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STATUTORY INSTRUMENTS

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**2019 No. 745**

**EXITING THE EUROPEAN UNION  
IMMIGRATION  
NATIONALITY**

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

Made - - - - 28th March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 8(1) and 23(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 <sup>M1</sup>.

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Marginal Citations**

**M1** 2018 c. 16.

**PART 1**

Introduction

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Immigration, Nationality and Asylum (EU Exit) Regulations 2019.

(2) These Regulations come into force on the later of exit day or the day after the day on which they are made.

(3) Subject to paragraphs (4) and (5), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) Any amendment, repeal or revocation made by these Regulations has the same extent within the United Kingdom as the provision to which it relates.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) Any saving or transitional provision in these Regulations has the same extent within the United Kingdom as the provision to which it relates.

(6) In these Regulations “domestic law” means the law of England and Wales, Scotland or Northern Ireland.

**Commencement Information**

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

**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>M2</sup> (interpretation), in subsection (1), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.

**Commencement Information**

**I2** 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**

**M2** [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>M3</sup> is amended as follows.

(2) In section 2 (statement of right of abode in United Kingdom) <sup>M4</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>M5</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>M6</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>M7</sup>, in subsection (9)(a), after “a member State” insert “ or the United Kingdom ”.

**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**

**Commencement Information**

**I3** 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\(2\)](#)

**Marginal Citations**

- M3** [1971 c. 77](#).
- M4** 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.
- M5** 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.
- M6** [1981 c.61](#).
- M7** 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.

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

5. In section 26 of the Marriage (Scotland) Act 1977 <sup>M8</sup> (interpretation), in subsection (2), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.

#### Commencement Information

**I4** 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

**M8** 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>M9</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

**I5** 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

**M9** 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>M10</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**

- I6** 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**

- M10** [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>M11</sup> is amended as follows.

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

(3) In section 24 (duty to report suspicious marriages) <sup>M12</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>M13</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>M14</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) ”.

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(7) In section 86 (designated professional bodies)<sup>M15</sup>, in subsection (8), in paragraph (a), for “an EEA State” substitute “ Scotland or Northern Ireland ”.

(8) In section 93 (disclosure of information)<sup>M16</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**

- I7** 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**

- M11** [1999 c. 33](#).
- M12** 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.
- M13** 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.
- M14** 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.
- M15** 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.
- M16** 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>M17</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) .....

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(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

- I8** 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

- M17** [2002 c. 41.](#)

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

13. In article 2 of the Marriage (Northern Ireland) Order 2003 <sup>M18</sup> (interpretation), in paragraph (2), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.

#### Commencement Information

- I9** 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

- M18** [S.I. 2003/413 \(N.I. 3\).](#)

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

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

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**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>M19</sup> (relevant nationals), in paragraph (b), omit “other than the United Kingdom”.

**Commencement Information**

**I10** 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**

**M19** [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>M20</sup> (listed offences), in paragraph 11, in the words in brackets, after “member State” insert “ or the United Kingdom ”.

**Commencement Information**

**I11** 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**

**M20** [2007 c. 27](#).

**Amendment of the UK Borders Act 2007**

**17.—(1)** The UK Borders Act 2007 <sup>M21</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**



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**Commencement Information**

**I12** 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**

**M21** [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>M22</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**

**I13** 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**

**M22** [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>M23</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—

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- (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>M24</sup>.”;
  - (ii) omit the definition of “the Temporary Protection Directive”.

**Commencement Information**

**I14** 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\(2\)](#)

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**Marginal Citations**

**M23** 2012 c. 10. There have been amendments to Schedule 1 which are not relevant to these Regulations.

**M24** 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>M25</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

- I15** 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

- M25** [2014 c. 22.](#)

### Amendment of the Modern Slavery Act 2015

**22.** In Schedule 4 to the Modern Slavery Act 2015 <sup>M26</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

- I16** 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

- M26** [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>M27</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

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

#### Commencement Information

**I17** 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

**M27** [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>M28</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

**I18** 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

**M28** [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>M29</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

**I19** 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

**M29** 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>M30</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

**I20** 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

**M30** 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>M31</sup> (qualifications for appointment to a police force)—

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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**

**I21** 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**

**M31** 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>M32</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

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 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

- I22** 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

- M32** 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>M33</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

- I23** 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

- M33** 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.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

**32.** In regulation 10 of the Police Service of Northern Ireland Regulations 2005<sup>M34</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

**I24** 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

**M34** 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>M35</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

- I25** 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

- M35** [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>M36</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

- I26** 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\(2\)](#)

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](#) editorial team to *The Immigration, Nationality and Asylum (EU Exit) Regulations 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

#### Marginal Citations

**M36** [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>M37</sup>, in the definition of “Schengen Acquis State”, omit “United Kingdom and”.

