

## STATUTORY INSTRUMENTS

# 2019 No. 745

## The Immigration, Nationality and Asylum (EU Exit) Regulations 2019

### PART 2

#### Immigration and Nationality

#### Chapter 1

#### Amendment of primary legislation

#### Amendment of the Marriage Act 1949

2. In section 78 of the Marriage Act 1949 <sup>M1</sup> (interpretation), in subsection (1), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.

#### Commencement Information

**I1** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M1** [1949 c. 76](#). The definition of “relevant national” in section 78(1) was inserted by paragraph 17 of Schedule 4 to the [Immigration Act 2014 \(c. 22\)](#). There have been other amendments to this section which are not relevant to these Regulations.

#### Amendment of the Aliens' Employment Act 1955

<sup>F1</sup>3. ....

#### Textual Amendments

**F1** Reg. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [regs. 1\(2\)\(a\), 48](#)

#### Amendment of the Immigration Act 1971

4.—(1) The Immigration Act 1971 <sup>M2</sup> is amended as follows.

(2) In section 2 (statement of right of abode in United Kingdom) <sup>M3</sup>, in subsection (2), for “and section 5(2)” substitute “, section 5(2) and section 25 ”.

(3) In section 25 (assisting unlawful immigration to member State) <sup>M4</sup>—

- (a) in the heading, after “member State” insert “ or the United Kingdom ”;
- <sup>F2</sup>(b) . . . . .
- (c) in subsection (2)—
- (i) after “member State” insert “ or the United Kingdom ”;
- (ii) after “of the State” insert “ or, as the case may be, of the United Kingdom ”;
- (iii) in paragraphs (a), (b) and (c), after “the State” insert “ or the United Kingdom ”;
- (d) after subsection (2), insert—
- “(2A) In subsections (1) and (2), “national of the United Kingdom” means—
- (a) a British citizen;
- (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 <sup>M5</sup> and who has the right of abode in the United Kingdom; or
- (b) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”;
- (e) in subsection (7)(a), for the words from “a State” to the end substitute “ Norway or Iceland ”;
- (f) in subsection (7)(b), for “a State on that list”, substitute “ Norway or Iceland ”;
- (g) omit subsection (8).
- (4) In section 25C (forfeiture of vehicle, ship or aircraft) <sup>M6</sup>, in subsection (9)(a), after “a member State” insert “ or the United Kingdom ”.

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#### Textual Amendments

- F2** Reg. 4(3)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

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#### Commencement Information

- I2** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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#### Marginal Citations

- M2** [1971 c. 77](#).
- M3** Section 2 was substituted by section 39(2) of the [British Nationality Act 1981 \(c. 61\)](#). Subsection (2) was amended by section 3(3) of the [Immigration Act 1988 \(c.14\)](#). There have been other amendments to this section which are not relevant to these Regulations.
- M4** Section 25 was substituted by section 143 of the [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#). Subsection (1) was amended by paragraph 2 of Schedule 14 to the [Immigration Act 2016 \(c. 19\)](#). Subsections (7) and (8) were inserted by section 1(1) of the [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#) and amended by [S.I. 2011/1043](#). There have been other amendments to this section which are not relevant to these Regulations.
- M5** [1981 c.61](#).
- M6** Section 25C was substituted by section 143 of the [Nationality, Immigration and Asylum Act 2002](#). Subsection (9)(a) was amended by section 1(2) of the [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004](#). There have been other amendments to this section which are not relevant to these Regulations.

### Amendment of the Marriage (Scotland) Act 1977

5. In section 26 of the Marriage (Scotland) Act 1977 <sup>M7</sup> (interpretation), in subsection (2), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.

#### Commencement Information

**I3** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M7** 1977 c. 15. The definition of “relevant national” in section 26(2) was inserted by [S.I. 2015/396](#). There have been other amendments to this section which are not relevant to these Regulations.

### Amendment of the Rent Act 1977

<sup>F3</sup>6. ....

#### Textual Amendments

**F3** Reg. 6 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [regs. 1\(2\)\(a\)](#), [48](#)

### Amendment of the British Nationality Act 1981

7. For section 5 of the British Nationality Act 1981 <sup>M8</sup> (acquisition by registration: nationals for purposes of the EU Treaties) substitute—

#### “5 Acquisition by registration: British overseas territories citizens having connection with Gibraltar

5 A person who is a British overseas territories citizen by virtue of a connection with Gibraltar is entitled to be registered as a British citizen if an application is made for their registration as such a citizen.”.

