



Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

2004 CHAPTER 19

Procedure for marriage

23 Northern Ireland

- (1) This section applies to a marriage—
 - (a) which is intended to be solemnised in Northern Ireland, and
 - (b) a party to which is subject to immigration control.
- (2) In relation to a marriage to which this section applies, the marriage notices—
 - (a) shall be given only to a prescribed registrar, and
 - (b) shall, in prescribed cases, be given by both parties together in person at a prescribed register office.
- (3) The prescribed registrar shall not act under Article 4 or 7 of the Marriage (Northern Ireland) Order 2003 ([S.I. 2003/413 \(N.I.3\)](#)) (marriage notice book, list of intended marriages and marriage schedule) unless he is satisfied, by the provision of specified evidence, that the party subject to immigration control—
 - (a) has an entry clearance granted expressly for the purpose of enabling him to marry in the United Kingdom,
 - (b) has the written permission of the Secretary of State to marry in the United Kingdom, or
 - (c) falls within a class specified for the purpose of this paragraph by regulations made by the Secretary of State.
- (4) Subject to subsection (5), if the prescribed registrar is not the registrar for the purposes of Article 4 of that Order, the prescribed registrar shall send him the marriage notices and he shall be treated as having received them from the parties to the marriage on the dates on which the prescribed registrar received them.
- (5) The prescribed registrar shall not act under subsection (4) unless he is satisfied as mentioned in subsection (3).

- (6) For the purposes of this section—
- (a) a person is subject to immigration control if—
 - (i) he is not an EEA national, and
 - (ii) under the Immigration Act 1971 (c. 77) he requires leave to enter or remain in the United Kingdom (whether or not leave has been given),
 - (b) “EEA national” means a national of a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time),
 - (c) “entry clearance” has the meaning given by section 33(1) of the Immigration Act 1971, and
 - (d) “specified evidence” means such evidence as may be specified in guidance issued by the Secretary of State after consulting the Registrar General for Northern Ireland.