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STATUTORY INSTRUMENTS

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**2015 No. 404**

**MARRIAGE, SCOTLAND  
MARRIAGE, NORTHERN IRELAND  
CIVIL PARTNERSHIP, SCOTLAND  
CIVIL PARTNERSHIP, NORTHERN IRELAND  
IMMIGRATION**

The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015

<i>Made</i>	- - - -	<i>26th February 2015</i>
<i>Laid before Parliament</i>		<i>27th February 2015</i>
<i>Coming into force</i>	- -	<i>2nd March 2015</i>

The Secretary of State has extended the referral and investigation scheme to proposed marriages and civil partnerships under the law of Scotland and Northern Ireland by orders made under section 53 of the Immigration Act 2014 (“the Act”)(1).

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by sections 54(2) and (3) and 74(8)(d) of, and Schedule 5 to, the Act.

In accordance with section 54(7) of the Act, the Secretary of State has consulted the Registrar General for Scotland and the Registrar General for Northern Ireland before making these Regulations.

**PART 1**

**General**

**Citation, commencement and extent**

**1.—(1)** These Regulations may be cited as the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015.

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(1) [2014 c. 22](#); the Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 ([S.I. 2015/395](#)) and the Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 ([S.I. 2015/396](#)) (respectively in these footnotes the “Northern Ireland Order” and the “Scotland Order”).

- (2) They come into force on 2nd March 2015.
- (3) These Regulations extend to Scotland and Northern Ireland only.

## Interpretation

### 2.—(1) In these Regulations—

“1971 Act” means the Immigration Act 1971(2),

“1977 Act” means the Marriage (Scotland) Act 1977(3),

“2003 Order” means the Marriage (Northern Ireland) Order 2003(4),

“2004 Act” means the Civil Partnership Act 2004(5),

“2014 Act” means the Immigration Act 2014,

“2015 Regulations” means the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc) Regulations 2015(6),

“biometric immigration document” has the same meaning as in section 5(1)(a) of the UK Borders Act 2007(7),

“district registrar” in relation to a proposed marriage or civil partnership under the law of Scotland, means a district registrar to whom notice of intention to marry or of proposed civil partnership may be submitted,

“notice” in relation to a notice submitted or (as the case may be) given by a party of their intention to marry or of their proposed civil partnership, means—

- (a) in relation to a proposed marriage under the law of Scotland, notice submitted under section 3(1) of the 1977 Act(8);
- (b) in relation to a proposed civil partnership under the law of Scotland, notice submitted under section 88 of the 2004 Act;
- (c) in relation to a proposed marriage under the law of Northern Ireland, notice given under Article 3(1) of the 2003 Order;
- (d) in relation to a proposed civil partnership under the law of Northern Ireland, notice given under section 139 of the 2004 Act,

“party” means a party to a proposed marriage or civil partnership and “other party” is to be construed accordingly,

“passport” includes any other document designed to serve the same purpose as a passport and which satisfactorily establishes the holder’s identity and citizenship,

“registrar” in relation to a proposed marriage or civil partnership under the law of Northern Ireland, means a registrar to whom notice of intention to marry or of proposed civil partnership may be given.

### (2) In these Regulations—

(2) 1971 c. 77.

(3) 1977 c. 15.

(4) S.I. 2003/413 (N.I. 3).

(5) 2004 c. 33.

(6) S.I. 2015/397.

(7) 2007 c. 30.

(8) Section 3(1) was amended by section 2 of, and paragraph 3 of Schedule 2 to, the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16); paragraph 43 of Schedule 28 to the Civil Partnership Act 2004 (c. 33); section 50 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); and sections 3 and 8 of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5). Other amendments have been made to section 3 but they are not relevant to these Regulations.

- (a) a reference to a passport (unless the contrary intention appears) is a reference to a valid passport,
- (b) a reference to a party's usual address is a reference to that party's usual address notified in accordance with—
  - (i) in the case of a proposed marriage under the law of Scotland, section 3A(7) or 3B(5) of the 1977 Act<sup>(9)</sup> or regulation 11,
  - (ii) in the case of a proposed civil partnership under the law of Scotland, section 88A(6) or 88B(5) of the 2004 Act<sup>(10)</sup> or regulation 11,
  - (iii) in the case of a proposed marriage under the law of Northern Ireland, Article 3A(6) or 3B(5) of the 2003 Order<sup>(11)</sup> or regulation 11,
  - (iv) in the case of a proposed civil partnership under the law of Northern Ireland, section 139A(6) or 139B(5) of the 2004 Act<sup>(12)</sup> or regulation 11.

### **Retention and copying of evidence**

**3.—**(1) This regulation applies where evidence is supplied to the Secretary of State by a party under these Regulations or the 2015 Regulations.

(2) The Secretary of State may—

- (a) retain the evidence,
- (b) copy the evidence,
- (c) dispose of the evidence,

in such manner as the Secretary of State thinks appropriate.

(3) In this regulation “evidence” includes—

- (a) a photograph or other image,
- (b) any evidence rejected by the Secretary of State under regulation 13.

(4) This regulation is without prejudice to any other power the Secretary of State has in respect of such evidence (including powers to share it or disclose information contained in it).

## **PART 2**

### **Notices**

#### **Notices given by the Secretary of State to a party**

**4.—**(1) This regulation applies to a notice required to be given by the Secretary of State to a party under—

- (a) Part 4 of the 2014 Act, or
- (b) the 2015 Regulations.

(2) A notice to which this regulation applies may be—

- (a) given by hand to the party or the party's representative,
- (b) sent by fax to the party or the party's representative,

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<sup>(9)</sup> Sections 3A and 3B are inserted by paragraph 2 of Schedule 1 to the Scotland Order.

<sup>(10)</sup> Sections 88A and 88B are inserted by paragraph 2 of Schedule 3 to the Scotland Order.

<sup>(11)</sup> Articles 3A and 3B are inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order.

<sup>(12)</sup> Sections 139A and 139B are inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.

- (c) sent by postal service in which delivery or receipt is recorded (“recorded delivery”) to the party’s usual address,
- (d) sent by ordinary first or second class postal service (“ordinary post”) to the party’s usual address,
- (e) sent by recorded delivery to the party’s representative,
- (f) sent by ordinary post to the party’s representative,
- (g) sent by email to the party or the party’s representative,
- (h) sent by document exchange to the party’s, or the party’s representative’s, document exchange number or address,
- (i) sent by courier to the party’s usual address,
- (j) sent by courier to the party’s representative.

(3) But a notice may not be given under sub-paragraph (b), (g) or (h) of paragraph (2) unless a fax number, or (as the case may be) email address or document exchange number or address, has been provided by the party or the party’s representative for that purpose.

(4) Where—

- (a) both parties have the same usual address or the same representative, and
- (b) the Secretary of State is required to give notice to both parties at the same time under a provision mentioned in paragraph (1),

the notices may be included in the same envelope addressed to both parties and sent to that address or that representative in accordance with sub-paragraphs (c) to (f) or (h) to (j) of paragraph (2).

