph 2(2) of Schedule 1 to, the Act.

(12) 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.

(13) 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. 2006 No. 379, S.R. 2009 No. 68, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 No. 133, S.I. 2018/1085, S.R. 2019 No. 90 and S.R. 2020 No. 149.

(14) 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.

(15) 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.

(16) S.I. 2000/706, relevant amending instruments are S.I. 2006/2521, 2008/1768, 2018/729 and 2020/825.

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

- (g) regulation 2 (persons not in Northern Ireland) of the State Pension Credit Regulations (Northern Ireland) 2003**(18)**;
- (h) regulation 3 (circumstances in which a person is treated as not being in the United Kingdom) of the Tax Credits (Residence) Regulations 2003**(19)**;
- (i) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005**(20)**;
- (j) regulation 7 (funeral payments: entitlement) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005**(21)**;
- (k) regulation 10 (persons from abroad) of the Housing Benefit Regulations 2006**(22)**;
- (l) regulation 10 (persons from abroad) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**(23)**;
- (m) regulation 10 (persons from abroad) of the Housing Benefit Regulations (Northern Ireland) 2006**(24)**;
- (n) regulation 10 (persons from abroad) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**(25)**;
- (o) regulations 23 (circumstances in which person treated as not being in Great Britain) and 27 (circumstances in which person treated as not being in Northern Ireland) of the Child Benefit (General) Regulations 2006**(26)**;
- (p) regulations 2 (interpretation), 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) and 6 (other persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006**(27)**;
- (q) regulation 2 (interpretation), 3 (Persons from abroad who are ineligible for an allocation of housing accommodation) and 4 (Persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006**(28)**;
- (r) regulation 70 (special cases: supplemental – persons from abroad) of the Employment and Support Allowance Regulations 2008**(29)**;
- (s) regulation 70 (special cases: supplemental – persons from abroad) of the Employment and Support Allowance Regulations (Northern Ireland) 2008**(30)**;

(18) 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.

(19) S.I. 2003/654, relevant amending instruments are S.I. 2004/1243, 2012/2612, 2019/364, 2019/867 and 2020/672.

(20) S.I. 2005/306, relevant amending instruments are S.I. 2006/1026 and 2019/1060.

(21) S.R. 2005 No. 506, relevant amending instruments are S.R. 2006 No. 178, S.R. 2008 No. 286, S.R. 2016 No. 236, S.R. 2017 Nos. 55 and 176 and S.I. 2019/1060.

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

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

(24) S.R. 2006 No. 405, relevant amending instruments are S.R. 2008 No. 378, S.R. 2012 No. 380, S.R. 2013 No. 246, S.R. 2014 Nos. 98 and 133, S.R. 2019 No. 90 and S.R. 2020 No. 149.

(25) S.R. 2006 No. 406, relevant amending instruments are 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.

(26) S.I. 2006/223, relevant amending instruments are S.I.s 2007/2150, 2012/2612, 2019/364, 2019/867 and 2020/672.

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

(28) S.R. 2006 No. 397, relevant amending instruments are S.R. 2009 No. 161, S.R. 2012 No. 429, S.R. 2013 No. 189 and S.R. 2019 No. 86.

(29) S.I. 2008/794, relevant amending instruments are S.I.s 2012/1809 and 2587, 2014/902, 2019/872 and 2020/683.

(30) S.R. 2008 No. 280, relevant amending instruments are 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.

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- (t) regulation 16 (persons not entitled to a council tax reduction: persons treated as not being in Great Britain) of the Council Tax Reduction (Scotland) Regulations 2012**(31)**;
 - (u) regulation 16 (persons not entitled to a council tax reduction: persons treated as not being in Great Britain) of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012**(32)**;
 - (v) regulation 12 (persons treated as not being in Great Britain) of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**(33)**;
 - (w) regulations 2 (interpretation) and 9 (persons treated as not being in Great Britain) of the Universal Credit Regulations 2013**(34)**;
 - (x) regulation 28 (persons treated as not being in Great Britain) of the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013**(35)**;
 - (y) paragraph 19 of the Schedule (class of persons excluded from this scheme: persons treated as not being in Great Britain) to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013**(36)**;
 - (z) regulations 2 (interpretation), 4 (other persons from abroad who are ineligible for an allocation of housing accommodation) and 6 (other persons from abroad who are ineligible for housing assistance) of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014**(37)**;
 - (aa) regulation 14C (family members of British citizens of Northern Ireland) of the National Health Service (Charges to Overseas Visitors) Regulations 2015**(38)**; and
 - (bb) regulations 2 (interpretation) and 9 (persons treated as not being in Northern Ireland) of the Universal Credit Regulations (Northern Ireland) 2016**(39)**.
4. The following provisions of the EEA Regulations 2016 are, with the modifications provided for, specified for the purposes of paragraph 2—
- (a) regulation 2 (general interpretation) with the following modifications—
 - (i) as if all instances of the words “or any other right conferred by the EU Treaties”—
 - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to a right conferred by the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
 - (bb) in so far as they relate to things done on or after commencement day, were omitted;
 - (ii) as if all instances of the words “or the EU Treaties”—
 - (aa) in so far as they relate to things done on or after exit day but before commencement day, were a reference to the EU Treaties so far as they were applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement;
 - (bb) in so far as they relate to things done on or after commencement day, were omitted;

