

SCHEDULES

SCHEDULE 6

Section 59

INFORMATION

PART 1

DISCLOSURE OF INFORMATION ETC WHERE PROPOSED MARRIAGE OR CIVIL PARTNERSHIP REFERRED TO SECRETARY OF STATE

- 1 (1) This paragraph applies if—
- (a) a superintendent registrar refers a proposed marriage to the Secretary of State under section 28H of the Marriage Act 1949, or
 - (b) a registration authority refers a proposed civil partnership to the Secretary of State under section 12A of the Civil Partnership Act 2004.
- (2) The Secretary of State may—
- (a) disclose relevant information to a registration official, or
 - (b) supply a document containing relevant information to a registration official.
- (3) In this paragraph “relevant information” means any of the following information—
- (a) the fact that the proposed marriage or civil partnership has been referred to the Secretary of State;
 - (b) the names of the parties to the proposed marriage or civil partnership;
 - (c) in the case of a proposed marriage—
 - (i) any information included with the referral in accordance with regulations under section 28H of the Marriage Act 1949;
 - (ii) any address of a party to the proposed marriage notified to the Secretary of State in accordance with such regulations or regulations under section 28D of the Marriage Act 1949;
 - (d) in the case of a proposed civil partnership—
 - (i) any information included with the referral in accordance with regulations under section 12A of the Civil Partnership Act 2004;
 - (ii) any address of a party to the proposed civil partnership notified to the Secretary of State in accordance with such regulations or regulations under section 9B of the Civil Partnership Act 2004;
 - (e) details of any immigration enforcement action taken by the Secretary of State in respect of a party to the proposed marriage or civil partnership (including any action taken after solemnization of the marriage or formation of the civil partnership);
 - (f) details of any immigration decision taken wholly or partly by reference to the marriage or civil partnership (whether while it was proposed or after it was solemnized or formed).

PART 2

DISCLOSURE OF INFORMATION ETC FOR IMMIGRATION PURPOSES ETC

Disclosures by registration officials

- 2 (1) A registration official may—
- (a) disclose any information held by the registration official, or
 - (b) supply any document held by the registration official,
- to the Secretary of State, or to another registration official, for use for either of the following purposes.
- (2) Those purposes are—
- (a) immigration purposes;
 - (b) purposes connected with the exercise of functions relating to—
 - (i) the referral of proposed marriages to the Secretary of State under section 28H of the Marriage Act 1949, or
 - (ii) the referral of proposed civil partnerships to the Secretary of State under section 12A of the Civil Partnership Act 2004.
- (3) In this paragraph “immigration purposes” means—
- (a) the administration of immigration control under the Immigration Acts;
 - (b) the prevention, detection, investigation or prosecution of criminal offences relating to immigration;
 - (c) the imposition of penalties or charges under Part 3 of the Immigration and Asylum Act 1999;
 - (d) the provision of support for asylum-seekers and their dependants under Part 6 of that Act;
 - (e) such other purposes as may be specified by the Secretary of State by order.
- 3 A registration official may disclose to another registration official—
- (a) the fact that a suspicion about a marriage or civil partnership has been reported to the Secretary of State under section 24 or 24A of the Immigration and Asylum Act 1999, and
 - (b) the content of any such report,
- (whether or not the suspicion was reported by the registration official making the disclosure).

Disclosures by the Secretary of State

- 4 (1) The Secretary of State may—
- (a) disclose any information held by the Secretary of State, or
 - (b) supply any document held by the Secretary of State,
- to a registration official for use for verification purposes.
- (2) In this paragraph “verification purposes” means—
- (a) assisting in the verification of information provided to a relevant official by a person giving—
 - (i) notice of marriage under section 27 of the Marriage Act 1949, or
 - (ii) notice under section 8 of the Civil Partnership Act 2004;

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- (b) assisting in the verification of the immigration status of a person who contacts a relevant official in connection with the exercise of a function by a registration official;
 - (c) assisting in the verification of whether a person who contacts a relevant official in connection with the exercise of a function by a registration official—
 - (i) is suspected of involvement in crime relating to immigration, or
 - (ii) has been convicted of an offence relating to immigration.
- (3) In this paragraph “relevant official” means—
- (a) a registration official, or
 - (b) any other person employed to assist the exercise of functions by registration officials.

PART 3

DISCLOSURE OF INFORMATION ETC FOR PREVENTION OF CRIME ETC

- 5 (1) A registration official may—
- (a) disclose any information held by the registration official, or
 - (b) supply any document held by the registration official,
- to an eligible person, or to another registration official in England and Wales, for use for crime-fighting purposes.
- (2) Information is disclosed, or a document is supplied, for use for crime-fighting purposes if condition A and condition B are met.
- (3) Condition A is met if the registration official disclosing the information or supplying the document has reasonable grounds for suspecting that a criminal offence has been, is being, or is going to be committed.
- (4) Condition B is met if the registration official discloses the information or supplies the document for use for one or both of these purposes—
- (a) assisting in the verification of information supplied to that or any other registration official;
 - (b) assisting in the prevention, detection, investigation or prosecution of a criminal offence.
- (5) In this section “eligible person” means—
- (a) the Secretary of State;
 - (b) the Commissioners for Her Majesty’s Revenue and Customs;
 - (c) a member of a police force operating in England and Wales or any part of it;
 - (d) a county council, a district council or a county borough council;
 - (e) the Greater London Authority, a London borough council or the Common Council of the City of London.

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PART 4

GENERAL PROVISIONS

Limitations on powers

- 6 This Schedule does not authorise—
- (a) a disclosure, in contravention of any provisions of the Data Protection Act 1998, of personal data which are not exempt from those provisions, or
 - (b) a disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

No breach of confidentiality etc

- 7 A disclosure of information which is authorised by this Schedule does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).

Retention, copying and disposal of documents

- 8 A person to whom a document is supplied under any provision of this Schedule may—
- (a) retain the document;
 - (b) copy the document;
 - (c) dispose of the document in such manner as the person thinks appropriate.

Saving for existing powers

- 9 This Schedule does not limit any other power under which—
- (a) information may be disclosed, or
 - (b) documents may be supplied.

Meaning of “registration official”

- 10 A “registration official” is any of the following—
- (a) the Registrar General;
 - (b) a superintendent registrar;
 - (c) a registrar;
 - (d) a registration authority or a person exercising the functions of a registration authority;
 - (e) a civil partnership registrar (within the meaning of Chapter 1 of Part 2 of the Civil Partnership Act 2004 — see section 29 of that Act).