(5) In this regulation a reference to a party’s “representative” is a reference to a representative authorised by the party to accept notice given in accordance with this regulation on the party’s behalf.

#### **Notices given by the Secretary of State to registrars and district registrars**

5.—(1) This regulation applies to a notice required to be given by the Secretary of State—

- (a) in the case of a proposed marriage or civil partnership under the law of Scotland, to a district registrar under—
  - (i) Part 4 of the 2014 Act,
  - (ii) paragraph 2(6) of Schedule 1A to the 1977 Act(13), or
  - (iii) paragraph 2(6) of Schedule 10A to the 2004 Act(14); and
- (b) in the case of a proposed marriage or civil partnership under the law of Northern Ireland, to a registrar under—
  - (i) Part 4 of the 2014 Act,
  - (ii) paragraph 2(6) of Schedule 2 to the 2003 Order(15), or
  - (iii) paragraph 2(6) of Schedule 13A to the 2004 Act(16).

(2) A notice to which this regulation applies may be—

- (a) given by hand,

(13) Schedule 1A applies to “referred marriages” by virtue of section 3F. Both section 3F and Schedule 1A are inserted by paragraph 2 of Schedule 1 to the Scotland Order.

(14) Schedule 10A applies to “referred civil partnerships” by virtue of section 88F. Both section 88F and Schedule 10A are inserted by paragraph 2 of Schedule 3 to the Scotland Order.

(15) Schedule 2 applies to “referred marriages” by virtue of Article 3E. Both Article 3E and Schedule 2 are inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order.

(16) Schedule 13A applies to “referred civil partnerships” by virtue of section 139E. Both section 139E and Schedule 13A are inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.

- (b) sent by email to an email address notified for that purpose,
- (c) otherwise transmitted electronically in an agreed form,
- (d) sent by postal service in which delivery or receipt is recorded to an address notified for that purpose (“the notified address”),
- (e) sent by ordinary first or second class postal service to the notified address,
- (f) sent by courier to the notified address.

(3) In paragraph (2)—

“agreed” means agreed between the district registrar or (as the case may be) the registrar and the Secretary of State,

“notified” means notified to the Secretary of State by the district registrar or (as the case may be) the registrar.

### **Presumptions about receipt of notice**

**6.**—(1) Where a notice is given in accordance with regulation 4 or 5, it is presumed to have been received by the person to whom it is given (unless the contrary is proved)—

- (a) where the notice is sent by postal service within the United Kingdom—
  - (i) on the second day after it was sent by postal service in which delivery or receipt is recorded, and
  - (ii) in the ordinary course of post if it was sent by ordinary first or second class post,
- (b) where the notice is sent by document exchange, on the next working day after the day it was sent,
- (c) where the notice is given by hand or sent by fax, email or courier (subject to sub-paragraph (d)), on the day it was given or (as the case may be) sent,
- (d) where the notice is sent by courier outside the United Kingdom, on the second day after the day it was sent, and
- (e) where the notice is transmitted electronically under paragraph 2(c) of regulation 5, on the day after the day on which it was transmitted.

(2) For the purposes of paragraph (1)(a) and (b) the day on which a notice is presumed to have been received is to be calculated—

- (a) excluding the day on which the notice is sent, and
- (b) excluding any day which is not a working day.

(3) In this regulation “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(17)</sup> in the part of the United Kingdom to which the notice is sent.

## **PART 3**

### **Evidence**

#### **Photographs**

**7.**—(1) This regulation applies where a photograph must be provided by a party under—

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(17) 1971 c. 80.

- (a) in the case of a proposed marriage under the law of Scotland, section 3A(7) or 3B(5) of the 1977 Act,
  - (b) in the case of a proposed civil partnership under the law of Scotland, section 88A(6) or 88B(5) of the 2004 Act,
  - (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3A(6) or 3B(5) of the 2003 Order,
  - (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139A(6) or 139B(5) of the 2004 Act.
- (2) The photograph must be a United Kingdom passport style and size photograph which—
- (a) clearly shows the face of the party, who must—
    - (i) have a neutral expression, and
    - (ii) not be wearing anything which covers his or her head or hair (other than for religious or medical reasons),
  - (b) shows only the party and no other person or object,
  - (c) is unmarked, unaltered and without tears or creases, and
  - (d) was taken no more than one year before the date on which the notice of marriage or civil partnership is submitted or (as the case may be) given.

#### **Particular immigration status**

**8.** Schedule 1 has effect to specify evidence of the particular immigration status of a party for the purposes of—

- (a) in the case of a proposed marriage under the law of Scotland, section 3B(1) of the 1977 Act(**18**),
- (b) in the case of a proposed civil partnership under the law of Scotland, section 88B(1) of the 2004 Act(**19**),
- (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3B(1) of the 2003 Order(**20**),
- (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139B(1) of the 2004 Act(**21**).

#### **Relevant visa**

**9.—(1)** Paragraph (2) specifies evidence of the holding of a relevant visa by a party for the purposes of—

- (a) in the case of a proposed marriage under the law of Scotland, section 3B(2) of the 1977 Act,
- (b) in the case of a proposed civil partnership under the law of Scotland, section 88B(2) of the 2004 Act,
- (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3B(2) of the 2003 Order,
- (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139B(2) of the 2004 Act.

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(18) Section 3B was inserted by paragraph 2 of Schedule 1 to the Scotland Order.

(19) Section 88B was inserted by paragraph 2 of Schedule 3 to the Scotland Order.

(20) Article 3B was inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order.

(21) Section 139B was inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.

(2) The evidence specified for the purposes mentioned in paragraph (1) is the party's passport endorsed to show, or the party's biometric immigration document showing, that he or she has been given one of the following kinds of visa or other authorisation (which remains in force) in respect of the party's proposed marriage or civil partnership to the other party—

- (a) entry clearance or leave to enter as a visitor under the immigration rules for the purpose of marriage or civil partnership,
  - (b) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner under Appendix FM to the immigration rules,
  - (c) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner under Appendix Armed Forces to the immigration rules,
  - (d) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner outside the provisions of the immigration rules.
- (3) In this regulation—
- “entry clearance” has the same meaning as in section 33(1) of the 1971 Act<sup>(22)</sup>,
  - “immigration rules” means the rules laid down under section 3(2) of the 1971 Act,
  - “leave to enter” or “leave to remain” means leave to enter or remain in the United Kingdom given in accordance with section 3 of the 1971 Act<sup>(23)</sup>.

### **Usual address**

- 10.** Schedule 2 has effect to specify evidence of a party's usual address for the purposes of—
- (a) in the case of a proposed marriage under the law of Scotland, section 3B(3) and (5)(b) of the 1977 Act,
  - (b) in the case of a proposed civil partnership under the law of Scotland, section 88B(3) and (5)(b) of the 2004 Act,
  - (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3B(3) and (5)(b) of the 2003 Order,
  - (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139B(3) and (5)(b) of the 2004 Act.