(31) S.S.I. 2012/303. Relevant amendments are made by S.S.I. 2015/46.

(32) S.S.I. 2012/319. Relevant amendments are made by S.S.I. 2015/46.

(33) S.I. 2012/2885, relevant amending instruments are S.I. 2013/3181, 2014/3312 and 2020/23.

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

(35) S.I. 2013/3029 (W.301), relevant amending instruments are S.I. 2014/66 (W.6), S.I. 2015/44 (W.3) and S.I. 2020/16 (W.2).

(36) S.I. 2013/3035 (W.303), relevant amending instruments are S.I. 2014/66 (W.6), S.I. 2015/44 (W.3) and S.I. 2020/16 (W.2).

(37) 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).

(38) S.I. 2015/238. Relevant amendments are made by S.I. 2020/654.

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

- (iii) as if, at the end of the definition of “deportation order”, there were inserted “or under section 5(1) of the Immigration Act 1971”;
- (iv) as if, in the definition of “EEA State”, the words “, other than the United Kingdom” were omitted;
- (v) as if, at the end of the definition of “exclusion order”, there were inserted “or directions issued by the Secretary of State for a person not to be given entry to the United Kingdom on the grounds that the person’s exclusion is conducive to the public good”;
- (b) regulation 3 (continuity of residence) with the modification that, at the end of paragraph (3) (c), there were inserted “or the Immigration Acts”;
- (c) regulation 4 (“worker”, “self-employed person”, “self-sufficient person” and “student”) with the modification that, in paragraph (1)(b), “in accordance with” there were substituted “within the meaning of”;
- (d) regulation 5 (“worker or self-employed person who has ceased activity”);
- (e) regulation 6 (“qualified person”) with the following modifications—
 - (i) in paragraph (4C), “and having a genuine chance of being engaged” were omitted;
 - (ii) in paragraph (6), after “employment and” there were inserted “, when determining whether the person is a jobseeker,”;
 - (iii) in paragraph (7), after “continuing to seek employment and” there were inserted “, where that person is a jobseeker”;
- (f) regulation 7 (“family member”);
- (g) regulation 8 (“extended family member”) with the modification that paragraph (8) were omitted;
- (h) regulation 9 (family members and extended family members of British citizens) with the following modifications—
 - (i) in paragraph (1), at the end there were inserted “and BC is to be treated as satisfying any requirement to be a qualified person”;
 - (ii) sub-paragraph (a) of paragraph (3) were omitted;
 - (iii) paragraph (7) were omitted;
- (i) regulation 9A (dual national: national of an EEA State who acquires British citizenship);
- (j) regulation 10 (“family member who has retained the right of residence”) with the following modifications—
 - (i) in paragraph (2)(b), in so far as it applies to residence in the United Kingdom after commencement day, for “in accordance with these Regulations” there were substituted “lawfully”;
 - (ii) in paragraph (5)(a), “the initiation of proceedings for” were omitted;
- (k) regulation 13 (initial right of residence) with the modification that in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,”, there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (l) regulation 14 (extended right of residence) with the modification that in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,”, there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (m) regulation 15 (right of permanent residence) with the following modifications—

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- (i) in so far as it applies to residence in the United Kingdom after commencement day , as if the EEA Regulations 2016 (with the modifications set out in this paragraph) had been in force at all relevant times and as if for the words “in accordance with these Regulations” in each place they occur there were substituted “lawfully”;
- (ii) in paragraph (4), for the words from “where the Secretary of State” to “as the case may be,” there were substituted “if that person is subject to a deportation order or exclusion order unless that order”;
- (n) regulation 16 (derivative right to reside) with the following modifications—
 - (i) in paragraph (5)(c), for “another” there were substituted “an”;
 - (ii) in paragraph (12), for the words from “where the Secretary of State” to “or 31(1), unless that decision” there were substituted “if that person is subject to a deportation order or exclusion order unless that order”.

