
STATUTORY INSTRUMENTS

2019 No. 745

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

PART 2

Immigration and Nationality

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 ^{M1} (qualifications for appointment) become paragraph (1) of that regulation and—

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

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

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

Commencement Information

- II** 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

- M1** [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

^{F1}**24.**

Textual Amendments

- F1** 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

F2 25.

Textual Amendments

- F2** 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 ^{M2} 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

- I2** 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

- M2** [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 ^{M3} (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

I3 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

M3 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 ^{M4} (application of criminal law to a Control Zone in France), in paragraph (1)(b), after “member State” insert “ or the United Kingdom ”.

Commencement Information

I4 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

M4 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 ^{M5} (qualifications for appointment to a police force)—

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

Commencement Information

I5 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

M5 **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 ^{M6} are amended as follows.

^{F3}(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) ”.

^{F4}(4)

^{F5}(5)

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

^{F6}(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 ”;

^{F7}(c)

Textual Amendments

F3 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**

F4 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**

F5 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**

F6 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**

F7 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

I6 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

M6 [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 ^{M7} (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

I7 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

M7 [S.R. 2004 No. 2](#). Regulation 1B was inserted by [S.R. 2009 No. 391](#). There have been other amendments to the Regulations which are not relevant to these Regulations.

Amendment of the Police Service of Northern Ireland Regulations 2005

32. In regulation 10 of the Police Service of Northern Ireland Regulations 2005 ^{M8} (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,

Changes to legislation: There are currently no known outstanding effects for the The Immigration, Nationality and Asylum (EU Exit) Regulations 2019, Chapter 2. (See end of Document for details)

- (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

I8 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

M8 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

^{F8}**33.**

Textual Amendments

F8 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

^{F9}**34.**

Textual Amendments

F9 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 ^{M9} (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

I9 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

M9 **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^{M10} (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

I10 Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M10 **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^{M11}, in the definition of “Schengen Acquis State”, omit “United Kingdom and”.

Commencement Information

I11 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

M11 **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^{M12} (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

I12 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

M12 [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 ^{M13} (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

I13 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

M13 [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 ^{M14} (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

I14 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

M14 [S.I. 2015/404](#).

Amendment of the Immigration (Health Charge) Order 2015

41. In Schedule 2 to the Immigration (Health Charge) Order 2015 ^{M15}, 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

I15 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

M15 [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

^{F10}42.

Textual Amendments

F10 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

^{F11}43.

Textual Amendments

F11 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 ^{M16} are amended as follows.

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

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

Commencement Information

I16 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

M16 [S.I. 2018/409](#).

Changes to legislation:

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