## **PART 4**

### **Change of address**

#### **Requirement to notify the Secretary of State of a change of address**

- 11.—**(1) This regulation applies where a party's usual address changes (“changed address”).
- (2) Subject to paragraph (3), the party must give the Secretary of State notice of his or her changed address within four working days beginning with the day on which the change occurs.

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<sup>(22)</sup> The definition of “entry clearance” was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c. 61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c. 14).

<sup>(23)</sup> Relevant amendments made to section 3 are as follows: subsection (1) was amended by paragraphs 2 and 4 of Schedule 4 to the British Nationality Act 1981 (c. 61), paragraph 1 of Schedule 2 to, the Asylum and Immigration Act 1996 (c. 49), paragraphs 43 and 44 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), section 16 of, and the Schedule to, the UK Borders Act 2007 (c. 30), section 50 of the Borders, Citizenship and Immigration Act 2009 (c. 11); and subsection (3) was amended by paragraph 1 of the Schedule to the Immigration Act 1988 (c. 14).

(3) Where under paragraph (6) the Secretary of State requires a party to give notice of his or her changed address by telephone or by text message, the party must give the Secretary of State notice of the change within two working days beginning with the day on which the change occurs.

(4) But paragraphs (2) and (3) do not prevent a party giving notice of the change and when it will occur beforehand (and if a party does, paragraphs (2) and (3) do not apply).

(5) Subject to paragraph (6), notice given under this regulation may be—

- (a) given over the telephone to the telephone number,
- (b) sent by text message to the telephone number,
- (c) sent by fax to the fax number,
- (d) sent by email to the email address,
- (e) sent by postal service in which delivery or receipt is recorded to the address,
- (f) sent by ordinary first or second class postal service to the address,
- (g) delivered by hand at the address, or
- (h) sent by courier to the address,

notified to the party in accordance with paragraph (8) (where one is so notified).

(6) But the Secretary of State may require a party to give notice in a particular way mentioned in paragraph (5).

(7) Where—

- (a) both parties to a proposed marriage or civil partnership are required to give notice of a changed address under this regulation, and
- (b) the changed address is (or is to be) the usual address of both parties,

notice under this regulation may be given by one party on behalf of both parties.

(8) A number or address mentioned in paragraph (5) may be notified to a party—

- (a) by the district registrar or (as the case may be) the registrar in the information given to the party in accordance with regulation 20, or
- (b) (subsequently) by the Secretary of State in the section 48 notice given to the party or in any subsequent notification as mentioned in section 50(3)(b) of the 2014 Act.

(9) In this regulation “working day” has the same meaning as in paragraph (3) of regulation 6 save that as if for “in the part” to the end there were substituted—

- (a) in the case of a proposed marriage or civil partnership under the law of Scotland, “in Scotland”, and
- (b) in the case of a proposed marriage or civil partnership under the law of Northern Ireland, “in Northern Ireland”.

### **Evidence of changed address**

**12.—**(1) This regulation applies where a party gives notice of a change of address under regulation 11.

(2) The party must also provide evidence that the changed address is (or is to be) the party’s usual address.

(3) The evidence mentioned in paragraph (2) must be—

- (a) of a kind specified in paragraph 2(a) to (h) of Schedule 2, and
- (b) provided in accordance with paragraph (4).



(4) The party must send or deliver the evidence to the Secretary of State at a notified address within seven working days beginning with the day on which the change occurs.

(5) In a case where paragraph (7) of regulation 11 applies, one party may provide evidence on behalf of both parties (and where appropriate it may be the same evidence).

(6) Subject to paragraph (7), paragraphs 1 and 3 to 9 of Schedule 2 apply for the purpose of this regulation as they apply for the purposes mentioned in regulation 10.

(7) Paragraphs 4 to 8 of Schedule 2 have effect as they apply for the purposes of this regulation as if—

- (a) in paragraph 4 for “three months” there were substituted “one week”,
- (b) in paragraphs 5 and 8 for “one month” there were substituted “one week”,
- (c) in paragraphs 6 and 7 for “12 months” there were substituted “one week”,
- (d) except where notice is given in accordance with regulation 11(4), for “the relevant notice is submitted or (as the case may be) given”, in each place it occurs, there were substituted “the notice is given under regulation 11(2) or (as the case may be) 11(3)”, and
- (e) where notice is given in accordance with regulation 11(4), for “the relevant notice is submitted or (as the case may be) given”, in each place it occurs, there were substituted “the notice would have been required to be given under regulation 11(2) or (as the case may be) 11(3) if it had not been given beforehand”.

(8) In this regulation—

- (a) a reference to a notified address is a reference to an address notified to the party in accordance with paragraph (8) of regulation 11,
- (b) “working day” has the same meaning as in regulation 11.

### **Rejection of evidence of changed address**

**13.**—(1) The Secretary of State may reject any evidence relating to a party’s change of address provided (or purported to be provided) in accordance with regulation 12 if the Secretary of State has reasonable grounds for suspecting that the evidence is false.

(2) If the Secretary of State rejects any evidence relating to a party’s change of address, the Secretary of State may proceed as if that evidence had not been provided (and notice of change of address under regulation 11 had not been given).

## **PART 5**

### **Referrals**

#### **Application of Part**

**14.** This Part applies where—

- (a) a district registrar is required to refer a proposed marriage under the law of Scotland to the Secretary of State under section 3F(5)(a) of the 1977 Act(**24**),
- (b) a district registrar is required to refer a proposed civil partnership under the law of Scotland to the Secretary of State under section 88F(5)(a) of the 2004 Act(**25**),

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(24) 1977 c. 15; section 3F is inserted by paragraph 2 of Schedule 1 to the Scotland Order (S.I. 2015/396).

(25) 2004 c. 33; section 88F is inserted by paragraph 2 of Schedule 3 to the Scotland Order.

- (c) a registrar is required to refer a proposed marriage under the law of Northern Ireland to the Secretary of State under Article 3E(4)(a) of the 2003 Order(26),
- (d) a registrar is required to refer a proposed civil partnership under the law of Northern Ireland to the Secretary of State under section 139E(4)(a) of the 2004 Act(27).

### Timing of referral

15. As soon as practicable after (as the case may be)—

- (a) the district registrar has entered the particulars of the proposed marriage in the marriage notice book under section 4(1) of the 1977 Act(28),
- (b) the district registrar has entered the particulars of the proposed civil partnership in the civil partnership book under section 89(1) of the 2004 Act(29),
- (c) the registrar has entered the particulars of the proposed marriage in the marriage notice book under Article 4(1) of the 2003 Order(30),
- (d) the registrar has entered the particulars of the proposed civil partnership in the civil partnership notice book under section 140(1) of the 2004 Act(31),

he or she must refer the proposed marriage or civil partnership to the Secretary of State.