Continued application of section 7(1) of the Immigration Act 1988 for purposes of housing legislation

5. Notwithstanding the repeal of section 7 of the Immigration Act 1988 (exemption from requirement for leave to enter or remain for persons exercising EU Rights etc.)(40) by paragraph 1 of Schedule 1 to the 2020 Act, a member of the post-transition period group is not to be treated as “a person subject to immigration control” within—

- (a) the meaning of section 13 of the Asylum and Immigration Act 1996 (short title, interpretation, commencement and extent)(41) for the purposes of the exercise of the functions specified in paragraph 6; or
 - (b) the meaning of section 118 of the Immigration and Asylum Act 1999 (housing authority accommodation) for the purposes of the exercise of the functions specified in paragraph 7.
6. The functions specified in this paragraph are—
- (a) determining whether a person is ineligible for an allocation of housing accommodation in England under section 160ZA(2) (allocation only to eligible and qualifying persons: England)(42) or for housing assistance in England under section 185(2) of the Housing Act 1996 (persons from abroad not eligible for housing assistance)(43);
 - (b) determining whether a person is ineligible for an allocation of housing accommodation by a local housing authority in Wales under section 160A(3) of the Housing Act 1996 (allocation only to eligible persons: Wales); and
 - (c) determining whether a person is eligible for help under Chapter 2 of Part 2 of the Housing (Wales) Act 2014 (homelessness)(44).
7. The functions specified in this paragraph are—
- (a) determining whether a person is ineligible for an allocation of housing accommodation in Northern Ireland under Article 22A(1)(a) of the Housing (Northern Ireland) Order 1981 (allocation only to eligible persons)(45); and

(40) 1988. c. 14. Amended by S.I. 2011/1043 and 2019/745. The amendments made by S.I. 2019/745 are not yet in force and are revoked by regulation 47 of these Regulations before they come into force.

(41) 1996. c. 49.

(42) 1996. c. 52. Section 160ZA was inserted by section 146 of the Localism Act 2011 (c. 20) and amended by S.I. 2013/630.

(43) There have been amendments to section 185 but none are relevant.

(44) 2014 anaw 7. There have been amendments to Chapter 2 of Part 2, but none are relevant.

(45) S.I. 1981/156 (N.I. 3); Article 22A was inserted by Article 124 of S.I. 2003/412 (N.I. 2). There are amending instruments, but none are relevant.

- (b) determining whether a person is ineligible for assistance under Part 2 of the Housing (Northern Ireland) Order 1988 under Article 7A(1)(a) of the Housing (Northern Ireland) Order 1988 (persons not eligible for housing assistance)(46).

SCHEDULE 5

Regulation 84

Transitional and further saving provision

PART 1

1. In this Schedule—

“the 1949 Act” means the Marriage Act 1949;

“the 1977 Act” means the Marriage (Scotland) Act 1977;

“the 2004 Act” means the Civil Partnership Act 2004;

“EEA Regulations 2016” means the Immigration (European Economic Area) Regulations 2016(47) as they had effect immediately before they were revoked;

“relevant national” has the meaning given in section 78 of the 1949 Act disregarding the amendments made by regulation 3 of these Regulations (amendment of the Marriage Act 1949: definition of relevant national).

Transitional provision in relation to the immigration status of Irish citizens

2.—(1) Sub-paragraph (2) applies in respect of an Irish citizen who—

(a) immediately before commencement day, was (or was treated as), subject to an exclusion order made under regulation 23(5) of the EEA Regulations 2016, or

(b) is subject to an exclusion order made under regulation 23(5) of the EEA Regulations 2016 as they are continued in effect by the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020.

(2) Unless the Secretary of State directs otherwise, the Irish citizen is to be treated for the purposes of section 3ZA of the Immigration Act 1971 as a person to whom section 3ZA(3) applies.

Transitional provision in relation to bans of matrimony in England and Wales

3.—(1) Section 5(3)(a) of the 1949 Act does not apply in respect of a marriage to be solemnized between two parties who were both relevant nationals before 1st July 2021 where—

(a) bans of matrimony in respect of that marriage have been duly published on at least one Sunday before 1st July 202, or

(b) in a case not falling within paragraph (a), both parties have given notice of the marriage under section 8 of the 1949 Act before 1st July 2021 together with the evidence required under subsection (1)(b) of that section.

(46) S.I. 1988/1990 (N.I. 23); Article 7A was inserted by Article 137 of S.I. 2003/412 (N.I. 2). There are amending instruments, but none are relevant.

(47) S.I. 2016/1052 amended by S.I.s 2017/1, 2017/1242, 2018/201, 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. S.I. 2016/1052 is revoked by section 1 of, and paragraph 2(2) of Schedule 1 to, the Act.