#### Commencement Information

**I4** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M8** 1981 c. 61. Section 5 was amended by section 2(2)(b) of the [British Overseas Territories Act 2002 \(c. 8\)](#) and by [S.I. 2011/1043](#).

### Amendment of the Immigration Act 1988

<sup>F4</sup>8. ....

**Textual Amendments**

**F4** Reg. 8 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

**Amendment of the Housing Act 1988**

**F59.** . . . . .

**Textual Amendments**

**F5** Reg. 9 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

**Amendment of the Police Act 1997**

**10.** In Schedule 8B to the Police Act 1997 <sup>M9</sup> (offences which are to be disclosed subject to rules), in paragraph 69 (immigration, etc), in sub-paragraph (c), in the words in brackets, after “member State” insert “ or the United Kingdom ”.

**Commencement Information**

**I5** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M9** [1997 c. 50](#). Schedule 8B was inserted by [S.S.I. 2015/423](#).

**Amendment of the Immigration and Asylum Act 1999**

**11.—(1)** The Immigration and Asylum Act 1999 <sup>M10</sup> is amended as follows.

**F6(2)** . . . . .

**(3)** In section 24 (duty to report suspicious marriages) <sup>M11</sup>, in subsection (6)—

(a) in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”;

(b) omit the definition of “United Kingdom immigration law”.

**(4)** In section 24A (duty to report suspicious civil partnerships) <sup>M12</sup>, in subsection (5A)—

(a) in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”;

(b) omit the definition of “United Kingdom immigration law”.

**F7(5)** . . . . .

**(6)** In section 84 (provision of immigration services) <sup>M13</sup>, in subsection (2)—

(a) omit paragraphs (c) and (d) (but not the “or” at the end of paragraph (d));

(b) in paragraph (e), for “(d)” substitute “(ba) ”.

(7) In section 86 (designated professional bodies)<sup>M14</sup>, in subsection (8), in paragraph (a), for “an EEA State” substitute “ Scotland or Northern Ireland ”.

(8) In section 93 (disclosure of information)<sup>M15</sup>, in subsection (3)(b), omit “or any EU obligation of the Commissioner”.

**Textual Amendments**

- F6** Reg. 11(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**
- F7** Reg. 11(5) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

**Commencement Information**

- I6** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

- M10** [1999 c. 33](#).
- M11** Section 24(6) was substituted by section 55(2) of the Immigration Act 2014. There have been other amendments to this section which are not relevant to these Regulations.
- M12** Section 24A was inserted by section 261(1) of, and paragraph 162 of Schedule 27 to, the Civil Partnership Act 2004. Subsection (5A) was inserted by section 55(1) and (3) of the [Immigration Act 2014 \(c. 22\)](#). There have been other amendments to this section which are not relevant to these Regulations.
- M13** Section 84 was amended by section 37(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and by paragraph 12(2)(b) of Schedule 18 to the [Legal Services Act 2007 \(c. 29\)](#). There have been other amendments to this section, which are not relevant to these Regulations.
- M14** Section 86 was amended by paragraph 13(5) of Schedule 18 to the Legal Services Act 2007. There have been other amendments to this section which are not relevant to these Regulations.
- M15** Section 93 was amended by [S.I. 2011/1043](#). There have been other amendments to this section which are not relevant to these Regulations.

**Amendment of the Nationality, Immigration and Asylum Act 2002**

**12.**—(1) The Nationality, Immigration and Asylum Act 2002<sup>M16</sup> is amended as follows.

<sup>F8</sup>(2) .....

<sup>F9</sup>(3) .....

(4) In section 141 (EEA ports: juxtaposed controls)—

(a) in subsection (1), after “immigration control at” insert “ a United Kingdom port or ”;

(b) in subsection (6)—

(i) in the definition of “EEA port” omit “or from”;

(ii) after the definition of “specified area” insert—

““United Kingdom port” means a port in the United Kingdom from which passengers are commonly carried by sea to an EEA State.”.