#### Commencement Information

**I27** 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

**M37** [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>M38</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

**I28** 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

**M38** [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>M39</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

**I29** 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

**M39** [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>M40</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.”.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**Commencement Information**

**I30** 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**

**M40** [S.I. 2015/404](#).

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

**41.** In Schedule 2 to the Immigration (Health Charge) Order 2015 <sup>M41</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**

**I31** 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**

**M41** [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>M42</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 ”.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

**Commencement Information**

**I32** 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**

**M42** [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>M43</sup> is revoked.

**Commencement Information**

**I33** 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**

**M43** [S.I. 2004/2877](#).

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

46. The Accession (Immigration and Worker Authorisation) Regulations 2006 <sup>M44</sup> are revoked.

**Commencement Information**

**I34** 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**

**M44** [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.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**Commencement Information**

**I35** 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**

**I36** 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](#)

**PART 3**

Asylum

Chapter 1

Amendment of primary legislation

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

**50.**—(1) The Nationality, Immigration and Asylum Act 2002 <sup>M45</sup> is amended as follows.

(2) In section 94 (appeal from within United Kingdom: unfounded human rights or protection claim), in subsection (5D), omit “other”.

(3) Omit section 94A (European Common List of Safe Countries of Origin).

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Commencement Information

**I37** Reg. 50 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

**M45** [2002 c. 41](#). Section 94(5D) was inserted by [S.I. 2007/3187](#). Section 94A was inserted by [S.I. 2007/3187](#) and amended by paragraph 39 of Schedule 9 to the [Immigration Act 2014 \(c.22\)](#) and by [S.I. 2011/1043](#).

### Amendment of the Immigration Act 2014

**51.** In Schedule 9 to the Immigration Act 2014 (transitional and consequential provision), omit paragraph 39.

#### Commencement Information

**I38** Reg. 51 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 2

### Revocation of subordinate legislation

### Revocation of the Displaced Persons (Temporary Protection) Regulations 2005

**52.** The Displaced Persons (Temporary Protection) Regulations 2005 <sup>M46</sup> are revoked.

#### Commencement Information

**I39** Reg. 52 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

**M46** [S.I. 2005/1379](#); amended by [S.I. 2010/671](#), [2012/700](#), [2013/630](#).

### Revocation of the Transfer for Determination of an Application for International Protection (Detention) (Significant Risk of Absconding Criteria) Regulations 2017

**53.** The Transfer for Determination of an Application for International Protection (Detention) (Significant Risk of Absconding Criteria) Regulations 2017 <sup>M47</sup> are revoked.

#### Commencement Information

**I40** Reg. 53 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

**M47** [S.I. 2017/405](#).

## Chapter 3

### Revocation of retained direct EU legislation

#### Revocation of retained direct EU legislation

54. Part 2 of Schedule 1 has effect.

#### Commencement Information

**I41** Reg. 54 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 4

### International Agreements

#### Revocation of rights etc.

55.—(1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

- (a) continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018, and
- (b) are derived from one of the international agreements to which this regulation applies,

cease to be recognised and available in domestic law.

(2) This regulation applies to—

- (a) the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities – Dublin Convention (97/C 254/01);
- (b) the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway – declarations;
- (c) the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland;
- (d) the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention;
- (e) the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland;
- (f) the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community, and the Swiss Confederation concerning the criteria and mechanisms for establishing the



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State responsible for examining a request for asylum lodged in a Member State or in Switzerland;

- (g) the Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway.