### Manner of referral

16.—(1) A referral may be made—

- (a) by transmitting it electronically, or
- (b) (where that is not possible) by sending it by postal service,

in such form as the district registrar or (as the case may be) the registrar agrees with the Secretary of State.

(2) In this regulation “transmitting it electronically” includes transmitting it by email.

### Information to be sent with referral by a district registrar (Scotland)

17.—(1) Where a proposed marriage or civil partnership is referred to the Secretary of State under the provision mentioned in regulation 14(a) or (b), it must include the information set out in paragraph (2) in respect of each party.

(2) The information mentioned in paragraph (1) is—

- (a) the date of receipt of the marriage notice as entered by the district registrar in the marriage notice book or (as the case may be) date of receipt of the notice of proposed civil partnership as entered by the district registrar in the civil partnership book,
- (b) the registration office of the district registrar to whom notice was submitted,
- (c) the number assigned to the registration district for which the registration office mentioned in sub-paragraph (b) is provided(32),

(26) S.I. 2003/413 (N.I. 3); Article 3E is inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order (S.I. 2015/395).

(27) Section 139E is inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.

(28) Relevant amendments are made to section 4 (insertion of subsection (6)) by paragraph 4 of Schedule 1 to the Scotland Order.

(29) Relevant amendments are made to section 89 (insertion of subsection (5)) by paragraph 4 of Schedule 3 to the Scotland Order.

(30) Relevant amendments are made to Article 4 (insertion of paragraphs (2A) and (2B)) by paragraph 5 of Schedule 1 to the Northern Ireland Order.

(31) Relevant amendments are made to section 140 (insertion of subsections (2A) and (2B)) by paragraph 4 of Schedule 3 to the Northern Ireland Order.

(32) Under section 8 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49) each local registration district must provide a registration office for its district (whether or not it is located in that district).

- (d) the number assigned to the marriage notice in the marriage notice book or (as the case may be) the notice of proposed civil partnership in the civil partnership book,
- (e) whether it is a civil or religious or belief marriage or (as the case may be) a civil registration or religious or belief civil partnership,
- (f) whether, in the case of a marriage, it is a second marriage ceremony,
- (g) the party's full name including—
  - (i) any prefix or suffix where one is provided,
  - (ii) forename or forenames, and
  - (iii) surname or surnames,
- (h) the party's forename or forenames as it appears or they appear on his or her birth certificate (if different to those mentioned in sub-paragraph (g)(ii) and where a birth certificate is provided),
- (i) the party's surname or surnames as it appears or they appear on his or her birth certificate (if different to those mentioned in sub-paragraph (g)(iii) and where a birth certificate is provided),
- (j) any aliases used by the party (currently or in the past, limited to two),
- (k) the party's marital or civil partnership status (including whether he or she has previously been married or registered as a civil partner),
- (l) the party's sex,
- (m) the party's date of birth,
- (n) the party's date of birth indicator,
- (o) the party's country of birth,
- (p) the party's nationality,
- (q) whether the party's birth certificate has been seen by the registrar,
- (r) whether (where applicable) a status document has been seen by the registrar,
- (s) the party's usual address including (where applicable)—
  - (i) name, number or other identifier of dwelling,
  - (ii) street name,
  - (iii) town or city,
  - (iv) county (or equivalent administrative district),
  - (v) post code (or equivalent if outside the United Kingdom),
  - (vi) country,
- (t) the party's email address (where provided),
- (u) the party's telephone numbers (mobile, home and work, where provided),
- (v) the party's passport—
  - (i) number,
  - (ii) date of issue, and
  - (iii) place of issue,
- (w) details of the party's particular immigration status (where provided),
- (x) a description of the evidence provided of the party's particular immigration status (where provided),
- (y) details of the party's relevant visa (where provided),

- (z) a description of the evidence provided of the party's relevant visa (where provided),
  - (aa) details of the party's immigration position (where provided),
  - (bb) a description of the evidence provided of the party's immigration position (where provided),
  - (cc) the place of proposed marriage or civil partnership (including the address),
  - (dd) the date of proposed marriage or civil partnership,
  - (ee) the names of witnesses to proposed marriage or civil partnership (where provided),
  - (ff) whether the district registrar is satisfied, or has been informed by the Registrar General for Scotland, that there is no legal impediment to the marriage or (as the case may be) the registration of the civil partnership (indicated as "Marriage Schedule cleared for issue" or, as the case may be, "civil partnership schedule cleared for issue"),
  - (gg) whether a report under section 24 or (as the case may be) section 24A of the Immigration and Asylum Act 1999 is to be made.
- (3) In paragraph (2)—
- "civil marriage" has the same meaning as in section 8(2)(b) of the 1977 Act**(33)**,
  - "civil partnership book" has the same meaning as in section 89(1) of the 2004 Act,
  - "civil registration" has the same meaning as in section 94A(4) of the 2004 Act**(34)**,
  - "date of birth indicator" means the numbered code assigned to a party's date of birth by the district registrar (being "1", "2" or "3") indicating whether the party's date of birth is known, partially known or unknown,
  - "immigration position" means the statement given ("statement D") (if any) under section 3A(9) of the 1977 Act**(35)** or (as the case may be) section 88A(8) of the 2004 Act**(36)** of the party's immigration position in the United Kingdom,
  - "legal impediment"—
    - (a) in relation to a marriage, means a legal impediment within the meaning of section 5(4) of the 1977 Act**(37)**, and
    - (b) in relation to a civil partnership, means a legal impediment within the meaning of section 92(6) of the 2004 Act,  - "marriage notice" has the same meaning as in section 3(1) of the 1977 Act**(38)**,
  - "marriage notice book" has the same meaning as in section 4(1) of the 1977 Act,
  - "notice of proposed civil partnership" has the same meaning as in section 88(1) of the 2004 Act**(39)**,
  - "registration district" has the same meaning as in the Registration of Births, Deaths and Marriages (Scotland) Act 1965 ("1965 Act") (see section 5)**(40)**,

**(33)** Section 8(2)(b) was amended by section 12 of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5) ("Marriage and Civil Partnership Act")

**(34)** Section 94A was inserted by section 24(13) of the Marriage and Civil Partnership Act; a civil registration is a civil partnership registered by an authorised registrar.

**(35)** Section 3A is inserted by paragraph 2 of Schedule 1 to the Scotland Order.

**(36)** Section 88A is inserted by paragraph 2 of Schedule 3 to the Scotland Order.

**(37)** Subsection (4) was amended by section 2 of, and paragraph 4 of Schedule 2 to, the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16) ("1986 Act"), paragraph 44 of Schedule 28 to the Civil Partnership Act 2004 (c. 33) and sections 2 and 8 of the Marriage and Civil Partnership (Scotland) Act (asp 5) ("Marriage and Civil Partnership Act").

