
STATUTORY INSTRUMENTS

2004 No. 1219

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

PART 1

General

“Accession State worker requiring registration”

2.—(1) Subject to the following paragraphs of this regulation, “accession State worker requiring registration” means a national of a relevant accession State working in the United Kingdom during the accession period.

(2) A national of a relevant accession State is not an accession State worker requiring registration if on 30th April 2004 he had leave to enter or remain in the United Kingdom under the 1971 Act and that leave was not subject to any condition restricting his employment.

(3) A national of a relevant accession State is not an accession State worker requiring registration if he was legally working in the United Kingdom on 30th April 2004 and had been legally working in the United Kingdom without interruption throughout the period of 12 months ending on that date.

(4) A national of a relevant accession State who legally works in the United Kingdom without interruption for a period of 12 months falling partly or wholly after 30th April 2004 shall cease to be an accession State worker requiring registration at the end of that period of 12 months.

(5) A national of a relevant accession State is not an accession State worker requiring registration during any period in which he is also a national of —

- (a) the United Kingdom;
- (b) another EEA State, other than a relevant accession State; or
- (c) Switzerland.

(6) A national of a relevant accession State is not an accession State worker requiring registration during any period in which he is —

- (a) a posted worker; or
- (b) a family member of a Swiss or EEA national who is in the United Kingdom as —
 - (i) a worker, other than as an accession State worker requiring registration;
 - (ii) a self-sufficient person;
 - (iii) a retired person; or
 - (iv) a student.

(7) For the purpose of this regulation —

- (a) a person working in the United Kingdom during a period falling before 1st May 2004 was legally working in the United Kingdom during that period if —

- (i) he had leave to enter or remain in the United Kingdom under the 1971 Act for that period, that leave allowed him to work in the United Kingdom, and he was working in accordance with any condition on that leave restricting his employment; or
 - (ii) he was entitled to reside in the United Kingdom for that period under the 2000 Regulations without the requirement for such leave;
 - (b) a person working in the United Kingdom on or after 1st May 2004 is legally working during any period in which he is working in the United Kingdom for an authorised employer;
 - (c) a person shall also be treated as legally working in the United Kingdom on or after 1st May 2004 during any period in which he falls within paragraph (5) or (6).
- (8) For the purpose of paragraphs (3) and (4), a person shall be treated as having worked in the United Kingdom without interruption for a period of 12 months if he was legally working in the United Kingdom at the beginning and end of that period and any intervening periods in which he was not legally working in the United Kingdom do not, in total, exceed 30 days.
- (9) In this regulation —
- (a) “retired person” and “student” have the same meaning as in regulation 3 of the 2000 Regulations;
 - (b) “posted worker” means a person whose employer is not established in the United Kingdom and who works for that employer in the United Kingdom for the purpose of providing services on his employer’s behalf;
 - (c) “family member” means —
 - (i) in relation to a worker, his spouse and his children who are under 21 or dependent on him;
 - (ii) in relation to any other person, his spouse and his children who are dependent on him.