



STATUTORY INSTRUMENTS.

S.I. No. 403 of 2021

IMMIGRATION ACT 2004 (REGISTRATION CERTIFICATE FEE)
(AMENDMENT) REGULATIONS 2021

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I, HEATHER HUMPHREYS, Minister for Justice, in exercise of the powers conferred on me by sections 19 (amended by section 34(c) of the Civil Law (Miscellaneous Provisions) Act 2011 (No. 23 of 2011)) and 20 of the Immigration Act 2004 (No. 1 of 2004) (as adapted by the Justice and Equality (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 452 of 2020)), make the following regulations:

1. These Regulations may be cited as the Immigration Act 2004 (Registration Certificate Fee) (Amendment) Regulations 2021.

2. In these Regulations, “Regulations of 2012” means the Immigration Act 2004 (Registration Certificate Fee) Regulations 2012 (S.I. No. 444 of 2012).

3. Regulation 2 of the Regulations of 2012 is amended -

- (a) by the deletion of the definition of “Minister”, and
- (b) by the insertion of the following definitions after the definition of “civil partner”:

“ ‘Directive’ means Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004¹;

‘Regulations of 2015’ means the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015);

‘Regulations of 2020’ means the European Union (Withdrawal Agreement) (Citizens’ Rights) Regulations 2020 (S.I. No. 728 of 2020);

‘Withdrawal Agreement’ means the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community². ”.

4. Regulation 4 of the Regulations of 2012 is amended in paragraph (a) -

- (a) in subparagraph (iii), by the deletion of “or” where it lastly occurs,
- (b) by the substitution of the following subparagraph for subparagraph (iv):

¹ OJ No. L 158, 30.4.2004, p. 77

² OJ No. CI 384, 12.11.2019, p. 1

“(iv) holders of a valid residence card issued under Regulation 7(5)(a) of the Regulations of 2015 or a document called ‘Residence card of a family member of a Union citizen’, as referred to in Article 10 of the Directive;”,

and

(c) by the insertion of the following subparagraphs after subparagraph (iv):

“(v) holders of a valid residence document issued in accordance with Article 18(4) of the Withdrawal Agreement and referred to in Regulations 8 and 9 of the Regulations of 2020,

(vi) holders of a valid permanent residence card issued under Regulation 15(3) of the Regulations of 2015, or,

(vii) holders of a valid permanent residence document issued in accordance with Article 18(4) of the Withdrawal Agreement and referred to in Regulations 11(1) and 12(1) of the Regulations of 2020;”.

GIVEN under my Official Seal,
29 July, 2021.

HEATHER HUMPHREYS,
Minister for Justice.



L.S.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations amend the Immigration Act 2004 (Registration Certificate Fee) Regulations 2012 (S.I. No. 444 of 2012).

They amend Regulation 4 of the 2012 Regulations to provide that persons who hold a residence document or permanent residence document issued in accordance with Article 18(4) of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community are exempt from paying a fee for obtaining the residence document.

They also clarify that the registration fee is waived in respect of persons who hold a residence card issued under Regulation 7(5)(a) of the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015), or a permanent residence card issued under Regulation 15(3) of the 2015 Regulations.

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