(5) In Schedule 3 (withholding and withdrawal of support)—

<sup>F10</sup>(a) .....

(b) in paragraph 4 (first class of ineligible person: refugee status abroad), in sub-paragraph (2)

- (i) in paragraph (a), after “EEA State” insert “ and is not a British citizen ”; and
- (ii) in paragraph (b), omit “other than the United Kingdom”;

<sup>F11</sup>(c) .....

<sup>F12</sup>(d) .....

**Textual Amendments**

- F8** Reg. 12(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**
- F9** Reg. 12(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**
- F10** Reg. 12(5)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**
- F11** Reg. 12(5)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**
- F12** Reg. 12(5)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

**Commencement Information**

- I7** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

- M16** [2002 c. 41.](#)

**Amendment of the Marriage (Northern Ireland) Order 2003**

**13.** In article 2 of the Marriage (Northern Ireland) Order 2003 <sup>M17</sup> (interpretation), in paragraph (2), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.

**Commencement Information**

- I8** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

- M17** [S.I. 2003/413 \(N.I. 3\).](#)

**Amendment of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004**

<sup>F13</sup>**14.** .....

**Textual Amendments**

**F13** Reg. 14 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

**Amendment of the Civil Partnership Act 2004**

**15.** In section 30A of the Civil Partnership Act 2004 <sup>M18</sup> (relevant nationals), in paragraph (b), omit “other than the United Kingdom”.

**Commencement Information**

**I9** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M18** [2004 c. 33](#). Section 30A was inserted by paragraph 27 of Schedule 4 to the Immigration Act 2014.

**Amendment of the Serious Crime Act 2007**

**16.** In Schedule 3 to the Serious Crime Act 2007 <sup>M19</sup> (listed offences), in paragraph 11, in the words in brackets, after “member State” insert “ or the United Kingdom ”.

**Commencement Information**

**I10** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M19** [2007 c. 27](#).

**Amendment of the UK Borders Act 2007**

**17.—(1)** The UK Borders Act 2007 <sup>M20</sup> is amended as follows.

(2) In section 32 (automatic deportation), in subsection (1)(a), after “British citizen” insert “ or an Irish citizen ”.

<sup>F14</sup>(3) .....

<sup>F15</sup>(4) .....

**Textual Amendments**

**F14** Reg. 17(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

**F15** Reg. 17(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

**Commencement Information**

**I11** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M20** [2007 c. 30](#).

**Amendment of the Criminal Justice and Immigration Act 2008**

<sup>F16</sup>**18.** . . . . .

**Textual Amendments**

**F16** Reg. 18 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. [1\(2\)\(a\)](#), **48**

**Amendment of the Borders, Citizenship and Immigration Act 2009**

- 19.**—(1) The Borders, Citizenship and Immigration Act 2009 <sup>M21</sup> is amended as follows.
- (2) In section 1 (general customs functions of the Secretary of State), in subsection (8)(c), for “EU law” in each place where it appears substitute “retained EU law”.
- (3) In section 7 (customs revenue functions of the Director), in subsection (2), omit paragraph (a).
- (4) In section 26 (transfer schemes), in subsection (7), in the definition of “relevant function”, in paragraph (b), for “EU law” substitute “retained EU law”.
- (5) In section 38 (interpretation), omit the definition of “EU law”.

**Commencement Information**

**I12** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M21** [2009 c. 11](#). Sections 1, 26 and 38 were amended by [S.I. 2011/1043](#). There have been other amendments to these sections which are not relevant to these Regulations.

**Amendment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**

- 20.** In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 <sup>M22</sup> (services), in paragraph 30 (immigration: rights to enter and remain)—
  - (a) for sub-paragraph (1), substitute—
    - “(1) Civil legal services provided in relation to rights to enter, and to remain in, the United Kingdom which—
      - (a) arise from—
        - (i) the Refugee Convention; or
        - (ii) Article 2 or 3 of the Human Rights Convention; or
      - (b) are conferred by—



- (i) immigration rules, insofar as they implemented the Qualification Directive; or
  - (ii) any other provision of retained EU law which implemented the Qualification Directive.”;
- (b) in sub-paragraph (4)—
- (i) after the definition of “the Human Rights Convention”, insert—  
““immigration rules” has the meaning given by section 33(1) of the Immigration Act 1971 <sup>M23</sup>.”;
  - (ii) omit the definition of “the Temporary Protection Directive”.

