

## SCHEDULE 5

### CONSEQUENTIAL AMENDMENTS

#### Statutory Instruments

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

7.—(1) The Accession (Immigration and Worker Registration) Regulations 2004<sup>(1)</sup> 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<sup>(2)</sup>, 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.

<sup>(1)</sup> S.I.2004/1219; amended by S.I. 2004/1236 and S.I. 2005/2400.

<sup>(2)</sup> 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).

(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.

(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).”