

SCHEDULE 5

Regulation 31(2)

CONSEQUENTIAL AMENDMENTS

Statutory Instruments

*The Channel Tunnel (International Arrangements) Order 1993*

- 1.—(1) The Channel Tunnel (International Arrangements) Order 1993(1) is amended as follows.
- (2) In Schedule 4, in paragraph 5—
- (a) at the beginning of the paragraph, for “the Immigration (European Economic Area) Regulations 2000” there is substituted “the Immigration (European Economic Area) Regulations 2006”;
  - (b) in sub-paragraph (a), for “regulation 12(2)” there is substituted “regulation 11(2)” and for “residence document or document proving family membership” there is substituted “residence card or permanent residence card”;
  - (c) for sub-paragraph (b) there is substituted—
    - “(b) in regulations 11(4) and 19(2) after the word “arrival” and in regulations 20(4) and (5) after the words “United Kingdom” insert “or the time of his production of the required documents in a control zone or a supplementary control zone”.

*The Travel Restriction Order (Prescribed Removal Powers) Order 2002*

- 2.—(1) The Travel Restriction Order (Prescribed Removal Powers) Order 2002(2) is amended as follows.
- (2) In the Schedule, for “Immigration (European Economic Area) Regulations 2000 (2000/2326)” in the first column of the table there is substituted “Immigration (European Economic Area) Regulations 2006” and for “Regulation 21(3)” in the corresponding row in the second column of the table there is substituted “Regulation 19(3)”.

*The Immigration (Notices) Regulations 2003*

- 3.—(1) The Immigration (Notices) Regulations 2003(3) are amended as follows.
- (2) In regulation 2, in the definition of “EEA decision”—
- (a) at the end of paragraph (b), “or” is omitted;
  - (b) in paragraph (c), after “residence document;”, there is inserted “or”; and
  - (c) after paragraph (c), there is inserted—
    - “(d) on or after 30th April 2006, entitlement to be issued with or have renewed, or not to have revoked, a registration certificate, residence card, document certifying permanent residence or permanent residence card;”

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(1) S.I.1993/1813, amended by S.I. 1994/1405, S.I. 1996/2283, S.I. 2000/913, S.I. 2000/1775, S.I. 2001/178, S.I. 2001/418, S.I. 2001/1544, S.I. 2000/3707 and S.I. 2003/2799.  
(2) S.I. 2002/313.  
(3) S.I. 2003/658.

*The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003*

**4.**—(1) The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003<sup>(4)</sup> is amended as follows.

(2) In article 11(1), for sub-paragraph (e) there is substituted—

“(e) the Immigration (European Economic Area) Regulations 2006.”.

(3) In Schedule 2, in paragraph 5—

(a) at the beginning of the paragraph, for “the Immigration (European Economic Area) Regulations 2000” there is substituted “the Immigration (European Economic Area) Regulations 2006”;

(b) in sub-paragraph (a), for “in regulation 2, at the beginning insert” there is substituted “in regulation 2(1), after the definition of “civil partner” insert”;

(c) in sub-paragraph (b), for “regulation 12(2)” there is substituted “regulation 11(2)” and for “residence document or document proving family membership” there is substituted “residence card or permanent residence card”;

(d) for sub-paragraph (c) there is substituted—

“(c) in regulations 11(4) and 19(2) after the word “arrival” and in regulations 20(4) and (5) after the words “United Kingdom” insert “or the time of his production of the required documents in a Control Zone”.

*The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003*

**5.**—(1) The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2003<sup>(5)</sup> is amended as follows.

(2) In Article 2, in the definition of “EEA national” and “family member of an EEA national”, for “Immigration (European Economic Area) Regulations 2000” there is substituted “Immigration (European Economic Area) Regulations 2006”.

*The Immigration (Restrictions on Employment) Order 2004*

**6.**—(1) The Immigration (Restrictions on Employment) Order 2004<sup>(6)</sup> is amended as follows.

(2) In Part 1 of the Schedule (descriptions of documents for the purpose of article 4(2)(a) of the Order)—

(a) for paragraph 4 there is substituted—

“**4.** A registration certificate or document certifying permanent residence within the meaning of regulation 2 of the Immigration (European Economic Area) Regulations 2006, including a document which is treated as a registration certificate or document certifying permanent residence by virtue of Schedule 4 to those Regulations.”;

(b) for paragraph 5 there is substituted—

“**5.** A residence card or a permanent residence card within the meaning of regulation 2 of the Immigration (European Economic Area) Regulations 2006, including a document which is treated as a residence card or a permanent residence card by virtue of Schedule 4 to those Regulations”.