**Commencement Information**

**I13** Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

**Marginal Citations**

**M22** 2012 c. 10. There have been amendments to Schedule 1 which are not relevant to these Regulations.

**M23** 1971 c. 77. There have been amendments to section 33(1) which are not relevant to these Regulations.

**Amendment of the Immigration Act 2014**

**21.**—(1) The Immigration Act 2014 <sup>M24</sup> is amended as follows.

<sup>F17</sup>(2) .....

<sup>F18</sup>(3) .....

(4) In section 42 (“bank” and “building society”)—

- (a) omit subsection (2)(b);
- (b) in subsection (3), in each place where it appears, omit “or firm”.

(5) In section 49 (exempt persons)—

- (a) in subsection (2)(a), for the words from “an enforceable EU right” to the end, substitute—  
“(i) a retained enforceable EU right, or  
(ii) any provision made under section 2(2) of the European Communities Act 1972 as that provision is modified from time to time;”;

(b) after subsection (2), insert—

“(2A) “Retained enforceable EU right” means a right that—

- (a) was created or arose by or under the EU Treaties before the coming into force of this subsection, and
- (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,

as that right is modified from time to time.”.

(6) In section 62 (interpretation of Part 4), in subsection (1), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.

<sup>F19</sup>(7) .....

#### Textual Amendments

- F17** Reg. 21(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**
- F18** Reg. 21(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**
- F19** Reg. 21(7) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

#### Commencement Information

- I14** Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M24** [2014 c. 22.](#)

### Amendment of the Modern Slavery Act 2015

**22.** In Schedule 4 to the Modern Slavery Act 2015 <sup>M25</sup> (offences to which defence in section 45 does not apply), in paragraph 16, in the words in brackets, after “member state” insert “ or the United Kingdom ”.

#### Commencement Information

- I15** Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M25** [2015 c. 30.](#)

## Chapter 2

### Amendment of subordinate legislation

### Amendment of the Special Constables Regulations 1965

**23.** The existing provisions of regulation 1 of the Special Constables Regulations 1965 <sup>M26</sup> (qualifications for appointment) become paragraph (1) of that regulation and—

- (a) in sub-paragraph (a) of those provisions, after “if not a national of” insert “ the United Kingdom or ”;
- (b) after those provisions insert—

“(2) For the purposes of this regulation, “national of the United Kingdom” means—

- (a) a British citizen;
- (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom; or

- (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”.

**Commencement Information**

**I16** Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M26** [S.I. 1965/536](#). Regulation 1 was amended by [S.I. 2002/3180](#), 2006/2278, 2012/1961. There have been other amendments to this regulation which are not relevant to these Regulations.

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

<sup>F20</sup>**24.** . . . . .

**Textual Amendments**

**F20** Reg. 24 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [regs. 1\(2\)\(a\)](#), **48**

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

<sup>F21</sup>**25.** . . . . .

**Textual Amendments**

**F21** Reg. 25 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [regs. 1\(2\)\(a\)](#), **48**

**Amendment of the Detention Centre Rules 2001**

**26.**—(1) The Detention Centre Rules 2001 <sup>M27</sup> are amended as follows.

(2) In rule 9 (detention reviews and up-date of claim), in paragraph (3), in each of sub-paragraphs (d) and (e), for “EU law” substitute “retained EU law”.

(3) In rule 27 (correspondence), in paragraph (6), omit “the European Court of Justice”.

**Commencement Information**

**I17** Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M27** [S.I. 2001/238](#); amended by [S.I. 2010/21](#), 2011/1043. There have been other amendments to the Rules which are not relevant to these Regulations

### Amendment of the Police Trainee Regulations (Northern Ireland) 2001

27. The existing provisions of regulation 2A of the Police Trainee Regulations (Northern Ireland) 2001 <sup>M28</sup> (qualifications for appointment as a police trainee) become paragraph (1) of that regulation and—

- (a) in sub-paragraph (a) of those provisions, for “a Member State, Norway, Iceland or Liechtenstein” substitute “ the United Kingdom or an EEA State ”;
- (b) after those provisions insert—

“(2) In this regulation—

“EEA State”, in relation to a time, means—

- (a) a state which at that time is a member State, or
- (b) any other state which at that time is a party to the EEA agreement;

“national of the United Kingdom” means—

- (a) a British citizen,
- (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom, or
- (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”.