#### Commencement Information

**I42** Reg. 55 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## PART 4

### Supplementary

#### Saving and transitional provisions

**56.** [<sup>F32</sup>Schedule 2 (saving and transitional provisions) has effect.]

#### Textual Amendments

**F32** Reg. 56 omitted in part (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

**I43** Reg. 56 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Amendments consequential on revocation of the Displaced Persons (Temporary Protection) Regulations 2005

**57.** Schedule 3 (amendments consequential on revocation of the Displaced Persons (Temporary Protection) Regulations 2005) has effect.

#### Commencement Information

**I44** Reg. 57 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Home Office

*Caroline Nokes*  
Minister of State

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## SCHEDULE 1

Regulations 47 and 54

## Revocations of retained direct EU legislation

**PART 1**

## Revocations related to immigration and nationality

1. The provisions of retained direct EU legislation specified in the first column of the table are revoked to the extent stated in the second column.

<i>Retained direct EU legislation</i>	<i>Extent of revocation</i>
Commission Decision of 8 June 1988 setting up a prior communication and consultation procedure on migration policies in relation to non-member countries ( <a href="#">88/384/EEC</a> )	The whole decision
Council Regulation ( <a href="#">EC</a> ) No <a href="#">1683/95</a> of 29 May 1995 laying down a uniform format for visas	The whole instrument
Council Decision of 26 May 1997 on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals ( <a href="#">97/340/JHA</a> )	The whole decision
Council Decision of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis ( <a href="#">2000/365/EC</a> )	In so far as it relates to Article 26 of the 1990 Schengen Convention
Council Regulation ( <a href="#">EC</a> ) No <a href="#">333/2002</a> of 18 February 2002 on a uniform format for forms for affixing the visa issues by Member States to persons holding travel documents not recognised by the Member State drawing up the form	The whole instrument
Council Regulation ( <a href="#">EC</a> ) No <a href="#">1030/2002</a> of 13 June 2002 laying down a uniform format for residence permits for third-country nationals	The whole instrument
Council Decision of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive <a href="#">2001/40/EC</a> on the mutual recognition of decisions on the expulsion of third-country nationals ( <a href="#">2004/191/EC</a> )	The whole decision
Council Regulation ( <a href="#">EC</a> ) No <a href="#">377/2004</a> of 19 February 2004 on the creation of an immigration liaison officers network	The whole instrument
Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States,	The whole decision

of third-country nationals who are subjects of individual removal orders ([2004/573/EC](#))

Council Decision of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland ([2004/926/EC](#)) In so far as it relates to Article 26 of the 1990 Schengen Convention

Council Decision of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services ([2005/267/EC](#)) The whole decision

Commission Decision of 29 September 2005 on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration ([2005/687/EC](#)) The whole decision

Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals The whole instrument

Council Decision of 14 May 2008 establishing a European Migration Network ([2008/381/EC](#)) The whole decision

Regulation (EU) No 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 The whole instrument

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#### Commencement Information

**I45** Sch. 1 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**2.** In this Part “the 1990 Schengen Convention” means the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

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#### Commencement Information

**I46** Sch. 1 para. 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\(2\)](#)

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## PART 2

### Revocations related to asylum

3. The following provisions of retained direct EU legislation are revoked—
- (a) Council Decision of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (96/198/JHA);
  - (b) Council Decision of 26 June 1997 on monitoring the implementation of instruments adopted concerning asylum (97/420/JHA);
  - (c) Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;
  - (d) Council Decision of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (2006/688/EC);
  - (e) Commission Decision of 29 November 2007 implementing Decision No 573/2007/EC of the European Parliament and of the Council as regards the adoption of the strategic guidelines 2008 to 2013 (2007/815/EC);
  - (f) Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office;
  - (g) Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast);
  - (h) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast);
  - (i) Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;
  - (j) Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC.

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**Commencement Information**

**I47** Sch. 1 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

SCHEDULE 2

Regulation 56

Saving and transitional provisions

**PART 1**

Interpretation

**Meaning of “commencement day”**

1. In this schedule “commencement day” means the time when these Regulations come into force.

**Commencement Information**

**I48** Sch. 2 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**PART 2**

Saving and transitional provisions in relation to immigration and nationality

**British Nationality Act 1981**

2.—(1) The amendment made by regulation 7 does not affect the determination of an application made under section 5 of the British Nationality Act 1981 before commencement day which has not been determined before commencement day.

(2) For the purpose of determining such an application, section 5 applies as if the reference to a person who falls to be treated as a national of the United Kingdom for the purposes of the EU Treaties were a reference to a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.