**(38)** 1977 c. 15; section 3(1) was amended by section 2 of, and paragraph 3 of Schedule 2 to, the 1986 Act; paragraph 43 of Schedule 28 to the Civil Partnership Act 2004; section 50 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) ("2006 Act"); and sections 3 and 8 of the Marriage and Civil Partnership Act. Other amendments have been made to section 3 but they are not relevant to these Regulations.

**(39)** 2004 c. 33; section 88(1) was amended by section 52 of the 2006 Act.

**(40)** 1965 c. 49; section 5 was substituted by section 37(2) of the 2006 Act.

“registration office” has the same meaning as in the 1965 Act (see section 8)(**41**),  
“religious or belief marriage” has the same meaning as in section 8(2)(a) of the 1977 Act(**42**),  
“religious or belief civil partnership” has the same meaning as in section 94A(4) of the 2004 Act,

“second marriage ceremony” means a second marriage ceremony under section 20 of the 1977 Act,

“status document” means (as the case may be) a copy of—

- (a) where a party has previously been married and the marriage has been dissolved, the party’s decree of divorce, dissolution or annulment,
- (b) where a party has previously been in a civil partnership and the civil partnership has been dissolved, the party’s decree of dissolution or annulment,
- (c) where a party has previously been married and the marriage ended on the death of the other party to that marriage, the death certificate of that other party,
- (d) where a party has previously been in a civil partnership which ended on the death of the other party to that civil partnership, the death certificate of that other party,
- (e) where, in relation to a proposed marriage, a party is required to submit a certificate under section 3(5) of the 1977 Act(**43**), that certificate (party not domiciled in the United Kingdom not subject to any legal incapacity preventing marriage),
- (f) where, in relation to a proposed civil partnership, a declaration is made under section 88(3) of the 2004 Act (notice of proposed civil partnership: declaration where party unable to submit decree or certificate)—
  - (i) that declaration,
  - (ii) the information and evidence provided with it as required by paragraphs (a) and (b) of subsection (3), and
  - (iii) if one was required, the certified translation provided under subsection (4).

(4) In relation to—

- (a) a proposed marriage, section 3A(10) of the 1977 Act(**44**) applies for the purposes of this regulation as it applies for the purposes of that section, and
- (b) a proposed civil partnership, section 88A(9) of the 2004 Act(**45**) applies for the purposes of this regulation as it applies for the purposes of that section.

### **Information to be sent with referral by a registrar (Northern Ireland)**

**18.**—(1) Where a proposed marriage or civil partnership is referred to the Secretary of State under the provision mentioned in regulation 14(c) or (d), it must include the information set out in paragraph (2) in respect of each party.

(2) The information mentioned in paragraph (1) is—

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(41) Subsection (1) was amended by section 37(5) of the 2006 Act. There are other amendments to section 8 but they are not relevant to these Regulations.

(42) Section 8(2)(a) was amended by section 12 of the Marriage and Civil Partnership Act. Other amendments made to section 8 relevant to that definition were also made by section 12 of that Act.

(43) Section 3(5) was amended by paragraph 21 of Schedule 1 to the Family Law Act 1986 (c. 55) and section 3(2) of the Marriage and Civil Partnership Act.

(44) Section 3A was inserted by paragraph 2 of Schedule 1 to the Scotland Order; subsection (10) makes provision for the interpretation of references to a person holding a relevant visa, a person’s particular immigration status and a person’s immigration position.

(45) Section 88A was inserted by paragraph 2 of Schedule 3 to the Scotland Order; subsection (9) makes provision for the interpretation of references to a person holding a relevant visa, a person’s particular immigration status and a person’s immigration position.

- (a) the date of receipt of the marriage notice as entered by the registrar in the marriage notice book or (as the case may be) date of receipt of the notice of proposed civil partnership as entered by the registrar in the civil partnership notice book,
- (b) the registration district in which notice was submitted,
- (c) the marriage notice reference or (as the case may be) the civil partnership notice reference,
- (d) the party's sex,
- (e) the party's full name including—
  - (i) any prefix or suffix where one is provided,
  - (ii) forenames (limited to the first three if more than three), and
  - (iii) surname or surnames,
- (f) any previous forenames used by the party (where provided),
- (g) any previous surnames used by the party,
- (h) any aliases used by the party (currently or in the past, limited to two),
- (i) the party's marital or civil partnership status (including whether he or she has previously been married or registered as a civil partner),
- (j) the party's date of birth,
- (k) the party's nationality,
- (l) the party's usual address including (where applicable)—
  - (i) name, number or other identifier of dwelling,
  - (ii) street name,
  - (iii) town or city,
  - (iv) county (or equivalent administrative district),
  - (v) post code (or equivalent if outside the United Kingdom),
  - (vi) country,
- (m) the party's email address (where provided),
- (n) the party's telephone numbers (mobile, home and work, where provided),
- (o) the party's passport—
  - (i) number,
  - (ii) date of issue, and
  - (iii) place of issue,
- (p) details of the party's particular immigration status (where provided),
- (q) a description of the evidence provided of the party's particular immigration status (where provided)
- (r) details of the party's relevant visa (where provided),
- (s) a description of the evidence provided of the party's relevant visa (where provided),
- (t) details of the party's immigration position (where provided),
- (u) description of the evidence provided of the party's immigration position (where provided),
- (v) the place of proposed marriage or civil partnership,
- (w) the date of proposed marriage or civil partnership,
- (x) the time of proposed marriage or civil partnership (where provided),
- (y) where it is a marriage, whether it is a civil or religious one,

- (z) whether a report under section 24 or (as the case may be) section 24A of the Immigration and Asylum Act 1999 is to be made.
- (3) In paragraph (2)—
- “civil marriage” has the same meaning as in Article 2 of the 2003 Order,
  - “civil partnership notice” and “civil partnership notice book” have the same meaning as in section 160 of the 2004 Act<sup>(46)</sup>,
  - “civil partnership notice reference” means the number assigned to, and inserted on, the civil partnership notice by the registrar,
  - “immigration position” means the statement given (“statement D”) (if any) under Article 3A(8) of the 2003 Order or (as the case may be) section 139A(8) of the 2004 Act of the party’s immigration position in the United Kingdom,
  - “marriage notice” and “marriage notice book” have the same meaning as in Article 3 of the 2003 Order,
  - “marriage notice reference” means the number assigned to, and inserted on, the marriage notice by the registrar,
  - “registration district” has the same meaning as in—
    - (a) in relation to a marriage, Article 30 of the 2003 Order, and
    - (b) in relation to a civil partnership, section 151 of the 2004 Act,
  - “religious marriage” has the same meaning as in Article 2 of the 2003 Order.
- (4) In relation to—
- (a) a proposed marriage, Article 3A(9) of the 2003 Order<sup>(47)</sup> applies for the purposes of this regulation as it applies for the purposes of that Article,
  - (b) a proposed civil partnership, section 139A(9) of the 2004 Act<sup>(48)</sup> applies for the purposes of this regulation as it applies for the purposes of that section.