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Transitional provision in relation to common licences for marriage in England and Wales

4.—(1) Section 5(3)(b) of the 1949 Act does not apply in respect of a marriage to be solemnized between two persons who were both relevant nationals before 1st July 2021 where—

- (a) a common licence for the solemnization of the marriage was granted before 1st July 2021;
- (b) a relevant application for a common licence in respect of the marriage was received by the appropriate person, but not yet determined, by 1st July 2021, or
- (c) in a case not falling within paragraph (b), one of the persons has sworn the oaths required under [section 16\(1\)](#) of the 1949 Act before a person with authority to grant a common licence.

(2) In this paragraph—

“appropriate person” means—

- (a) a person having authority to grant a common licence, or
- (b) the office of the ecclesiastical judge out of which such a licence is to issue;

“common licence” has the same meaning as in the 1949 Act (see section 5);

“relevant application” means an application in writing (including by email) for a common licence including the evidence required by section 16(1C) of the 1949 Act.

Transitional provision in relation to notices of marriage

5. The amendments made by regulation 3 of these Regulations (amendment of the Marriage Act 1949: definition of relevant national) do not apply in respect of parties to a proposed marriage where notice of the marriage is given before 1st July 2021—

- (a) by both parties under [section 27 of the 1949 Act](#);
- (b) by both parties in accordance with [section 37 of the 1949 Act](#) (where one party is resident in Scotland), or
- (c) by one party under section 27 and by the other party under [section 39 of the 1949 Act](#) (issue of certificates on board His Majesty’s ships).

6. The amendments made by regulation 7(3) of these Regulations (amendment of the Marriage (Scotland) Act 1977: definition of relevant national) do not apply in respect of parties to a proposed marriage where notice of the marriage is given before 1st July 2021—

- (a) by both parties under [section 3 of the 1977 Act](#), or
- (b) by one party under section 3 of the 1977 Act and by the other party under section 1 of the Marriage (Scotland) Act 1956.

7. The amendments made by regulation 14 of these Regulations (amendment of the Marriage (Northern Ireland) Order 2003: definition of relevant national) do not apply in respect of parties to a proposed marriage where notice of the marriage is given before 1st July 2021 by both parties under [article 3 of the Marriage \(Northern Ireland\) Order 2003](#).

8. The amendments made by regulation 15(3) of these Regulations (amendment of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004: procedure for marriage (England and Wales)) do not apply in relation to a marriage solemnized on or after 1st July 2021 where notice of the marriage is given before that date by both parties under [section 27 of the 1949 Act](#).

Transitional provision in relation to notices of civil partnership

9.—(1) The amendments made by regulation 16(3) of these Regulations (amendment of the 2004 Act: definition of relevant national) do not apply in respect of parties to a proposed civil partnership where notice of the civil partnership is given before 1st July 2021—

- (a) by both parties under [section 8 of the 2004 Act](#), or
- (b) by one party under section 8 and by the other party under—
 - (i) [section 88 of that Act](#) in accordance with [section 97\(2\)](#) of that Act, or
 - (ii) article 14 of the [Civil Partnership \(Armed Forces\) Order 2005](#), or
- (c) by both parties under section 88 of the 2004 Act, or
- (d) by both parties under [section 139 of the 2004 Act](#).

(2) The amendments made by regulation 16(5) of these Regulations (amendment of the 2004 Act: procedure for giving notice of proposed civil partnership: England and Wales) do not apply in relation to a civil partnership formed on or after 1st July 2021 where notice of the civil partnership is given by both parties before that date under section 8 of the 2004 Act.

(3) For the purposes of this paragraph, references to notice given under section 8 include notice given in accordance with sections 18, 19 or 20 of the [2004 Act](#).

PART 2

Saving in relation to section 2 of the 2020 Act

10.—(1) The amendment of section 9(2) of the Immigration Act 1971 (further provisions about the common travel area) made by section 2(3) of the 2020 Act does not affect the operation in relation to an Irish citizen of any subordinate legislation which was made under section 9(2) of the Immigration Act 1971 before commencement day for the purposes of the implementation of Article 32(1)(b) of the withdrawal agreement, Article 31(1)(b) of the EEA EFTA separation agreement or Article 26a(1)(b) of the Swiss citizens’ rights agreement.

(2) In paragraph (1), “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meanings as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act).

Saving in relation to Schedule 1 to the 2020 Act

11. The repeal by paragraphs 5 and 6 of Schedule 1 to the 2020 Act of the rights, powers, liabilities obligations, restrictions, remedies and procedures to which those paragraphs apply does not prevent those rights, powers, liabilities, obligations, restrictions, remedies and procedures being recognised and available in domestic law in respect of a time before commencement day.