**Commencement Information**

**I49** Sch. 2 para. 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\(2\)](#)

**Immigration and Asylum Act 1999**

3.—(1) Notwithstanding the repeal of section 84(2)(c) of the Immigration and Asylum Act 1999 by regulation 11(6)(a), until the appointed day section 84(2)(c) of that Act (but not sub-paragraph (i) of section 84(2)(c)) continues to have effect in respect of registered European lawyers.

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(2) In this paragraph—

“appointed day” means the day on which immigration rules (within the meaning of the Immigration Act 1971 <sup>M48</sup>) which expressly state that they have effect in connection with the borders and immigration system following the withdrawal of the United Kingdom from the European Union come into force;

“registered European lawyer” means a person who has registered with a designated professional body before commencement day in reliance on domestic legislation implementing Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained;

“designated professional body” has the meaning given in section 86 of the Immigration and Asylum Act 1999.

**Commencement Information**

**I50** Sch. 2 para. 3 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**

**M48** 1971 c. 77.

### Nationality, Immigration and Asylum Act 2002

<sup>F33</sup>4. ....

**Textual Amendments**

**F33** Sch. 2 para. 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

### UK Borders Act 2007

<sup>F34</sup>5. ....

**Textual Amendments**

**F34** Sch. 2 para. 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

### Detention Centre Rules 2001

6. The amendment made by regulation 26(3) does not apply in respect of any letter to the European Court of Justice relating to proceedings that were the subject of a reference to that Court made before commencement day.

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#### Commencement Information

**I51** Sch. 2 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Short-term Holding Facility Rules 2018

7. The amendment made by regulation 44(3) does not apply in respect of any letter to the Court of Justice of the European Union relating to proceedings that were the subject of a reference to that Court made before commencement day.

#### Commencement Information

**I52** Sch. 2 para. 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\(2\)](#)

## PART 3

### Saving provisions in relation to asylum

#### Regulation (EU) No 439/2010

8. Notwithstanding the revocation of Regulation (EU) No 439/2010 by regulation 54 and Part 2 of Schedule 1, Articles 21 (civil liability) and 22 (criminal liability) of that regulation continue to apply in respect of damage caused and criminal offences committed before commencement day.

#### Commencement Information

**I53** Sch. 2 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Requests for taking charge and taking back made to the UK before commencement day

9.—(1) This paragraph applies where—

- (a) a request is made to the UK before commencement day under Regulation (EU) No 604/2013 or Regulation [\(EC\) No 1560/2003](#) to take charge or take back a person to whom, when the request is made, one of the Dublin Family Provisions applies; and
- (b) a final decision in relation to the request is not taken before commencement day.

(2) Notwithstanding the revocation of Regulation [\(EC\) No 1560/2003](#) by regulation 54 and Part 2 of Schedule 1, the provisions of that Regulation referred to in sub-paragraph (3) continue to have effect in relation to the request referred to in sub-paragraph (1), so far as is relevant.

- (3) The provisions referred to in sub-paragraph (2) are—
- (a) Article 3 (processing requests for taking charge);
  - (b) Article 4 (processing of requests for taking back);
  - (c) Article 5(1) (negative reply);
  - (d) Article 6 (positive reply);

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(e) Article 11(2) and (3) (situations of dependency).

(4) Notwithstanding the revocation of Regulation (EU) No 604/2013 by regulation 54 and Part 2 of Schedule 1, the provisions of that Regulation referred to in sub-paragraph (5) continue to have effect in relation to the request referred to in sub-paragraph (1), so far as relevant, subject to the modifications set out in sub-paragraph (6).

(5) The provisions referred to in sub-paragraph (4) are—

- (a) Article 2 (definitions);
- (b) Article 6(1) (best interests of the child);
- (c) Article 22(1) to (5) (replying to a take charge request);
- (d) Article 25(1) (replying to a take back request).

(6) The modifications referred to in sub-paragraph (4) are—

- (a) Article 6(1) is to be read as if the words after “a primary consideration” were omitted;
- (b) Article 22 is to be read as if paragraph (3) were omitted, but not sub-paragraphs (a)(i) and (b);
- (c) Article 25(1) is to be read as if, at the beginning, there were inserted “Except in a case where the take back request was not made within the periods laid down in paragraph 2 of Article 23 of this Regulation as it applied in the European Union immediately before the time when the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 come into force,”.