#### Commencement Information

**I18** Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M28** S.R. 2001 No. 369. Regulation 2A was inserted by S.R. 2008 No. 314. There have been other amendments to the Regulations which are not relevant to these Regulations.

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

28. In article 12 of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 <sup>M29</sup> (application of criminal law to a Control Zone in France), in paragraph (1)(b), after “member State” insert “ or the United Kingdom ”.

#### Commencement Information

**I19** Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M29** S.I. 2003/2818. There have been amendments to the Order which are not relevant to these Regulations

### Amendment of the Police Regulations 2003

29. In regulation 10 of the Police Regulations 2003 <sup>M30</sup> (qualifications for appointment to a police force)—

- (a) in paragraph (1)(a), for “a Member State, Norway, Iceland or Liechtenstein” substitute “the United Kingdom or an EEA State”;
- (b) in paragraph (3)—
  - (i) omit “and” at the end of sub-paragraph (a);
  - (ii) after sub-paragraph (aa) insert—
    - “(ab) “national of the United Kingdom” means—
      - (i) a British citizen;
      - (ii) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom; or
      - (iii) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar;”.

**Commencement Information**

**I20** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M30** [S.I. 2003/527](#). Regulation 10(1)(a) was substituted by [S.I. 2005/2834](#). There have been other amendments to the Regulations which are not relevant to these Regulations.

**Amendment of the British Nationality (General) Regulations 2003**

**30.**—(1) The British Nationality (General) Regulations 2003 <sup>M31</sup> are amended as follows.

<sup>F22</sup>(2) .....

(3) In regulation 4 (authority to whom application is to be made), in paragraph (3), for “(acquisition by registration: nationals for purposes of the EU Treaties)” substitute “(acquisition by registration: British overseas territories citizens having connection with Gibraltar) ”.

<sup>F23</sup>(4) .....

<sup>F24</sup>(5) .....

(6) In Schedule 2 (particular requirements as respects applications)—

<sup>F25</sup>(a) .....

(b) in paragraph 12(a) (application under section 5 of the Act), for “for the purposes of the EU treaties” substitute “ by virtue of a connection with Gibraltar ”;

<sup>F26</sup>(c) .....

**Textual Amendments**

**F22** Reg. 30(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [regs. 1\(2\)\(a\)](#), **48**

**F23** Reg. 30(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [regs. 1\(2\)\(a\)](#), **48**

- F24** Reg. 30(5) omitted (31.12.2020 immediately before IP completion day) by virtue of The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2)(a), **48**
- F25** Reg. 30(6)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2)(a), **48**
- F26** Reg. 30(6)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2)(a), **48**

#### Commencement Information

- I21** Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

#### Marginal Citations

- M31** S.I. 2003/548; amended by S.I. 2007/3137, 2011/1043, 2015/738, 1806. There have been other amendments to the Regulations which are not relevant to these Regulations.

### Amendment of the Police Reserve Trainee Regulations (Northern Ireland) 2004

**31.** In regulation 1B of the Police Reserve Trainee Regulations (Northern Ireland) 2004 <sup>M32</sup> (appointment as a police reserve trainee)—

- (a) in paragraph (1)(a), for “a Member State, Norway, Iceland or Liechtenstein” substitute “the United Kingdom or an EEA State”;
- (b) after paragraph (3) insert—
- “**(4)** In this regulation—
- “EEA state”, in relation to a time, means—
- (a) a state which at that time is a member State, or
- (b) any other state which at that time is a party to the EEA agreement;
- “national of the United Kingdom” means—
- (a) a British citizen,
- (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom, or
- (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”.

#### Commencement Information

- I22** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

#### Marginal Citations

- M32** S.R. 2004 No. 2. Regulation 1B was inserted by S.R. 2009 No. 391. There have been other amendments to the Regulations which are not relevant to these Regulations.