## PART 6

### Prescribed information about a referral

#### Interpretation

##### 19. In this Part—

- “70 day period” has the same meaning as in section 50(11) of the 2014 Act,
- “civil partnership schedule”—
  - (a) in relation to a proposed civil partnership under the law of Scotland, has the same meaning as in section 135 of the 2004 Act,
  - (b) in relation to a proposed civil partnership under the law of Northern Ireland, means the civil partnership schedule completed under section 143 of the 2004 Act,

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<sup>(46)</sup> 2004 c. 33.

<sup>(47)</sup> Article 3A was inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order; paragraph (9) makes provision for the interpretation of references to a person holding a relevant visa, a person’s particular immigration status and a person’s immigration position.

<sup>(48)</sup> Section 139A was inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order; subsection (9) makes provision for the interpretation of references to a person holding a relevant visa, a person’s particular immigration status and a person’s immigration position.

“investigate” means investigate whether the referred marriage or civil partnership is a sham and “investigation” is to be construed accordingly,

“Marriage Schedule” in relation to a proposed marriage under the law of Scotland, means the Marriage Schedule completed under section 6(1) of the 1977 Act(49),

“marriage schedule” in relation to a proposed marriage under the law of Northern Ireland, means the marriage schedule completed under Article 7(1) of the 2003 Order,

“referred civil partnership” means—

- (c) in the case of a civil partnership under the law of Scotland, the proposed civil partnership referred to the Secretary of State under section 88F of the 2004 Act,
- (d) in the case of a civil partnership under the law of Northern Ireland, the proposed civil partnership referred to the Secretary of State under section 139E of the 2004 Act,

“referred marriage” means—

- (e) in the case of a marriage under the law of Scotland, the proposed marriage referred to the Secretary of State under section 3F of the 1977 Act,
- (f) in the case of a marriage under the law of Northern Ireland, the proposed marriage referred to the Secretary of State under Article 3E of the 2003 Order,

“relevant requirement” has the same meaning as in section 50(11) of the 2014 Act(50),

“specified requirement” means a requirement specified in regulations made under section 51(4) of the 2014 Act(51).

### **Purposes for which information is prescribed**

**20.** Regulations 21 and 22 prescribe the information required to be given to the parties to a proposed marriage or civil partnership by a district registrar or (as the case may be) a registrar for the purposes of—

- (a) in the case of a proposed marriage under the law of Scotland, section 3F(5)(c)(i) and (ii) of the 1977 Act(52),
- (b) in the case of a proposed civil partnership under the law of Scotland, section 88F(5)(c)(i) and (ii) of the 2004 Act(53),
- (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3E(4)(c)(i) and (ii) of the 2003 Order(54), and
- (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139E(4)(c)(i) and (ii) of the 2004 Act(55).

### **Effects of the referral**

**21.** The information mentioned in regulation 20 as respects the effects of the referral is—

- (a) the fact that the Secretary of State is under a duty to decide whether to investigate,
- (b) the conditions that must be met for the Secretary of State to decide to investigate,

(49) Amendments have been made to section 6(1) but they are not relevant to these Regulations.

(50) The definition of “relevant requirement” in section 50(11) is amended by paragraph 3 of Schedule 4 to the Northern Ireland Order and paragraph 3 of Schedule 4 to the Scotland Order.

(51) The Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc) Regulations 2015 (S.I. 2015/397) have been made under section 51(4).

(52) Section 3F was inserted by paragraph 2 of Schedule 1 to the Scotland Order.

(53) Section 88F was inserted by paragraph 2 of Schedule 3 to the Scotland Order.

(54) Article 3E was inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order.

(55) Section 139E was inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.



- (c) the fact that the Secretary of State is under a duty to notify the parties to the referred marriage or civil partnership of the decision made under section 48 of the 2014 Act whether to investigate, and the period within which the Secretary of State must do so,
- (d) where the Secretary of State gives notice of a decision to investigate under section 48 of the 2014 Act, the fact that (as the case may be)—
  - (i) in the case of a referred marriage under the law of Scotland, the district registrar may not issue the Marriage Schedule or (as the case may be) solemnise the marriage within the 70 day period (unless authorised to do so by the Registrar General),
  - (ii) in the case of a referred civil partnership under the law of Scotland, the district registrar may not complete the civil partnership schedule before the expiry of the 70 day period (unless authorised to do so by the Registrar General),
  - (iii) in the case of a referred marriage under the law of Northern Ireland, the registrar may not complete the marriage schedule before the expiry of the 70 day period (unless authorised to do so by the Registrar General),
  - (iv) in the case of a referred civil partnership under the law of Northern Ireland, the registrar may not complete the civil partnership schedule before the expiry of the 70 day period (unless authorised to do so by the Registrar General),
- (e) where the Secretary of State gives notice of a decision to investigate under section 48 of the 2014 Act, the fact that a party to a referred marriage or civil partnership is required to comply with a specified requirement if—
  - (i) the section 48 notice given to the party states that the party must do so, or
  - (ii) the Secretary of State subsequently notifies the party (orally or in writing) that the party must do so,
- (f) the fact that the Secretary of State, as part of an investigation, is under a duty to decide whether each of the parties to the referred marriage or civil partnership has complied with the investigation and to give notice to the parties of that decision within the 70 day period,
- (g) where a party to a referred marriage or civil partnership fails, or (as the case may be) both parties fail, to comply, without reasonable excuse, with a requirement mentioned in sub-paragraph (e) or any other relevant requirement, the fact that the Secretary of State may decide that the party has not, or both parties have not, complied with the investigation,
- (h) where the Secretary of State decides that a party to a referred marriage or civil partnership has failed or (as the case may be) both parties have failed to comply with the investigation, the fact that the notice mentioned in sub-paragraph (f) must include a statement of the Secretary of State's reasons for reaching that decision,
- (i) the fact that where the Secretary of State gives notice of a decision that a party to a referred marriage or civil partnership has not, or (as the case may be) both parties have not, complied with the investigation—
  - (i) the referred marriage or civil partnership may not proceed after the expiry of the 70 day period, and
  - (ii) the parties must give fresh notice of their intention to marry or (as the case may be) register their civil partnership if they wish it to do so.

#### **Requirement to notify the Secretary of State of a change of address**

**22.**—(1) The information mentioned in regulation 20 as respects the requirement under these Regulations to notify the Secretary of State of a change of address is—

- (a) the fact that a party is required under regulation 11 to give notice to the Secretary of State of a change of address where the party's usual address changes ("a change of address"),

- (b) the period within which a party must give notice to the Secretary of State of a change of address,
- (c) the manner in which a party may or (as the case may be) must give notice of a change of address, including the details of any relevant numbers or addresses to which notice may (or must) be given,
- (d) the fact that a party may give notice of a change of address on behalf of both parties where they share that address,
- (e) the requirement under regulation 12 to provide evidence of a change of address and the period within which that must be done,
- (f) the kinds of evidence which may be provided under regulation 12.