(7) The provisions referred to in sub-paragraphs (3) and (5), and any EU legislation to which those provisions refer, are to be construed for the purposes of this paragraph as if the United Kingdom continued to be a member State.

(8) For the purposes of this paragraph, “Dublin Family Provisions” means Article 8 (minors), 9 (family members who are beneficiaries of international protection), 10 (family members who are applicants for international protection), 11 (family procedure), 16 (dependent persons) or 17(2) (discretionary clauses) of Regulation (EU) No 604/2013.

#### Commencement Information

**I54** Sch. 2 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Eurodac

**10.**—(1) Notwithstanding the revocation of the Eurodac Regulation by regulation 54 and Part 2 of Schedule 1 the provisions of the Eurodac Regulation referred to in sub-paragraph (2) continue to have effect in relation to data obtained before commencement day from Eurodac by a competent authority of the United Kingdom.

(2) The provisions referred to in sub-paragraph (1) are—

- (a) Article 34(2), sub-paragraphs (a) to (d), (h) and (i) (data security);
- (b) Article 35(1) (prohibition of transfers of data to third countries etc.);
- (c) Article 36 (logging and documentation).

(3) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued to be a Member State.

(4) For the purposes of paragraph (2), references to provisions in the Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and



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judicial cooperation in criminal matters are to be construed as references to relevant provisions in Part 3 of the Data Protection Act 2018 <sup>M49</sup>.

(5) In this paragraph—

“Eurodac” means the system including a central fingerprint database for the European Union as described in Article 3 of the Eurodac Regulation;

“the Eurodac Regulation” means Regulation (EU) No 603/2013.

#### Commencement Information

**I55** Sch. 2 para. 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

**M49** 2018 c. 12.

### Data transmitted to the UK before commencement day

**11.**—(1) This paragraph applies in relation to information transmitted to the United Kingdom before commencement day under paragraph (1) of Article 34 of Regulation (EU) No 604/2013 (information sharing).

(2) Notwithstanding the revocation of Regulation (EU) No 604/2013 by regulation 54 and Part 2 of Schedule 1, the provisions of that Regulation referred to in sub-paragraph (3) continue to have effect in relation to the information, subject to the modification set out in sub-paragraph (4).

(3) The provisions referred to in sub-paragraph (2) are—

- (a) Article 2 (definitions), so far as relevant to the provisions referred to in paragraph (b);
- (b) Article 34(9) and (11).

(4) The modification referred to in sub-paragraph (2) is that Article 34(9) is to be read as if—

- (a) in the second sub-paragraph, for “this Regulation or Directive 95/46/EC” there were substituted “ this Regulation or the data protection legislation (within the meaning of section 3(9) of the Data Protection Act 2018 <sup>M50</sup>) as modified from time to time ”;
- (b) in the third sub-paragraph, “or receiving” were omitted.

(5) The provisions referred to in sub-paragraph (3) are to be construed as if the United Kingdom continued to be a member State.

#### Commencement Information

**I56** Sch. 2 para. 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

**M50** 2018 c. 12.

### Data transmitted by the UK before commencement day

**12.**—(1) This paragraph applies in relation to information transmitted by the United Kingdom before commencement day under paragraph (1) of Article 34 of Regulation (EU) No 604/2013 (information sharing).

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(2) Notwithstanding the revocation of Regulation (EU) No 604/2013 by regulation 54 and Part 2 of Schedule 1, Article 34(8) continues to have effect in relation to the information, subject to the modification set out in sub-paragraph (3).

- (3) The modification referred to in sub-paragraph (2) is that Article 34(8) is to be read as if—
- (a) the last sentence were omitted;
  - (b) the United Kingdom continued to be a member State.