## Amendment of the Police Service of Northern Ireland Regulations 2005

**32.** In regulation 10 of the Police Service of Northern Ireland Regulations 2005<sup>M33</sup> (qualifications for appointment (where no service as a police trainee))—

- (a) in paragraph (1)(a), for “a Member State, Norway, Iceland or Liechtenstein” substitute “the United Kingdom or an EEA State”;
- (b) in paragraph (3)—
  - (i) omit “and” at the end of sub-paragraph (a);
  - (ii) after sub-paragraph (a) insert—
    - “(aa) “EEA state”, in relation to a time, means—
      - (i) a state which at that time is a member State, or
      - (ii) any other state which at that time is a party to the EEA agreement;
    - (ab) “national of the United Kingdom” means—
      - (i) a British citizen,
      - (ii) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom, or
      - (iii) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar;”.

### Commencement Information

**I23** Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

### Marginal Citations

**M33** S.R. 2005 No. 547; amended by S.R. 2008 No. 325. There have been other amendments to the Regulations which are not relevant to these Regulations.

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

<sup>F27</sup>**33.** .....

### Textual Amendments

**F27** Reg. 33 omitted (31.12.2020 immediately before IP completion day) by virtue of *The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309)*, regs. 1(2)(a), **48**

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

<sup>F28</sup>**34.** .....

### Textual Amendments

- F28** Reg. 34 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\)](#) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2)(a), **48**

### Amendment of the Police Service of Scotland Regulations 2013

**35.** In regulation 6 of the Police Service of Scotland Regulations 2013 <sup>M34</sup> (qualifications for appointment to the Police Service)—

- (a) in paragraph (1)(i), after “if not a national of” insert “ the United Kingdom or ”;
- (b) after paragraph (3) insert—

“(4) For the purposes of this regulation, “national of the United Kingdom” means—

- (a) a British citizen;
- (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom; or
- (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”

### Commencement Information

- I24** Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

- M34** [S.S.I. 2013/35](#); amended by [S.S.I 2013/122](#). There have been other amendments to the Regulations which are not relevant to these Regulations.

### Amendment of the Police Service of Scotland (Special Constables) Regulations 2013

**36.** In regulation 5 of the Police Service of Scotland (Special Constables) Regulations 2013 <sup>M35</sup> (qualifications for appointment as a special constable)—

- (a) in paragraph (1)(h), after “if not a national of” insert “ the United Kingdom or ”;
- (b) after paragraph (4) insert—

“(5) For the purposes of this regulation, “national of the United Kingdom” means—

- (a) a British citizen;
- (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom; or
- (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”

### Commencement Information

- I25** Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)



#### Marginal Citations

**M35** [S.S.I. 2013/43](#); amended by [S.S.I. 2013/122](#). There have been other amendments to the Regulations which are not relevant to these Regulations.

### Amendment of the Immigration (Passenger Transit Visa) Order 2014

**37.** In article 2(6) of the Immigration (Passenger Transit Visa) Order 2014 <sup>M36</sup>, in the definition of “Schengen Acquis State”, omit “United Kingdom and”.

#### Commencement Information

**I26** Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M36** [S.I. 2014/2702](#). There have been amendments to the Order which are not relevant to these Regulations.

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

**38.** In Schedule 1 to the Referral of Proposed Marriages and Civil Partnerships Regulations 2015 <sup>M37</sup> (evidence of particular immigration status), in paragraph 1 (permanent residence)—

- (a) in sub-paragraph (1)—
  - (i) for “an enforceable EU right” substitute “ a retained enforceable EU right ”;
  - (ii) after “1972” insert “ as that provision is modified from time to time ”;
- (b) in sub-paragraph (2)—
  - (i) the words after “In this paragraph” become a new sub-paragraph;
  - (ii) at the end insert—
    - ““retained enforceable EU right” means a right that—
    - (a) was created or arose by or under the EU Treaties before the time when the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 come into force, and
    - (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,

as that right is modified from time to time. ”.

#### Commencement Information

**I27** Reg. 38 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M37** [S.I. 2015/123](#).

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

**39.** In regulation 18 of the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc) Regulations 2015 <sup>M38</sup> (prescribed information about the investigation)—

- (a) in paragraph (2)(b)(ii)—
  - (i) for “an enforceable EU right” substitute “ a retained enforceable EU right ”;
  - (ii) after “1972” insert “ as that provision is modified from time to time ”;
- (b) after paragraph (2), insert—
 

“(3) For the purposes of paragraph (2)(b)(ii) “retained enforceable EU right” means a right that—

  - (a) was created or arose by or under the EU Treaties before the time when this paragraph comes into force; and
  - (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,

as that right is modified from time to time.”.

