

STATUTORY INSTRUMENTS

2019 No. 745

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

PART 2

Immigration and Nationality

Chapter 1

Amendment of primary legislation

Amendment of the Marriage Act 1949

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

Commencement Information

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

Marginal Citations

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

Amendment of the Aliens' Employment Act 1955

^{F13}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 ^{M2} is amended as follows.

(2) In section 2 (statement of right of abode in United Kingdom) ^{M3}, 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) ^{M4}—

- (a) in the heading, after “member State” insert “ or the United Kingdom ”;
- ^{F2}(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 ^{M5} 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) ^{M6}, 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

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

Marginal Citations

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

Amendment of the Marriage (Scotland) Act 1977

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

Commencement Information

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

Marginal Citations

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

Amendment of the Rent Act 1977

^{F3}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 ^{M8} (acquisition by registration: nationals for purposes of the EU Treaties) substitute—

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

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

Commencement Information

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

Marginal Citations

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

Amendment of the Immigration Act 1988

^{F4}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 ^{M9} (offences which are to be disclosed subject to rules), in paragraph 69 (immigration, etc), in sub-paragraph (c), in the words in brackets, after “member State” insert “ or the United Kingdom ”.

Commencement Information

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

Marginal Citations

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

Amendment of the Immigration and Asylum Act 1999

11.—(1) The Immigration and Asylum Act 1999 ^{M10} is amended as follows.

F6(2)

(3) In section 24 (duty to report suspicious marriages) ^{M11}, 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) ^{M12}, 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) ^{M13}, in subsection (2)—

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

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

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

(8) In section 93 (disclosure of information)^{M15}, in subsection (3)(b), omit “or any EU obligation of the Commissioner”.

Textual Amendments

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

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

Commencement Information

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

Marginal Citations

M10 [1999 c. 33](#).

M11 Section 24(6) was substituted by section 55(2) of the Immigration Act 2014. There have been other amendments to this section which are not relevant to these Regulations.

M12 Section 24A was inserted by section 261(1) of, and paragraph 162 of Schedule 27 to, the Civil Partnership Act 2004. Subsection (5A) was inserted by section 55(1) and (3) of the [Immigration Act 2014 \(c. 22\)](#). There have been other amendments to this section which are not relevant to these Regulations.

M13 Section 84 was amended by section 37(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and by paragraph 12(2)(b) of Schedule 18 to the [Legal Services Act 2007 \(c. 29\)](#). There have been other amendments to this section, which are not relevant to these Regulations.

M14 Section 86 was amended by paragraph 13(5) of Schedule 18 to the Legal Services Act 2007. There have been other amendments to this section which are not relevant to these Regulations.

M15 Section 93 was amended by [S.I. 2011/1043](#). There have been other amendments to this section which are not relevant to these Regulations.

Amendment of the Nationality, Immigration and Asylum Act 2002

12.—(1) The Nationality, Immigration and Asylum Act 2002^{M16} is amended as follows.

^{F8}(2)

^{F9}(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)—

^{F10}(a)

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

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

^{F11}(c)

^{F12}(d)

Textual Amendments

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

Commencement Information

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

Marginal Citations

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

Amendment of the Marriage (Northern Ireland) Order 2003

13. In article 2 of the Marriage (Northern Ireland) Order 2003 ^{M17} (interpretation), in paragraph (2), in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”.

Commencement Information

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

Marginal Citations

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

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

^{F13}14.

Textual Amendments

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

Amendment of the Civil Partnership Act 2004

15. In section 30A of the Civil Partnership Act 2004 ^{M18} (relevant nationals), in paragraph (b), omit “other than the United Kingdom”.

Commencement Information

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

Marginal Citations

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

Amendment of the Serious Crime Act 2007

16. In Schedule 3 to the Serious Crime Act 2007 ^{M19} (listed offences), in paragraph 11, in the words in brackets, after “member State” insert “ or the United Kingdom ”.

Commencement Information

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

Marginal Citations

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

Amendment of the UK Borders Act 2007

17.—(1) The UK Borders Act 2007 ^{M20} is amended as follows.

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

^{F14}(3)

^{F15}(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**

Changes to legislation: There are currently no known outstanding effects for the The Immigration, Nationality and Asylum (EU Exit) Regulations 2019, Chapter 1. (See end of Document for details)

Commencement Information

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

Marginal Citations

M20 2007 c. 30.

Amendment of the Criminal Justice and Immigration Act 2008

^{F16}**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 ^{M21} is amended as follows.
- (2) In section 1 (general customs functions of the Secretary of State), in subsection (8)(c), for “EU law” in each place where it appears substitute “retained EU law”.
- (3) In section 7 (customs revenue functions of the Director), in subsection (2), omit paragraph (a).
- (4) In section 26 (transfer schemes), in subsection (7), in the definition of “relevant function”, in paragraph (b), for “EU law” substitute “retained EU law”.
- (5) In section 38 (interpretation), omit the definition of “EU law”.

Commencement Information

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

Marginal Citations

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

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

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

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

Commencement Information

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

Marginal Citations

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

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

Amendment of the Immigration Act 2014

21.—(1) The Immigration Act 2014 ^{M24} is amended as follows.

^{F17}(2)

^{F18}(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”.

^{F19}(7)

Changes to legislation: There are currently no known outstanding effects for the The Immigration, Nationality and Asylum (EU Exit) Regulations 2019, Chapter 1. (See end of Document for details)

Textual Amendments

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

Commencement Information

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

Marginal Citations

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

Amendment of the Modern Slavery Act 2015

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

Commencement Information

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

Marginal Citations

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

Changes to legislation:

There are currently no known outstanding effects for the The Immigration, Nationality and Asylum (EU Exit) Regulations 2019, Chapter 1.