#### Commencement Information

**I57** Sch. 2 para. 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)

## SCHEDULE 3

Regulation 57

### Amendments consequential on revocation of the Displaced Persons (Temporary Protection) Regulations 2005

#### Commencement Information

**I58** Sch. 3 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)

In consequence of the revocation of the Displaced Persons (Temporary Protection) Regulations 2005 by regulation 52, the following provisions (which are inserted by those Regulations) are repealed—

- (a) section 3A(7C) of the Protection from Eviction Act 1977 <sup>M51</sup>;
- (b) paragraph 3B of Schedule 2 to the Housing (Northern Ireland) Order 1983 <sup>M52</sup> and the italic heading before it;
- (c) section 23A(5B) of the Rent (Scotland) Act 1984 <sup>M53</sup>;
- (d) paragraph 4B of Schedule 1 to the Housing Act 1985 <sup>M54</sup> and the italic heading before it;
- (e) paragraph 12B of Schedule 1 to Housing Act 1988 <sup>M55</sup> and the italic heading before it;
- (f) paragraph 11C of Schedule 4 to the Housing (Scotland) Act 1988 <sup>M56</sup> and the italic heading before it;
- (g) paragraph 11 of Schedule 1 to the Housing (Scotland) Act 2001 <sup>M57</sup> and the italic heading before it.

#### Marginal Citations

- M51** 1977 c. 43. Section 3A was inserted by section 31 of the Housing Act 1988 (c. 50). Subsection (7C) was inserted by S.I. 2005/1379.
- M52** S.I. 1118/1983 (N.I. 15). Paragraph 3B was inserted by S.I. 2005/1379.
- M53** 1984 c. 58. Section 23A was inserted by section 40 of the Housing (Scotland) Act 1988. Subsection (5B) was inserted by S.I. 2005/1379.
- M54** 1985 c. 68. The paragraph 4B of Schedule 1, which is repealed by this instrument, was inserted by S.I. 2005/1379. Section 32(6) of the Nationality, Immigration and Asylum Act 2002 also inserted a paragraph 4B in Schedule 1 which is unaffected by this instrument. The latter amendment is not yet in force.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**M55** 1988 c. 50. Paragraph 12B of Schedule 1 was inserted by [S.I. 2005/1379](#).

**M56** 1988 c. 43. Paragraph 11C of Schedule 4 was inserted by [S.I. 2005/1379](#).

**M57** 2001 asp 10. Paragraph 11 of Schedule 1 was inserted by [S.I. 2005/1379](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by sections 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c), (d), (e), (f) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

They also make saving and transitional provision under paragraph 21 of Schedule 7 to the 2018 Act.

These Regulations make amendments to legislation in the field of immigration, nationality and asylum.

Part 2 makes amendments relating to immigration and nationality as follows:

Chapter 1 amends primary legislation.

Chapter 2 amends subordinate legislation.

Chapter 3 revokes subordinate legislation.

Chapter 4 and Part 1 of Schedule 1 revoke retained direct EU legislation. Chapter 4 also disapplies EU-derived rights, powers, liabilities, obligations, restrictions, remedies and procedures that are inconsistent with provision made in Part 1 of these Regulations.

Chapter 5 partially disapplies rights related to immigration derived from the EC association agreement with Turkey that would otherwise continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018. The effect of the amendment is to provide that those rights no longer apply in relation to the imposition of restrictions on residence rights (including deportation) by reference to conduct that takes place on or after the day on which these Regulations come into force.

Part 3 makes amendments relating to asylum as follows:

Chapter 1 amends primary legislation.

Chapter 2 revokes secondary legislation.

Chapter 3 and Part 2 of Schedule 1 revoke retained direct EU legislation.

Chapter 4 revokes those rights etc. derived from certain international agreements that would otherwise continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018.

Part 4 (supplementary) introduces Schedule 2 which makes saving and transitional provision and Schedule 3 which makes amendments consequential on the revocation of the Displaced Persons (Temporary Protection) Regulations 2005.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration, Nationality and Asylum (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Pt. 3 Ch. 4 omitted by [S.I. 2024/80 Sch. para. 11\(b\)](#)
- reg. 43(9) omitted by [S.I. 2019/1383 reg. 3\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 43(14) substituted by [S.I. 2019/1383 reg. 3\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 48 omitted by [S.I. 2024/80 Sch. para. 11\(a\)](#)
- reg. 49(3) words substituted by [S.I. 2019/1383 reg. 3\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 49(2)-(2B) substituted for reg. 49(2) by [S.I. 2019/1383 reg. 3\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 49(4) inserted by [S.I. 2019/1383 reg. 3\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)