#### Commencement Information

**I28** Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M38** [S.I. 2015/397](#).

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

**40.** In Schedule 1 to the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015 <sup>M39</sup> (evidence of particular immigration status), in paragraph 1 (permanent residence)—

- (a) in sub-paragraph (1)—
  - (i) for “an enforceable EU right” substitute “ a retained enforceable EU right ”;
  - (ii) after “1972” insert “ as that provision is modified from time to time ”;
- (b) in sub-paragraph (2)—
  - (i) the words after “In this paragraph” become a new sub-paragraph;
  - (ii) at the end insert—
 

““retained enforceable EU right” means a right that—

    - (a) was created or arose by or under the EU Treaties before the time when the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 come into force, and
    - (b) forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018,

as that right is modified from time to time. ”.

**Commencement Information**

**I29** Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M39** [S.I. 2015/404](#).

**Amendment of the Immigration (Health Charge) Order 2015**

**41.** In Schedule 2 to the Immigration (Health Charge) Order 2015 <sup>M40</sup>, in paragraph 1(l), for “an EU obligation (within the meaning of Part 2 of Schedule 1 to the European Communities Act 1972)” substitute “ a retained EU obligation ”.

**Commencement Information**

**I30** Reg. 41 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M40** [S.I. 2015/792](#). There have been amendments to the Order which are not relevant to these Regulations.

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

<sup>F29</sup>**42.** .....

**Textual Amendments**

**F29** Reg. 42 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [regs. 1\(2\)\(a\), 48](#)

**Amendment of the Immigration (European Economic Area) Regulations 2016**

<sup>F30</sup>**43.** .....

**Textual Amendments**

**F30** Reg. 43 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), [regs. 1\(2\)\(a\), 48](#)

**Amendment of the Short-term Holding Facility Rules 2018**

**44.**—(1) The Short-term Holding Facility Rules 2018 <sup>M41</sup> are amended as follows.

(2) In rule 12 (reasons for detention and update of claim), in paragraph (3), in each of subparagraphs (d) and (e), for “European Union law” substitute “ retained EU law ”.

(3) In rule 24 (correspondence), in paragraph (2)(a), omit “the Court of Justice of the European Union.”

**Commencement Information**

**I31** Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M41** [S.I. 2018/409](#).

Chapter 3

Revocation of subordinate legislation

**Revocation of the Immigration (Assisting Unlawful Immigration) (Section 25 List of Schengen Acquis States) Order 2004**

45. The Immigration (Assisting Unlawful Immigration) (Section 25 List of Schengen Acquis States) Order 2004 <sup>M42</sup> is revoked.

**Commencement Information**

**I32** Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M42** [S.I. 2004/2877](#).

**Revocation of the Accession (Immigration and Worker Authorisation) Regulations 2006**

46. The Accession (Immigration and Worker Authorisation) Regulations 2006 <sup>M43</sup> are revoked.

**Commencement Information**

**I33** Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M43** [S.I. 2006/3317](#), to which there are amendments not relevant to these Regulations.

Chapter 4

Revocation of retained direct EU legislation etc.

**Revocation of retained direct EU legislation relating to immigration and nationality**

47. Part 1 of Schedule 1 has effect.

**Commencement Information**

**I34** Reg. 47 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Disapplication of inconsistent retained EU rights etc.**

**48.**—(1) EU-derived rights, powers, liabilities, obligations, restrictions, remedies and procedures cease to be recognised and available in domestic law so far as they are inconsistent with provision made by this Part.

(2) In paragraph (1), “EU-derived rights, powers, liabilities, obligations, restrictions, remedies and procedures” means any rights, powers, liabilities, obligations, restrictions, remedies and procedures which continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018.

**Commencement Information**

**I35** Reg. 48 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Chapter 5

EC Association Agreement with Turkey

**Disapplication of rights etc.**

<sup>F31</sup>**49.** . . . . .

**Textual Amendments**

**F31** [Reg. 49](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(a), **48**

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration, Nationality and Asylum (EU Exit) Regulations 2019, PART 2.