



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART V

#### GENERAL AND SUPPLEMENTAL

##### *Interpretation*

##### **[<sup>F1</sup>203B Meaning of “EU citizen with retained rights”**

- (1) In this Act “EU citizen with retained rights” means a person who—
  - (a) is a citizen of a country falling within subsection (8),
  - (b) was a citizen of the Union immediately before IP completion day,
  - (c) was resident in the United Kingdom or any of the Islands immediately before that day,
  - (d) falls within any of subsections (2) to (4), and
  - (e) is not a qualifying EU citizen.
- (2) A person falls within this subsection if the person—
  - (a) has UK or Islands leave granted by virtue of residence scheme immigration rules, and
  - (b) has such leave otherwise than in accordance with provision in residence scheme immigration rules for joining family members.
- (3) A person falls within this subsection if—
  - (a) the person has UK or Islands leave but does not fall within subsection (2), and
  - (b) the requirements of subsection (5) are met in relation to the person.
- (4) A person falls within this subsection if—
  - (a) the person does not require UK or Islands leave,
  - (b) the person is resident in the United Kingdom or any of the Islands, and
  - (c) the requirements of subsection (5) are met in relation to the person.
- (5) The requirements referred to in subsections (3)(b) and (4)(c) are that—

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*Status: Point in time view as at 04/04/2024. This version of this provision has been superseded.*

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- (a) at all times since the relevant date, the person has either had UK or Islands leave or not required UK or Islands leave, and
  - (b) the person was resident in the United Kingdom or any of the Islands at all times after the relevant date when the person did not require UK or Islands leave.
- (6) In determining whether the requirement in subsection (5)(a) is met in relation to a person, any period to which subsection (7) applies is to be disregarded if the person was resident in the United Kingdom or any of the Islands during the period.
- (7) This subsection applies to any period after the relevant date during which the person required UK or Islands leave but did not have it, if at the end of the period the person was granted UK or Islands leave—
- (a) in pursuance of an application made before the end of the relevant date, or
  - (b) in pursuance of an application made after the relevant date, where the leave was granted—
    - (i) by virtue of residence scheme immigration rules, and
    - (ii) otherwise than in accordance with provision in such rules for joining family members.
- (8) A country falls within this subsection where the country—
- (a) was a member State immediately before IP completion day, other than the Republic of Ireland,
  - (b) was part of a member State immediately before IP completion day, other than the Republic of Ireland, or
  - (c) is formed of two or more former countries, at least one of which was a member State immediately before IP completion day, other than the Republic of Ireland.
- (9) In this section a reference to a person having UK or Islands leave includes a reference to a person who is, by virtue of any enactment, to be treated as having such leave.
- (10) In this section—
- “the 1971 Act” means the Immigration Act 1971;
  - “the Islands” means the Channel Islands and the Isle of Man;
  - “the relevant date” means 30 June 2021;
  - “immigration rules” has the same meaning as in the 1971 Act;
  - “residence scheme immigration rules” means—
    - (a) residence scheme immigration rules within the meaning of Part 3 of the European Union (Withdrawal Agreement) Act 2020 (see section 17(1) of that Act),
    - (b) Appendix EU to the Guernsey immigration rules,
    - (c) Appendix EU to the Isle of Man immigration rules, or
    - (d) Appendix EU(J) to the Jersey immigration rules;
  - “UK or Islands leave” means leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands.
- (11) In this section—
- “Guernsey immigration rules” means the rules made in respect of the Bailiwick of Guernsey under sections 1(4) and 3(2) of the 1971 Act as extended to that Bailiwick;

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“Isle of Man immigration rules” means the rules made in respect of the Isle of Man under section 3(2) of the 1971 Act as extended to the Isle of Man;

“Jersey immigration rules” means the rules contained in the directions made in respect of the Bailiwick of Jersey under sections 1(4A) and 3(2) of the 1971 Act as extended to that Bailiwick.

(12) References in this section to provision in residence scheme immigration rules for joining family members are references to—

- (a) paragraph EU11A or EU14A of Appendix EU to the immigration rules or provision replacing either of those paragraphs, or
- (b) provision corresponding to provision within paragraph (a) in the Guernsey immigration rules, the Isle of Man immigration rules or the Jersey immigration rules.]

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**Textual Amendments**

**F1** Ss. 203A, 203B inserted (E.W.N.I.) (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(4)(b), [Sch. 8 para. 1\(11\)](#); S.I. 2023/1145, reg. 3(i)

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