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(4) S.I. [2003/2818](#).

(5) S.I. [2003/3214](#).

(6) S.I. [2004/755](#).

*The Accession (Immigration and Worker Registration) Regulations 2004*

7.—(1) The Accession (Immigration and Worker Registration) Regulations 2004(7) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after paragraph (b) there is inserted—

“(ba) “the 2006 Regulations” means the Immigration (European Economic Area) Regulations 2006;”;

(b) in paragraph (j), for “regulation 3 of the 2000 Regulations” there is substituted “regulation 4 of the 2006 Regulations”.

(3) In regulation 2 (“accession State worker requiring registration”)—

(a) for paragraph (6)(b) there is substituted—

“(b) a family member of a Swiss or EEA national (other than an accession State worker requiring registration) who has a right to reside in the United Kingdom under regulation 14(1) or 15 of the 2006 Regulations;”;

(b) paragraph (9)(a) is omitted;

(c) for paragraph (9)(c) there is substituted—

“(c) “family member” has the same meaning as in regulation 7 of the 2006 Regulations.”.

(4) In regulation 4 (right of residence of work seekers and workers from relevant acceding States during the accession period)—

(a) in paragraph (1), before “Council Directive” there is inserted “Council Directive [2004/38/EC](#) of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States(8), insofar as it takes over provisions of”;

(b) in paragraph (3), for “2000 Regulations” there is substituted “2006 Regulations”;

(c) in paragraph (4), for “An” there is substituted “A national of a relevant accession State who is seeking employment and an” and for “2000 Regulations” there is substituted “2006 Regulations”.

(5) For regulation 5 (application of 2000 Regulations in relation to accession State worker requiring registration) there is substituted—

“Application of 2006 Regulations in relation to accession State worker requiring registration

5.—(1) The 2006 Regulations shall apply in relation to a national of a relevant accession State subject to the modifications set out in this regulation.

(2) A national of a relevant accession State who is seeking employment in the United Kingdom shall not be treated as a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of the 2006 Regulations and an accession State worker requiring registration shall be treated as a worker for the purpose of that definition only during a period in which he is working in the United Kingdom for an authorised employer.

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(7) S.I. [2004/1219](#); amended by S.I. [2004/1236](#) and S.I. [2005/2400](#).

(8) OJ L 158, 30.4.2004, p.77 (the full title of the Directive is Council Directive [2004/38/EC](#) of the European Parliament and the Council on the rights of citizens of the Union and their family members to move and reside freely within the territory of the member States amending Regulation (EEC) No. [1612/68](#) and repealing Directives [64/221/EEC](#), [68/360/EEC](#), [72/194/EEC](#), [75/34/EEC](#), [90/364/EEC](#), [90/365/EEC](#) and [93/96/EEC](#)).

*Status: This is the original version (as it was originally made).*

(3) Subject to paragraph (4), regulation 6(2) of the 2006 Regulations shall not apply to an accession State worker requiring registration who ceases to work.

(4) Where an accession State worker requiring registration ceases working for an authorised employer in the circumstances mentioned in regulation 6(2) of the 2006 Regulations during the one month period beginning on the date on which the work begins, that regulation shall apply to that worker during the remainder of that one month period.

(5) An accession State worker requiring registration shall not be treated as a qualified person for the purpose of regulations 16 and 17 of the 2006 Regulations (issue of registration certificates and residence cards).”

*The Asylum and Immigration Tribunal (Procedure) Rules 2005*

**8.—(1)** The Asylum and Immigration Tribunal (Procedure) Rules 2005<sup>(9)</sup> are amended as follows.

(2) In regulation 18(1)(b), after “(“the 2000 Regulations”)“ there is inserted “or, on or after 30<sup>th</sup> April 2006, paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006 (“the 2006 Regulations”)“.

(3) In regulation 18(2), after “2000 Regulations” there is inserted “or paragraph 4(2) of Schedule 2 to the 2006 Regulations”.

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<sup>(9)</sup> S.I. 2005/230.