(2) In paragraph (1) “relevant numbers and addresses” means such numbers and addresses as are notified to the district registrar or (as the case may be) the registrar by the Secretary of State under regulation 23.

**Provision of numbers and addresses**

**23.** The Secretary of State must notify a district registrar or (as the case may be) a registrar of details of such—

- (a) telephone numbers,
- (b) fax numbers,
- (c) email addresses,
- (d) postal addresses, or
- (e) delivery addresses,

to which a party may or (as the case may be) must give notice of a change of address under regulation 11 or provide evidence of a change of address under regulation 12.

*James Brokenshire*  
Minister of State  
Home Office

26th February 2015

## SCHEDULE 1

Regulation 8

## Evidence of particular immigration status

**Permanent residence**

1.—(1) Where a party has a right of permanent residence in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972(56), the notice must be accompanied by one of the following—

- (a) the party's passport containing a valid endorsement with photograph by an immigration officer or the Secretary of State confirming the party's right of permanent residence in the United Kingdom,
- (b) the party's valid permanent residence card.

(2) In this paragraph "permanent residence card" has the same meaning as in regulation 2 of the Immigration (European Economic Area) Regulations 2006(57).

**Exempt from immigration control**

2.—(1) Subject to paragraph (2), where a party is exempt from immigration control(58) under a provision listed in the left hand column of the table, the notice must be accompanied by one of the types of evidence listed in the corresponding right hand column—

**Table**

<i>Exempt from immigration control by virtue of..</i>	<i>...notice must be accompanied by..</i>
The right of abode under section 2(1)(b) of the 1971 Act(59)	The party's United Kingdom passport describing him or her as a British subject with the right of abode in the United Kingdom.  The party's certificate of entitlement.
Section 8(3) of the 1971 Act(60) (members of diplomatic missions and their families)	The party's passport containing a valid exempt status vignette.  The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.  A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.

(56) 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of Schedule 1 to, the European Union (Amendment) Act 2008 (c. 7).

(57) S.I. 2006/1003 as amended by S.I. 2009/1117, S.I. 2011/544, S.I. 2012/1547, S.I. 2012/2560, S.I. 2013/3032 and S.I. 2014/1976.

(58) Regulations made under section 49 of the Immigration Act 2014 (c. 22) (S.I. 2015/122) set out who is subject to immigration control for the purposes of the referral and investigation scheme.

(59) 1971 c. 77; section 2 was substituted by section 39 of the British Nationality Act 1981 (c. 61) and subsection (2) was subsequently amended by section 3 of the Immigration Act 2014 (c. 22).

(60) Section 8(3) was amended by paragraph 2 of Schedule 4 to the British Nationality Act and section 4 of the Immigration Act 1988 (c. 14).

**Status:** This is the original version (as it was originally made).

<i>Exempt from immigration control by virtue of..</i>	<i>...notice must be accompanied by...</i>
	The party's valid diplomatic identity card provided by the Foreign and Commonwealth Office.
Section 8(4) of the 1971 Act <b>(61)</b> (members of HM forces, members of Commonwealth forces undergoing training and members of visiting forces)	<p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.</p> <p>The party's valid HM forces identity card.</p> <p>The party's valid identity card issued by a sending State and showing the party's date of birth, rank and number (if any), service (land, sea or air) and photograph.</p> <p>The party's current individual movement order issued by the sending State or the North Atlantic Treaty Organization certifying the party's status as a member of a force and the movement ordered.</p>
The Immigration (Exemption from Control) Order 1972 <b>(62)</b>	<p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.</p> <p>The party's valid diplomatic identity card provided by the Foreign and Commonwealth Office.</p> <p>A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.</p>
Section 20 of the State Immunity Act 1978 <b>(63)</b>	<p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.</p> <p>A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.</p>

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**(61)** Subsection (4) was also amended by paragraph 2 of Schedule 4 to the British Nationality Act and by the Statute Law (Repeals) Act 1995 (c. 44).

**(62)** S.I. 1972/1613 as amended by S.I. 1975/617, S.I. 1977/693, S.I. 1982/1649, S.I. 1985/1809, S.I. 1997/1402, S.I. 1997/2207 and S.I. 2004/3171.

**(63)** 1978 c. 33.

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*Exempt from immigration control by virtue of.. ...notice must be accompanied by...*

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Where the party is a sovereign or other head of State, the party's passport.

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(2) Instead of the evidence mentioned in paragraph (1), the notice may be accompanied by a letter from the Secretary of State confirming that the party is exempt from immigration control for the purposes of section 49 of the 2014 Act.

(3) In this paragraph—

“certificate of entitlement” has the same meaning as in section 33(1) of the 1971 Act<sup>(64)</sup>;

“force” and “sending State” in relation to evidence that must be provided by a party who is exempt from immigration control by virtue of section 8(4) of the 1971 Act, have the same meaning as in the agreement between the Parties to the North Atlantic Treaty<sup>(65)</sup> regarding the status of their forces done in London on 19th June 1951<sup>(66)</sup>.

### Settled

3. Where a party is settled in the United Kingdom (within the meaning of section 33(2A) of the 1971 Act<sup>(67)</sup>), the notice must be accompanied by one of the following—

- (a) the party's passport (whether or not it is still valid) containing a valid endorsement with photograph to show that the party is allowed to enter or remain indefinitely in the United Kingdom,
- (b) the party's passport (whether or not it is still valid) containing a valid vignette with photograph which shows that the party is allowed to enter or remain indefinitely in the United Kingdom,
- (c) a valid biometric immigration document which shows that the party is allowed to enter or remain indefinitely in the United Kingdom.

## SCHEDULE 2

Regulation 10

### Evidence of usual address

#### Interpretation

1. In this Schedule—

“certified copy” means a copy of an original document which—

- (a) is certified as a true copy of the original;
- (b) is signed and dated by the person who certifies it; and
- (c) states that person's name, contact details and position or occupation,

“driving licence”—

- (a) where a party's usual address is in the United Kingdom, means a licence granted under—

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<sup>(64)</sup> The definition of “certificate of entitlement” was substituted by section 10 of the Nationality, Immigration and Asylum Act 2002 (c. 41).

<sup>(65)</sup> The Treaty establishing the North Atlantic Treaty Organization; Treaty Series No. 56 (1949); Cmd 7789.

<sup>(66)</sup> Treaty Series No. 3 (1955); Cmd 9363.

<sup>(67)</sup> Subsection (2A) was inserted by section 39(6) of, and paragraph 7 of Schedule 4 to, the British Nationality Act 1981 (c. 61).

*Status: This is the original version (as it was originally made).*

- (i) Part 3 of the Road Traffic Act 1988<sup>(68)</sup>; or
  - (ii) the Road Traffic (Northern Ireland) Order 1981<sup>(69)</sup>;
- and includes a provisional licence, a counterpart Community licence and a British external licence within the meaning of those enactments; and
- (b) where a party's usual address is in a country or territory outside the United Kingdom, means a licence issued by the appropriate authority in that country or territory,
- “relevant notice” means the notice submitted or (as the case may be) given in respect of the proposed marriage or civil partnership.

## Evidence

2. For the purposes mentioned in regulation 10, the relevant notice must be accompanied by one of the following—

- (a) a utility bill,
- (b) a bank or building society statement or passbook,
- (c) where the party's usual address is in England, Wales or Scotland, a council tax bill,
- (d) where the party's usual address is in Northern Ireland, a rate bill,
- (e) a current residential tenancy agreement,
- (f) a current mortgage statement,
- (g) the party's valid driving licence, or
- (h) a letter from the owner or proprietor (“P”) of the address which is the party's usual address which—
  - (i) confirms it is the party's usual address,
  - (ii) states that P is the owner or proprietor,
  - (iii) states P's name,
  - (iv) states P's address, and
  - (v) is signed and dated by P.

3. The evidence mentioned in sub-paragraphs (a) to (f) of paragraph 2 must—

- (a) be in the name of the party, or where it is the name of more than one person, one of them must be the party, and
- (b) show the party's usual address as the address to which the evidence was sent.

4. The utility bill mentioned in paragraph 2(a) must be dated no more than three months before the date on which the relevant notice is submitted or (as the case may be) given.

5. The bank or building society statement or passbook mentioned in paragraph 2(b) must be dated no more than one month before the date on which the relevant notice is submitted or (as the case may be) given.

6. The council tax bill mentioned in paragraph 2(c) or the rate bill mentioned in paragraph 2(d) must be dated no more than 12 months before the date on which the relevant notice is submitted or (as the case may be) given.

7. The mortgage statement mentioned in paragraph 2(f) must be dated no more than 12 months before the date on which the relevant notice is submitted or (as the case may be) given.

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<sup>(68)</sup> 1988 (c. 52).  
<sup>(69)</sup> S.I. 1981/154.

8. The letter mentioned in paragraph 2(h) must be dated no more than one month before the date on which the relevant notice is submitted or (as the case may be) given.

9.—(1) Where it is not practicable to provide the original of a passbook mentioned in sub-paragraph (b) or of a document mentioned in sub-paragraph (e), (f) or (g) of paragraph 2, a party may provide a certified copy.

(2) A document mentioned in paragraph (1) may not be certified by a person who is—

- (a) a family member of the party or the other party,
- (b) a person who lives with the party or the other party, or
- (c) the other party.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 4 of the Immigration Act 2014 (c. 22) establishes a scheme (“the scheme”) whereby proposed marriages or civil partnerships, where one party is not an exempt person, or both parties are not exempt persons, must be referred to the Secretary of State by the relevant registration authority for the purpose of the Secretary of State deciding whether to investigate whether the proposed marriage or civil partnership is a sham. Those provisions have been extended to Scotland and Northern Ireland by the Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396) and the Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395) (“the Scotland and Northern Ireland Orders”).

These Regulations make administrative provision which supplements the provision made by the Scotland and Northern Ireland Orders.

Regulation 3 enables the Secretary of State to retain, copy or dispose of any evidence that is supplied to her by a party by virtue of these Regulations (see for example regulation 12) or the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015 (S.I. 2015/397) (see for example regulation 12 of those Regulations).

Part 2 makes provision for the giving of notice by the Secretary of State to a party to a proposed marriage or civil partnership (regulation 4) and to district registrars (in relation to a proposed marriage or civil partnership in Scotland) and registrars (in relation to a proposed marriage or civil partnership in Northern Ireland) (regulation 5). Parties may give notice (where they are required to do so) to the Secretary of State in a variety of ways, but the Secretary of State may require them to give notice in a particular way. Regulation 6 makes provision for presumption of receipt of a notice when it is given in one of the ways mentioned in that regulation.

Part 3 makes provision for the evidence that a party who is not a relevant national must provide when the party gives notice of intention to marry or register a civil partnership (a relevant national is a British citizen or an EEA or Swiss national). Regulation 7 specifies the type of photograph that must be provided. Persons who are exempt from immigration control, are settled in the United Kingdom or are non-EEA nationals with an EU right of permanent residence are exempt persons for the purposes of the scheme. Regulation 8 and Schedule 1 specify the evidence that such a person must provide to show that they are exempt. Persons who have a relevant visa for the purposes of section 49 of

*Status: This is the original version (as it was originally made).*

the Immigration Act 2014 are also exempt persons and regulation 9 specifies the evidence that they must provide of their visa. Regulation 10 and Schedule 2 specify the evidence that must be provided to evidence the party's usual address (details of which must be provided when they give notice of marriage or civil partnership).

Part 4 makes provision for when a party's usual address changes. A party must give the Secretary of State notice of that change (regulation 11) and also provide evidence of his or her new (usual) address (regulation 12). The evidence that may be provided is the same as that which is required to evidence the party's usual address when giving notice of marriage or civil partnership except that some of the permissible evidence is required to be more recent (paragraph (7) of regulation 12). Regulation 13 enables the Secretary of State to reject evidence relating to a change of address if she has reasonable grounds for suspecting that it is false. If she does reject it, she may proceed as if that evidence had not been provided, which means that she may decide that the party has not complied with the investigation into whether the proposed marriage or civil partnership is a sham.

Part 5 makes provision for referrals of proposed marriages or civil partnerships by district registrars (Scotland) or registrars (Northern Ireland). By virtue of regulation 15 the district registrar or registrar must refer the proposed marriage or civil partnership to the Secretary of State as soon as practicable after the particulars of the notice of marriage or civil partnership have been entered in the marriage or civil partnership notice book. A referral should be made electronically but, where that is not possible, may be made by post (regulation 16). Regulation 17 sets out the information that district registrars in Scotland must include when they refer a proposed marriage or civil partnership. Regulation 18 sets out the information that registrars in Northern Ireland must include when they refer a proposed marriage or civil partnership. The differences reflect the different information that is collected when notice of marriage or civil partnership is given in those places.

Part 6 prescribes the information that a district registrar or registrar must give to the parties when a proposed marriage or civil partnership is referred to the Secretary of State. Regulation 21 prescribes certain information that must be given about the effects of the referral and regulation 22 information about the requirement to notify the Secretary of State about a change of address (see Part 4 above). Regulation 23 requires the Secretary of State to provide district registrars and registrars with details of the numbers, addresses, etc, to which a party must give notice of a change of address or provide evidence of that change. Those details must in turn be provided by district registrars and registrars to the parties to the referred marriage or civil partnership (see regulation 22).

An impact assessment has not been prepared for these Regulations as no impact on the voluntary or private sectors is foreseen. An impact assessment was prepared in respect of the proposals now forming Part 4 of the Immigration Act 2014 and is available at <https://www.gov.uk/government/publications/immigration-bill-part-4-marriage-and-civil-partnership>